



# COLUMBIA SHUSWAP REGIONAL DISTRICT

## Regular Board Meeting

### AGENDA

Date: Thursday, November 21, 2024  
Time: 9:30 AM  
Location: CSRD Boardroom  
555 Harbourfront Drive NE, Salmon Arm

[Zoom Link Registration](#)

Pages

1. Land Acknowledgement

We acknowledge that we are meeting in service to the Columbia Shuswap Regional District which is on the traditional and unceded territories of the Secwepemc, Syilx Okanagan, Sinixt and Ktunaxa Nation. We are privileged and grateful to be able to live, work and play in this beautiful area.

Declaration on the Rights of Indigenous Peoples Act

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

2. Call to Order by the Corporate Officer

3. Inaugural Proceedings

3.1 Election of Chair

3.2 Election of Vice Chair

3.3 Chair's Remarks

4. Adoption of Agenda

THAT: the Regular Board meeting agenda be adopted.

*Corporate Vote Unweighted Majority*

5. Meeting Minutes

## 5.1 Adoption of Minutes 1

THAT: the minutes attached to the Regular Board meeting agenda be adopted.

*Corporate Vote Unweighted Majority*

## 5.2 Business Arising from the Minutes

## 6. Announcements

None.

## 7. Correspondence

### 7.1 For Information

THAT: the Board receive the correspondence attached to the Regular Board Meeting Agenda.

*Corporate Vote Unweighted Majority*

- |       |   |    |
|-------|---|----|
| 7.1.1 | <b>Union of British Columbia Municipalities (August 23, 2024)</b>                           | 24 |
|       | Canada Community Building Fund - First Community Works Fund payment notice.                 |    |
| 7.1.2 | <b>Ministry of Water, Land and Resource Stewardship (October 24, 2024)</b>                  | 25 |
|       | Union of British Columbia Municipalities meeting follow up from the Deputy Minister.        |    |
| 7.1.3 | <b>Ministry of Emergency Management and Climate Readiness (October 25, 2024)</b>            | 26 |
|       | Union of British Columbia Municipalities meeting follow up letter from the Deputy Minister. |    |
| 7.1.4 | <b>Fraser Valley Regional District (November 7, 2024)</b>                                   | 28 |
|       | Letter requesting a governance review be initiated by the Union of BC Municipalities.       |    |

### 7.1.5 Notice of Cancellation for a Community Charter Section 57 Notice on Title

In accordance with Section 58 of the Community Charter, the Corporate Officer received a report from the Chief Building Official that the condition that gave rise to the filing of the notice under section 57 has been rectified and a cancellation notice will be sent to the registrar of land titles to cancel the note against the property at 7517 Castle Heights, Anglemont, BC, Electoral Area F.

### 7.2 Action Requested

None.

## 8. Committee Reports and Updates

### 8.1 For Information

THAT: the Board receive the committee minutes attached to the Regular Board Meeting Agenda.

*Corporate Vote Unweighted Majority*

8.1.1	Municipal Finance Authority of BC Report (May 2024 to September 2024)	30
8.1.2	Thompson Regional Committee Meeting Summary (September 10, 2024)	37
8.1.3	Committee of the Whole Meeting Minutes (October 16, 2024)	42

### 8.2 Action Requested

None.

## 9. Business General

### 9.1 Chief Administrative Officer Report 51

THAT: the Board receive the CAO report for information.

*Corporate Vote Unweighted Majority*

### 9.2 Response to Legal Letter from Yankee Flats and Salmon River Roads Residents, Electoral Area D, re: Spa Hills Composting Facility and Request for Compost Facility Comprehensive Bylaw in the CSRD 53

Report from Marty Herbert, Manager, Building and Bylaw Services, dated, November 5, 2024.

Compost zoning bylaws in the CSRD.

THAT: the Board receive this report for information.

*Corporate Vote Unweighted Majority*

**9.3 2024 Community Emergency Preparedness Fund Grant Application 238**

Report from Sean Coubrough, Manager, Protective Services (Regional Fire Chief), dated November 7, 2024. A grant application for fire department equipment.

THAT: The Board empower the authorized signatories to submit an application to the 2024 Community Emergency Preparedness Fund for Volunteer and Composite Fire Departments Equipment and Training grant for up to \$520,000 for firefighting equipment for the CSRDs thirteen fire departments.

*Corporate Vote Unweighted Majority*

**9.4 Household Hazardous Waste Collection Contract Award 241**

Report from Ben Van Nostrand, General Manager, Environmental and Utility Services, dated November 6, 2024. A report seeking Board authorization for awarding the Household Hazardous Waste Collection contract.

THAT: the Board endorse the authorized signatories to enter into an agreement, for servicing the CSRSD's Hazardous Waste Depots, with GFL Environmental Services Inc. for a three-year term, including the two, one-year options to renew, in the amount of approximately \$750,000 plus applicable taxes and annual CPI adjustments over the term of the agreement.

*Corporate Vote Weighted Majority*

**9.5 CSRSD Waterworks Rates and Regulation Bylaw Update**

Verbal update from Ben Van Nostrand, General Manager, Environmental and Utility Services.

**10. Business By Area**

**10.1 Electoral Area B & Revelstoke: EOF Application – Revelstoke/Area B – Community Economic Development Initiatives 245**

Report from Jodi Pierce, General Manager, Financial Services, dated November 7, 2024. Funding requests for consideration.

THAT: with the concurrence of the City of Revelstoke and the Electoral Area B Director, the Board approve the following amount from the Revelstoke and Area B Economic Opportunity Fund:

\$12,500 to the City of Revelstoke to support the Government of BC's Rural Economic Development & Infrastructure Program (REDIP) grant for investment attraction that includes a land use Feasibility Study for the Westside Lands, which are subject to Section 17 of the BC Land Act.

*Corporate Vote Weighted*

## 10.2 Electoral Areas A and E: Grant-in-Aids

249

Report from Jodi Pierce, General Manager, Financial Services, dated November 8, 2024. Funding requests for consideration.

THAT: the Board approve the following allocations from the 2024 Electoral Area Grant-in-Aids:

### Area A

\$1390 Golden Kicking Horse Alpine Team (coaching)

### Area E

\$14,000 Eagle Valley Community Support Society (social and crisis supports)

*Stakeholder Vote Weighted – Electoral Area Directors*

## 11. Administration Bylaws

None.

## 12. Delegations & Guest Speakers

None.

## 13. Public Question & Answer Period

Click to view the [Public Question Period Guidelines](#).

**14. CLOSED (In Camera)**

THAT: pursuant to Section 90(1) of the Community Charter, the subject matter being considered relates to one or more of the following:

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(g) litigation or potential litigation affecting the municipality;

AND THAT: the Board close this portion of the meeting to the public and move to into the Closed Session of the meeting.

*Corporate Vote Unweighted Majority*

**15. Development Services Business General**

None.

**16. ALR Applications**

None.

**17. Development Services Business by Area****17.1 Electoral Area C : Development Variance Permit No. 701-139**

252

Report from Hayley Johnson, Planner I, dated October 28, 2024.  
4183 Galligan Road, Eagle Bay

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-139 for Lot A Sections 4, 5, 8, and 9 Township 23 Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 11743, varying the South Shuswap Zoning Bylaw No. 701, as amended, as follows:

1. Section 7.2.4 the maximum height be increased from 11.5 m to 16.7 m only for the proposed single detached dwelling
2. Section 7.2.7 the maximum floor area, gross be increased from 250 m<sup>2</sup> to 256 m<sup>2</sup> only for the proposed accessory building

Be approved this 21<sup>st</sup> day of November 2024

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

**18. Planning Bylaws**

- 18.1 Electoral Area B: Electoral Area B Official Community Plan Amendment Bylaw No. 850-18 and Electoral Area B Zoning Amendment Bylaw No. 851-25** 299
- Report from Christine LeFloch, Planner III , dated October 31, 2024.  
20 Hwy 31, Galena Bay
- THAT: “Electoral Area B Official Community Plan Amendment Bylaw No. 850-18” be read a third time, this 21<sup>st</sup> day of November, 2024.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*
- THAT: “Electoral Area B Zoning Amendment Bylaw No. 851-25” be read a third time, this 21<sup>st</sup> day of November, 2024.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*
- 18.2 Electoral Area B: Electoral Area B Official Community Plan Amendment Bylaw No. 850-21 and Electoral Area B Zoning Amendment Bylaw No. 851-32** 328
- Report from Christine LeFloch, Planner III, dated October 24, 2024.  
Fish River Road, Beaton
- THAT: “Electoral Area B Official Community Plan Amendment Bylaw No. 850-21” be read a third time, this 21<sup>st</sup> day of November, 2024.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*
- THAT: “Electoral Area B Zoning Amendment Bylaw No. 851-32” be read a third time, this 21<sup>st</sup> day of November, 2024.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*
- THAT: “Electoral Area B Official Community Plan Amendment Bylaw No. 850-21” be adopted, this 21<sup>st</sup> day of November, 2024.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*
- THAT: “Electoral Area B Zoning Amendment Bylaw No. 851-32” be adopted, this 21<sup>st</sup> day of November, 2024.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*
- 18.3 Electoral Area C: Electoral Area C Official Community Plan Amendment Bylaw No. 725-25 and South Shuswap Zoning Amendment Bylaw No. 701-107** 347
- Report from Christine LeFloch, Planner III, dated October 29, 2024.  
6169 Armstrong Road, Wild Rose Bay

THAT: Pursuant to Section 477 of the Local Government Act, the Board has considered “Electoral Area C Official Community Plan Amendment Bylaw No. 725-25” in conjunction with the Columbia Shuswap Regional District’s Financial Plan and Waste Management Plan.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

THAT: “Electoral Area C Official Community Plan Amendment Bylaw No. 725-25” be read a second time, as amended this 21<sup>st</sup> day of November, 2024.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

THAT: “South Shuswap Zoning Amendment Bylaw No. 701-107” be read a second time as amended, this 21<sup>st</sup> day of November, 2024.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

THAT: a public hearing to hear representations regarding “Electoral Area C Official Community Plan Amendment Bylaw No. 725-25” and “South Shuswap Zoning Amendment Bylaw No. 701-107” be held in the Board Room at the CSRD Office;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Marty Gibbons, as Director of Electoral Area C being that in which the land concerned is located, or Alternate Director Margaret McCormick, if Director Gibbons is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

**18.4 Electoral Area D, E, F: Anglemont Zoning Bylaw No. 650, Electoral Area E Zoning Bylaw No. 841, and Rancho/Deep Creek Zoning Bylaw No. 751 Policy Resolution and Proposed Bylaw Amendments**

407

Report from Christine LeFloch, Planner III, dated November 1, 2024.  
Policy Resolution and Proposed Bylaw Amendments

THAT: the Board endorse a policy resolution to not enforce Sections 5.4.2(g), 5.4.2(h), 5.5.2(h), 5.5.2(i), 5.6.2(h), 5.6.2(i), 5.7.2(h), 5.7.2(i), 5.8.2(h), 5.8.2(i) of Anglemont Zoning Bylaw No. 650, Section 4.10.4(i) of Rancho/Deep Creek Zoning Bylaw No. 751, and Section 4.13.4(j) of Electoral Area E Zoning Bylaw No. 841;

AND THAT: the Board direct staff to initiate amendments to remove the above noted sections from Anglemont Zoning Bylaw No. 650, Rancho/Deep Creek Zoning Bylaw No. 751, and Electoral Area E Zoning Bylaw No. 841.

*Stakeholder Vote Unweighted (LGA Part 14) Majority*



19. **Release of Closed Session Resolutions**

Attached to minutes, if any.

20. **Next Board Meeting**

Friday, December 13, 2024 at 9:30 AM.

CSRD Boardroom, 555 Harbourfront Drive NE, Salmon Arm.

**Note: Not the third Thursday of the month**

21. **Adjournment**

THAT: the Regular Board meeting be adjourned.

*Corporate Vote Unweighted Majority*



## REGULAR BOARD MEETING MINUTES

**Note: The following minutes are subject to correction when endorsed by the Board at the next Regular meeting.**

Date: October 17, 2024  
 Time: 9:30 AM - 4:00 PM  
 Location: CSRD Boardroom  
 555 Harbourfront Drive NE, Salmon Arm

### Directors

#### Present

K. Cathcart*	Electoral Area A Director
D. Brooks-Hill <sup>^</sup>	Electoral Area B Director
M. Gibbons	Electoral Area C Director
D. Trumbley*	Electoral Area D Director
R. Martin	Electoral Area E Director
J. Simpson	Electoral Area F Director
N. Melnychuk (Vice Chair)	Electoral Area G Director
R. Oszust*	Town of Golden Director
G. Sulz	City of Revelstoke Director
K. Flynn (Chair)	City of Salmon Arm Director
T. Lavery <sup>^</sup> *	City of Salmon Arm Director 2
C. Anderson*	District of Sicamous Director

#### Staff In

#### Attendance

J. MacLean	Chief Administrative Officer
J. Sham	General Manager, Corporate Services (Corporate Officer)
C. Robichaud	Deputy Corporate Officer
J. Pierce*	General Manager, Financial Services (Chief Financial Officer)
B. Van Nostrand*	General Manager, Environmental and Utility Services
D. Sutherland*	General Manager, Community and Protective Services

\*attended a portion of the meeting only

<sup>^</sup>electronic participation

### 1. Land Acknowledgement

We acknowledge that we are meeting in service to the Columbia Shuswap Regional District which is on the traditional and unceded territories of the Secwepemc, Syilx Okanagan, Sinixt and Ktunaxa Nation. We are privileged and grateful to be able to live, work and play in this beautiful area.

Declaration on the Rights of Indigenous Peoples Act

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**2. Call to Order**

The Chair called the meeting to order at 9:34 AM.

**3. Adoption of Agenda**

2024-1001

**Moved By** Director Cathcart

**Seconded By** Director Sulz

THAT: the Regular Board meeting agenda be adopted as amended.

Discussion on the motion:

Chair Flynn noted the addition of two resolutions from the October 16, 2024 Committee of the Whole added as item 8.2.3 and a change to the item 10 resolution Committee of the Whole recommendation.

Vice Chair Melnychuk added an announcement request under item 5.2.

**CARRIED**

**4. Meeting Minutes**

**4.1 Adoption of Minutes**

2024-1002

**Moved By** Director Trumbley

**Seconded By** Director Melnychuk

THAT: the minutes attached to the Regular Board meeting agenda be adopted.

**CARRIED**

**4.2 Business Arising from the Minutes**

**4.2.1 First Nation Engagement Report**

Discussion item added as item 9.2.

**5. Announcements**

**5.1 New Staff**

Chris Nicholl, Information Technology Coordinator

## 5.2 Announcement from Vice Chair Melnychuk

### Discussion:

Vice Chair Melnychuk acknowledged the community involvement and excellent work of the Cedar Heights community for their neighbourhood FireSmart clean up efforts.

## 6. Delegations & Guest Speakers

### 6.1 Okanagan Regional Library New Strategic Plan

Presentation by Danielle Hubbard, Chief Executive Officer, Okanagan Regional Library

Director Anderson joined the meeting at 9:42 AM.

### 6.2 Ministry of Transportation and Infrastructure

Reid Drummond, Consultant Project Manager, Integris Consulting Ltd., to provide a update for the Trans Canada Highway - Ford Road to Tappen Valley Road Project.

#### Discussion:

The Board expressed safety concerns with drivers not obeying construction speed limits and asked if there was an emergency management plan in the event of an unexpected road closure.

Mr. Drummond acknowledged the Sunnybrae intersection as one of the safety concerns and noted that the construction taking place will address the identified hazard. He also confirmed that the contractor had an emergency traffic plan, stating that commercial vehicles were not permitted to travel on Kault Hill in the event that a detour is necessary.

The Board asked about the possibility of hiring local area workers.

Mr. Drummond noted that through BC Infrastructure Benefits (BCIB) contractors are able to employ certified local workers and that there were several local hires on the particular job. Mr. Drummond would provide the statistics to CSR staff to be shared to Directors.

## 7. Correspondence

### 7.1 For Information

2024-1003

**Moved By** Director Sulz

**Seconded By** Director Melnychuk

THAT: the Board receive the correspondence attached to the Regular Board Meeting Agenda.

**CARRIED**

### **7.1.1 From the September 12, 2024 Regular Board Meeting**

#### **7.1.1.1 BC Provincial and Federal Governments (September 23, 2024)**

Letter of support from CSRD Board to BC Provincial and Federal governments requesting funding commitments for the Bring the Salmon Home Initiative.

#### Discussion:

Chair Flynn received an acknowledgement from the Ministry of Water, Land, and Resource Stewardship however, due to the election under way the Ministry was unable to comment on funding for the initiative.

Vice Chair Melnychuk asked to have the letter resent after once the election results were final.

### **7.1.2 City of Merritt (September 25, 2024)**

Letter from Mayor Goetz, City of Merritt, regarding burden of delinquent taxes.

### **7.2 Action Requested**

None.

## **8. Committee Reports and Updates**

### **8.1 For Information**

2024-1004

**Moved By** Director Cathcart

**Seconded By** Director Martin

THAT: the Board receive the committee minutes attached to the Regular Board Meeting Agenda.

**CARRIED**

#### **8.1.1 Kootenay East Regional Hospital District Board Meeting Minutes (August 9, 2024)**

#### **8.1.2 Thompson Regional Committee Meeting Draft Summary (September 10, 2024)**

**8.1.3 Shuswap Watershed Council Meeting Summary (September 11, 2024)**

**8.1.4 Thompson Regional Hospital District Meeting Minutes (June 20, 2024)**

**8.1.5 Columbia Basin Trust Board of Directors Meeting Minutes (July 19/20, 2024)**

**8.2 Action Requested**

**8.2.1 Committee of the Whole Meeting (August 14, 2024)**

Recommendations from the Committee of the Whole meeting:

THAT: the Board approve staff to explore an elector assent process for service delivery to provide road rescue service within the fire suppression boundaries of the Shuswap Fire Department in Area G, Falkland, and Area F sub-regional fire service boundaries.

[Link to the Road Rescue Staff Report and Attachments.](#)

THAT: the Board direct staff to engage with colleagues at member municipalities to discuss partnership opportunities for septage waste management and present a findings report at a future Board meeting to including cost/funding analysis of treatment plant upgrades if sufficient partnership support is available.

[Link to the Septage and Sewer Waste Management Staff Report and Attachments.](#)

THAT: if any eligible permissive tax exemption request is received, the Board direct staff to bring it forward to the Board for consideration.

[Link to the Permissive Tax Exemption Staff Report.](#)

2024-1005

**Moved By** Director Gibbons

**Seconded By** Director Simpson

THAT: the Board approve staff to explore an elector assent process for service delivery to provide road rescue service within the fire suppression boundaries of the Shuswap Fire Department in Area G, Falkland, and Area F sub-regional fire service boundaries.

**CARRIED**

2024-1006

**Moved By** Director Cathcart

**Seconded By** Director Simpson

THAT: the Board direct staff to engage with colleagues at member municipalities to discuss partnership opportunities for septage waste management and present a findings report at a future Board meeting to including cost/funding analysis of treatment plant upgrades if sufficient partnership support is available.

**CARRIED**

2024-1007

**Moved By** Director Melnychuk

**Seconded By** Director Anderson

THAT: if any eligible permissive tax exemption request is received, the Board direct staff to bring it forward to the Board for consideration.

**CARRIED**

### **8.2.2 Electoral Area Directors Committee Meeting (August 20, 2024)**

Recommendations from the EAD Committee meeting:

THAT: the Board direct Corporate Services staff to invite the RCMP to attend a future Electoral Area Directors' Committee meeting to discuss communications and statistics.

2024-1008

**Moved By** Director Martin

**Seconded By** Director Gibbons

THAT: the Board direct Corporate Services staff to invite the RCMP to attend a future Electoral Area Directors' Committee meeting to discuss communications and statistics.

**CARRIED**

### **8.2.3 Committee of the Whole Meeting (October 16, 2024)**

Recommendations from the Committee of the Whole meeting:

THAT: the Board direct staff to base the 2025-2029 Annual Water User Fees, under the CSRD Waterworks Rates and Regulation Bylaw No. 5819, on Scenario 2 as outlined in this report;

AND THAT: a board report be presented at the November 21, 2024, Regular Board meeting.

Recommendations Released from Committee of the Whole Closed meeting:

THAT: the Board consider a policy to not enforce CSRD bylaws restricting recreational vehicles to seasonal occupation.

2024-1009

**Moved By** Director Gibbons

**Seconded By** Director Simpson

THAT: the Board direct staff to bring utilize the 2025-2029 Annual Water User Fees report to work with area directors to formulate a plan to build reserves based on the needs of specific water systems.

AND THAT: a board report be presented at the November 21, 2024, Regular Board meeting.

Discussion on the motion:

Director Gibbons felt it was appropriate to build reserves appropriately based on the needs of individual water systems.

Director Trumbley not supportive of the motion for EAs to be involved.

Directors Oszust, Brooks-Hill, Simpson, Martin, Cathcart and Lavery supported the motion for EA participation in discussions of the needs of individual water reserves.

Chair Flynn said that from the Committee of the Whole meeting there was a suggestion to have staff review five, eight and ten year rate fee options to provide smaller rate increases that may be more palatable to the residential water users.

Directors Trumbley, Sulz, Melnychuk and Flynn said the responsibility to ensure that water systems were adequately funded rested with the Board and they were not supportive of the motion as worded.

**CARRIED (8-4)**

In Favour – Directors Cathcart, Martin, Gibbon, Simpson, Lavery, Oszust, Brooks-Hill, and Anderson

Opposed – Directors Trumbley, Sulz, Melnychuk and Flynn

2024-1010

**Moved By** Director Martin

**Seconded By** Director Gibbons



THAT: the Board consider a policy of non-enforcement of CSRD bylaws restricting recreational vehicles to seasonal occupation;

AND THAT: staff prepare a report to be brought forward to a future Board meeting.

Discussion on the motion:

Director Gibbons requested that the future staff report include information regarding how municipalities are managing RV seasonal occupation.

Vice Chair Melnychuk left the meeting at 11:40 AM.

Director Simpson asked if the Board could expect the staff report in the next quarter. He preferred to have a set date rather than to leave the date open to sometime in the future.

CAO confirmed he would speak to the staff team involved and he would provide a workplan timeframe update to the Board at the November 2024 Regular Board.

**CARRIED**

The meeting recessed at 11:42 AM and resumed at 11:46 AM. Vice Chair Melnychuk returned to the meeting at this time.

## **9. Business General**

### **9.1 Chair and Vice Chair Report**

Verbal report from Chair Flynn and Vice Chair Melnychuk.

Board Chair verbal report:

- Participated in a blanket exercise with Indigenous consultant and elders and forty CSRD staff.
- CAO and Chair met with Royal Lepage staff, would like to have another meeting in the future to include the planning department.
- Community meeting in Electoral Area D regarding a dangerous dog incident.
- Chair and CAO were invited to meet with four local Indigenous bands. Chair noted the meeting was good and that a thank you gift would be sent on behalf of the Board of Directors.
- Attended Union of BC Municipalities (UBCM) conference, Municipal Finance Authority of BC and Municipal Insurance Association of BC

meetings and joined a meeting held by Minister Ma with all regional districts regarding changes to the Emergency Act.

- Salmon Arm BC 55 + games.
- Rail Trail Governance Advisory Committee meetings.
- Joined in meetings with District of Sicamous new Chief Administrative Officer to discuss issues and improve local government communications.

Vice Chair verbal report:

- Provided recap of the Hullcar Mountain wildfire in Electoral Area D and how Director Trumbley was able to host information centres in the local area for residents to get on the ground response information for residents in the affected area.
- Attended three Ministers meetings with Director Simpson while at UBCM.

## **9.2 First Nations Engagement Report**

[Report brought forward from the September 12, 2024 Regular Board Meeting for discussion.](#)

Discussion:

CAO stated that Mr. Hutton did not receive any questions from Directors regarding the report.

Director Gibbons voiced concerns regarding Métis Nation BC not being recognized in the report.

CAO stated that the report was a continuation of the First Nations Engagement with the Secwépemc peoples that took place during the Sorrento-Blind Bay Incorporation Study. The report was not intended to exclude any peoples.

Director Trumbley requested a larger discussion take place regarding First Nations engagement and acknowledgement take place in a future closed meeting session.

Director Martin suggested inviting local First Nations Councils to a welcome dinner to get to know one another and build relationships.

## **9.3 The Establishment of a Select Committee to provide recommendations on Economic Development, Tourism and Film Services in the Shuswap**

Report from John MacLean, CAO, dated October 3, 2024.

2024-1011

**Moved By** Director Martin

**Seconded By** Director Anderson

THAT: the Board establish a select committee called the “Shuswap Economic Development/Tourism Participant Review Committee”.

**CARRIED**

2024-1012

**Moved By** Director Martin

**Seconded By** Director Anderson

THAT: The Board approves the attached Terms of Reference for the Shuswap Economic Development/Tourism Participant Review Committee.

Discussion on the motion:

It was noted that in the Terms of Reference under Elected Participants “Chair Flynn (Ex-officio)” should be shown as “Board Chair (Ex-officio)”.

**CARRIED**

The meeting recessed at 12:14 PM and resumed at 12:31 PM.

#### **9.4 CSRD Landfill Cover and Compaction Contract Awards**

Report from Ben Van Nostrand, General Manager, Environmental and Utility Services, dated October 2, 2024. A report seeking Board authorization for awarding the Golden, Revelstoke, Sicamous and Salmon Arm Landfill Cover and Compaction Services contracts.

2024-1013

**Moved By** Director Cathcart

**Seconded By** Director Melnychuk

THAT: the Board endorse the authorized signatories to enter into an agreement, for the Cover and Compaction Services for the Sicamous landfill, with Rex Putney & Frank Strain for a five-year term in the amount of \$1,121,105 plus applicable taxes and annual CPI adjustments over the term of the agreement.

**CARRIED**

2024-1014

**Moved By** Director Cathcart

**Seconded By** Director Melnychuk

THAT: the Board endorse the authorized signatories to enter into an agreement, for the Cover and Compaction Services for the Salmon Arm

landfill, with Core Environmental for a five-year term in the amount of \$3,529,576.50 plus applicable taxes and annual CPI adjustments over the term of the agreement.

**CARRIED**

2024-1015

**Moved By** Director Cathcart

**Seconded By** Director Melnychuk

THAT: the Board endorse the authorized signatories to enter into an agreement, for the Cover and Compaction Services for the Revelstoke landfill, with Elite Septic and Excavation for a five-year term in the amount of \$1,741,434.85 plus applicable taxes and annual CPI adjustments over the term of the agreement.

**CARRIED**

2024-1016

**Moved By** Director Cathcart

**Seconded By** Director Melnychuk

THAT: the Board endorse the authorized signatories to enter into an agreement, for the Cover and Compaction Services for the Golden landfill, with Pet Eagle Contracting Ltd. for a five-year term in the amount of \$1,679,198.25 plus applicable taxes and annual CPI adjustments over the term of the agreement.

**CARRIED**

## **9.5 Recycling Depot Attendant Contract Awards**

Report from Ben Van Nostrand, General Manager, Environmental and Utility Services, dated October 3, 2024. A report seeking Board authorization for awarding the contracts for the continued location and operations of recycling services in Salmon Arm and Revelstoke.

2024-1017

**Moved By** Director Simpson

**Seconded By** Director Lavery

THAT: the Board endorse the authorized signatories to enter into an agreement, for the downtown Salmon Arm Recycling Depot location and Site Attendant Operations, with Bill's Bottle Depot for a three-year term, including the option to renew for a two-year term, in the amount of \$679,080 plus applicable taxes.

**CARRIED**

2024-1018

**Moved By** Director Simpson**Seconded By** Director Lavery

THAT: the Board endorse the authorized signatories to enter into an agreement, for the downtown Revelstoke Recycling Depot location and Site Attendant Operations, with B&D Bottlers Ltd. (dba Revelstoke Bottle Depot) for a three-year term, including the option to renew for a two-year term, in the amount of \$740,400 plus applicable taxes.

**CARRIED**

## 9.6 Annual Financial Statement Audit Services

Report from Jodi Pierce, General Manager, Financial Services dated October 3, 2024. Authorize contract for audit services and appointment of auditor.

2024-1019

**Moved By** Director Lavery**Seconded By** Director Sulz

THAT: the Board empower the authorized signatories to enter into a five year agreement with BDO Canada LLP for the provision of annual financial statement audit services for fiscal year ends 2024 to 2028 (inclusive) at a cost of \$198,646, this 17<sup>th</sup> day of October, 2024.

**CARRIED**

2024-1020

**Moved By** Director Lavery**Seconded By** Director Sulz

THAT: In accordance with Section 169, Subsection (1) of the Community Charter, the appointment of BDO Canada LLP as the auditors for the 2024-2028 year-end Financial Statements be approved, this 17th day of October, 2024.

**CARRIED**

## 9.7 City of Enderby Request to Install Utility Works (water trunk main) within the Rail Trail Lands

Report from Fiona Barton, Manager Community Services, dated October 4, 2024.

Request from the City of Enderby to register a Statutory Right of Way for future construction of a water truck main within the Rail Trail Lands and parallel to the rail trail.

2024-1021

**Moved By** Director Martin**Seconded By** Director Melnychuk

THAT: the Board empower the authorized signatories to sign a Statutory Right of Way, to be registered as a charge on the following Rail Trail Lands:

PID: 012-955-931, legally described as That Part of District Lot 150 Shown on Plan A402; Kamloops (Formerly Osoyoos) Division Yale District Except Plan 29134; and

PID: 011-769-343, legally described as That Part District Lot 226 Shown on Plan A402 Kamloops (Formerly Osoyoos) Division Yale District

in the name of the City of Enderby, for a future water trunk main as shown on legal survey Plan EPP111993.

**CARRIED**

## 9.8 Fire Dispatch Agreement – City of Surrey

Report From Derek Sutherland, General Manager, Community and Protective Services, October 8, 2024. Fire Services Agreement – City of Surrey.

2024-1022

**Moved By** Director Melnychuk**Seconded By** Director Martin

THAT: the Board empower the authorized signatories to enter into an agreement with the City of Surrey for the provision of fire dispatch services commencing January 1, 2025 for a five year term, at the following remuneration rates, plus an annual call variable allowance and applicable taxes:

- |                                       |              |
|---------------------------------------|--------------|
| • January 1, 2025 – December 31, 2025 | \$112,204.00 |
| • January 1, 2026 – December 31, 2026 | \$117,873.00 |
| • January 1, 2027 – December 31, 2027 | \$123,828.00 |
| • January 1, 2028 – December 31, 2028 | \$130,085.00 |
| • January 1, 2029 – December 31, 2029 | \$136,657.00 |

**CARRIED**

## 10. Business By Area

### 10.1 Electoral Area A: Golden Landfill Scalehouse Operator Contract Award

Report from Ben Van Nostrand, General Manager, Environmental and Utility Services, dated October 3, 2024. A report seeking Board

authorization for awarding the Golden landfill scalehouse operator contract.

2024-1023

**Moved By** Director Cathcart

**Seconded By** Director Oszust

THAT: the Board endorse the authorized signatories to enter into an agreement, for the operation of the Golden landfill scalehouse, with Euroworld Corporation for a three-year term, including the two, one year options to renew, in the amount of \$473,500 plus applicable taxes and annual CPI adjustments over the term of the agreement.

**CARRIED**

## **10.2 Electoral Area G: Cedar Heights – Lake Pump Failure**

Report from Tim Perepolkin, Manager, Utility Services, dated October 2, 2024. Emergency repairs and pump replacement funding allocation.

2024-1024

**Moved By** Director Melnychuk

**Seconded By** Director Cathcart

THAT: the Board approve reallocation of \$30,750 of surplus funds from the Area G - Community Works Fund originally approved for the 2023 Cedar Heights Valve Replacement Project to cover costs of the emergency repairs.

**CARRIED**

2024-1025

**Moved By** Director Melnychuk

**Seconded By** Director Cathcart

THAT: the Board approve use of \$65,000 from the Strategic Priorities Community Works Funds to cover costs associated with replacement of pumps, motors, piping and electrical cables.

**CARRIED**

## **10.3 Electoral Area B & Revelstoke: EOF Application – Revelstoke/Area B – Community Economic Development Initiatives**

Report from Jodi Pierce, General Manager, Financial Services, dated October 4, 2024. Funding requests for consideration.

2024-1026

**Moved By** Director Sulz

**Seconded By** Director Simpson

THAT: with the concurrence of the City of Revelstoke and the Electoral Area B Director, the Board approve the following amounts from the Revelstoke and Area B Economic Opportunity Fund:

\$25,000 to the City of Revelstoke for economic and environmental indicator data, analysis and strategy.

**CARRIED**

#### **10.4 Electoral Areas A, C, E, F, and G: Grant-in-Aids**

Report from Jodi Pierce, General Manager, Financial Services, dated October 4, 2024. Funding requests for consideration.

2024-1027

**Moved By** Director Martin

**Seconded By** Director Gibbons

THAT: the Board approve the following allocations from the 2024 Electoral Area Grant-in-Aids:

##### Area A

\$7,500 Golden Food Bank Society (poverty reduction study)

\$2,500 Kicking Horse Country Chamber of Commerce (2024 Business and Community Excellence Awards)

##### Area C

\$1,900 Eagle Bay Fire Association (fall community event)

\$9,357 Sunnybrae Seniors Society (new flooring)

##### Area E

\$2,000 The Joe Schandelle Firefighters Foundation (Halloween event)

\$2,000 Eagle River Secondary PAC (ice rink time)

\$500 Kamloops Symphony Society (Salmon Arm concert series)

##### Area F

\$2,000 Anglemont Fire Fighters' Association (retirement banquet)

##### Area G

\$20,000 Blind Bay Community Society (Roof replacement)

**CARRIED**



**10.5 Electoral Area C: Whitehead Road Boat Launch - License of Occupation Tenure Renewal**

Report from Fiona Barton, Manager, Community Services, dated October 4, 2024. To renew a provincial licence of occupation for the Whitehead Park and Boat Launch in Electoral Area C.

2024-1028

**Moved By** Director Gibbons

**Seconded By** Director Simpson

THAT: the Board empower the authorized signatories to obtain a Licence in accordance with the letter dated May 1, 2024, from the Ministry of Water, Land and Resource Stewardship for parks purposes for the Whitehead Road Park & Boat Launch in Electoral Area C.

AND THAT: the Board will agree to acquire the Licence for the term of 30 years from the Province over that unsurveyed Crown foreshore being part of the bed of Shuswap Lake and fronting on Whitehead Road within the SW1/4 of Section 12, Township 23, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, containing 0.12 hectares, more or less, for the purposes of community park and boat launch.

**CARRIED**

**10.6 Electoral Area D: Silver Creek Community Park – Licence of Occupation Tenure Renewal**

Report from Fiona Barton, Manager, Community Services, dated October 4, 2024. To renew a provincial licence of occupation for Silver Creek Community Park in Electoral Area D.

2024-1029

**Moved By** Director Trumbley

**Seconded By** Director Gibbons

THAT: the Board empower the authorized signatories to acquire a Licence in accordance with the letter dated March 14, 2024, from the Ministry of Water, Land and Resource Stewardship for parks purposes for the Silver Creek Community Park in Electoral Area D.

AND THAT: the Board will agree to acquire the Licence for the term of 30 years from the Province over the land that part of Section 32, Township 18, Range 10, West of the Sixth Meridian, Kamloops Division Yale District, containing 0.50 hectares, more or less, for the purposes of Regional Park use.

**CARRIED**

### 10.7 Electoral Area C, D, F, and G: Road Rescue Service Establishment in Gap Areas

Report from Derek Sutherland, General Manager, Community and Protective Services, dated October 9, 2024. Road rescue service establishment in specified fire suppression areas

2024-1030

**Moved By** Director Trumbley

**Seconded By** Director Gibbons

THAT: an assent process for service delivery be undertaken to provide service within the fire suppression boundaries of the South Shuswap sub-regional fire service area in Area C and G, Falkland, and North Shuswap sub-regional fire service boundaries.

AND THAT: the Board allocate up to \$40,000 from the Electoral Area feasibility study funds for the purpose of engaging the electorate in an appropriate voter assent.

Discussion on the motion:

Director Simpson asked if staff considered using the Alternative Approval Process (AAP) rather than opting for an Asset vote.

CAO commented that when considering a new service staff would always recommend the higher level of voter assent, however, the decision was up to the Board as to which method of elector assent would be used.

Directors Simpson, Gibbons, Trumbley and Melnychuk were in favour of using an AAP for road rescue service establishment.

**Main motion as amended: CARRIED**

2024-1031

**Amendment:**

**Moved By** Director Gibbons

**Seconded By** Director Simpson

AND THAT: the Board authorize up to \$40,000 from the Electoral Area feasibility funds for the purposes of engaging the electorate in an appropriate voter assent.

**Amendment to the main motion: CARRIED**

### 11. Administration Bylaws

None.

**12. Public Question & Answer Period**

Click to view the [Public Question Period Guidelines](#).

Jim Leiper, resident of Notch Hill, asked if staff could revise the question and answer period guidelines to be less restrictive and to allow more public comments/engagement.

**13. CLOSED (In Camera)**

Late Agenda - added section (f).

2024-1032

**Moved By** Director Melnychuk

**Seconded By** Director Oszust

THAT: pursuant to Section 90(1) of the Community Charter, the subject matter being considered relates to one or more of the following:

(f) law enforcement, if the board considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

AND THAT: the Board close this portion of the meeting to the public and move to into the Closed Session of the meeting.

Director Martin left the meeting at 1:06 PM and was not present for the vote.

**CARRIED**

The Board moved to the Closed session at 1:06 PM.

The Regular Open meeting resumed at 2:13 PM and Director Cathcart left the meeting at this time.

**14. Development Services Business General****14.1 CSRD Policy P-26, Building Permit Geohazard Information Use and Procedure**

Report from Marty Herbert, Manager, Building and Bylaw Services, dated October 3, 2024. Policy amendments for Board consideration.

2024-1033

**Moved By** Director Gibbons**Seconded By** Director Anderson

THAT: that the Board endorse amendment to Policy P-26 “Building Permit Geohazard Information Use and Procedure” and approve its inclusion into the CSR Policy manual, this 17<sup>th</sup> day of October, 2024.

**CARRIED****15. ALR Applications****15.1 Electoral Area D: Agricultural Land Commission (ALC) Application Section 21 (2) Subdivision LC2610D**

Report from Ken Gobeil, Senior Planner, dated September 27, 2024  
5672 Lashburn Rd, 6015 Shaw Rd, Ranchero

2024-1034

**Moved By** Director Trumbley**Seconded By** Director Gibbons

THAT: Application No. LC2610 Section 21(2) - Subdivision for the South half of the Northwest Quarter of Section 32 Township 19 Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Excluding (1) Parcel A (2) Plan 29147; and Lot 1 Section 32 Township 19, Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan KAP47991 Excluding Plan KAP87174 be forwarded to the Agricultural Land Commission recommending approval, this 17<sup>th</sup> day of October, 2024.

**CARRIED****15.2 Electoral Area D: Agricultural Land Commission (ALC) Application Section 21 (2) Subdivision LC2611D**

Report from Ken Gobeil, Senior Planner, dated September 27, 2024. 3033 and 3045 McTavish Rd, Glenemma

2024-1035

**Moved By** Director Trumbley**Seconded By** Director Gibbons

THAT: Application No. LC2611 Section 21(2) - Subdivision for Lot 1, Section 30, Township 17, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 40938 be forwarded to the Agricultural Land Commission recommending approval, this 17<sup>th</sup> day of October 2024.

**CARRIED**

**15.3 Electoral Area F: ALR Exclusion Application No. LC2612F**

Report from Laura Gibson, Planner II, dated October 2, 2024  
PIDs 008-596-051 and 008-596-042, Lee Creek

2024-1036

**Moved By** Director Simpson

**Seconded By** Director Gibbons

THAT: ALR Exclusion Application No. 2612F proceed to Stage 2 - Public Consultation as per the requirements of CSRD ALR Exclusion Policy P-24, this 17<sup>th</sup> day of October 2024.

**CARRIED**

Municipal Directors Anderson, Oszust, and Lavery left the meeting at 2:20 PM.

**16. Development Services Business by Area****16.1 Electoral Area G: Development Variance Permit No. 701-144**

Report from Laura Gibson, Planner II, dated September 27, 2024.  
2495 Rocky Point Road, Blind Bay

2024-1037

**Moved By** Director Melnychuk

**Seconded By** Director Gibbons

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-144 for Lot 10 Block 2 Section 30 Township 22 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 9989, varying South Shuswap Zoning Bylaw No. 701 as follows:

1. Section 7.2.5, exterior side parcel line setback, from 4.5 m to 1.5 m, only for the new accessory building with secondary dwelling unit,

be approved for issuance this 17<sup>th</sup> day of October, 2024.

**CARRIED**

**16.2 Electoral Area D: Development Variance Permit No. 2500-23**

Report from Laura Gibson, Planner II, dated September 25, 2024.  
4333 Colebank Road, Falkland

2024-1038

**Moved By** Director Trumbley

**Seconded By** Director Gibbons

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 2500-23 for the East ½ of the

Northwest ¼ of Section 16 Township 17 Range 11 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Except Plans A322 and 29247, varying Salmon Valley Land Use Bylaw No. 2500 as follows:

1. Section 2.4.3 minimum siting of other buildings and structures or uses from the front parcel line from 10 m to 0 m, only for the east pumphouse (including eaves) and from 10 m to 2 m, only for the west pumphouse (including eaves),

be approved for issuance this 17<sup>th</sup> day of October 2024.

**CARRIED**

### **16.3 Electoral Area F: Temporary Use Permit No. 830-13**

Report from Laura Gibson, Planner II, dated September 25, 2024.  
7630 Hudson Road, Anglemont

2024-1039

**Moved By** Director Simpson

**Seconded By** Director Melnychuk

THAT: in accordance with Section 493 of the Local Government Act, Temporary Use Permit No. 830-13 for Lot 57 Section 22 Township 23 Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 19710 be approved for issuance this 17<sup>th</sup> day of October, 2024 for the temporary use of a recreational vehicle for seasonal accommodation (March 1 to October 31) for the property owners during construction of the single detached dwelling,

AND THAT: issuance be withheld until the owners have provided financial security in the amount of \$5000 in the form of a bank draft, certified cheque, or irrevocable letter of credit, compelling the owners to remove the recreational vehicle if the single detached dwelling has not been granted occupancy by the CSRD Building Official by the date the TUP expires.

**CARRIED**

## **17. Planning Bylaws**

### **17.1 Electoral Area D: Ranchero/Deep Creek Official Community Plan Amendment Bylaw No. 750-08 and Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-09**

Report from Christine LeFloch, Planner III, dated October 2, 2024.  
7601 Highway 97B, Ranchero.

2024-1040

**Moved By** Director Trumbley

**Seconded By** Director Gibbons

THAT: “Ranchero/Deep Creek Official Community Plan Amendment Bylaw No. 750-08” be read a first time, this 17<sup>th</sup> day of October, 2024.

**CARRIED**

2024-1041

**Moved By** Director Trumbley

**Seconded By** Director Gibbons

THAT: “Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-09” be read a first time, this 17<sup>th</sup> day of October, 2024.

**CARRIED**

2024-1042

**Moved By** Director Trumbley

**Seconded By** Director Gibbons

THAT: the Board utilize the complex consultation process for “Ranchero/Deep Creek Official Community Plan Amendment Bylaw No. 750-08” and “Ranchero/Deep Creek Zoning Amendment Bylaw No. 751-09” and the bylaws be referred to the following agencies and First Nations:

- CSRD Financial Services;
- CSRD Community and Protective Services;
- CSRD Environmental and Utility Services;
- Regional District North Okanagan;
- Interior Health Authority;
- Ministry of Transportation & Infrastructure;
- Agricultural Land Commission;
- Ministry of Forests – Archaeology Branch;
- All applicable First Nations and Bands.

**CARRIED**

**18. Release of Closed Session Resolutions**

None.

**19. Next Board Meeting**

Thursday, November 21, 2024 at 9:30 AM.

CSRD Boardroom, 555 Harbourfront Drive NE, Salmon Arm.

**20. Adjournment**

2024-1043

**Moved By** Director Gibbons

**Seconded By** Director Melnychuk

THAT: the Regular Board meeting be adjourned.

**CARRIED**

2:25 PM.

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CORPORATE OFFICER

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CHAIR



August 23, 2024

Chair Kevin Flynn and Board  
Columbia Shuswap Regional District  
Box 978  
Salmon Arm, BC V1E 4P1

Dear Chair Kevin Flynn and Board:

**RE: CANADA COMMUNITY-BUILDING FUND: FIRST COMMUNITY WORKS FUND  
PAYMENT FOR 2024/2025**

I am pleased to advise that UBCM is in the process of distributing the first Community Works Fund (CWF) payment for fiscal 2024/2025. An electronic transfer of \$548,857 is expected to occur in August 2024. This payment is made in accordance with the payment schedule set out in your CWF Agreement with UBCM (see section 4 of your Agreement).

CWF is made available to eligible local governments by the Government of Canada pursuant to the Administrative Agreement. Funding under the program may be directed to local priorities that fall within one of the eligible project categories.

Further details regarding use of CWF and project eligibility are outlined in your CWF Agreement and details on the Canada Community-Building Fund can be found on our [website](#).

For further information, please contact Canada Community-Building Fund Program Services by e-mail at [ccbf@ubcm.ca](mailto:ccbf@ubcm.ca) or by phone at 250-356-5134.

Sincerely,



Councillor Trish Mandewo  
UBCM President

PC: Jodi Pierce, Manager, Financial Services



Reference: 43390

October 24, 2024

**VIA EMAIL: [jsimpson@csrd.bc.ca](mailto:jsimpson@csrd.bc.ca); [nmelnychuk@csrd.bc.ca](mailto:nmelnychuk@csrd.bc.ca)**

Jay Simpson, Director  
Natalya Melnychuk, Director  
Regional District of Columbia Shuswap  
PO Box 987, 555 Harbourfront Drive NE  
Salmon Arm, British Columbia  
V1E 4P1

Dear Jay Simpson and Natalya Melnychuk:

On behalf of Minister Cullen, thank you for taking the time to meet with us and staff from the Ministry of Water, Land and Resource Stewardship, at this year's Union of British Columbia Municipalities Convention in Vancouver on September 17, 2024, to discuss drought, water infrastructure, and permitting.

We heard your concerns about water scarcity and your desire to improve system upgrades to related infrastructure. A proactive approach is commendable. As you note, coordination with First Nations is an important consideration. For assistance with First Nations engagement, WLRS recommends reaching out to colleagues at the Ministry of Indigenous Relations and Reconciliation.

We also discussed riparian area rebuilding and permitting, and we are pleased to note that you have been in discussion with Assistant Deputy Minister James Mack on this issue.

Again, thank you for your time. I am grateful we had the opportunity to meet about topics of mutual importance to provincial and local government.

Sincerely,

Lori Halls  
Deputy Minister

pc: Honourable Nathan Cullen, Minister of Water, Land and Resource Stewardship  
James Mack, Assistant Deputy Minister, Water, Fisheries and Coast Division  
Kevin Flynn, Board Chair, Regional District of Columbia Shuswap



October 25<sup>th</sup>, 2024

Reference: 642007

Kevin Flynn  
Board Chair  
Regional District of Columbia Shuswap  
Email: [kflynn@csrd.bc.ca](mailto:kflynn@csrd.bc.ca)

Dear Kevin Flynn:

I am writing to follow-up on our meeting at this year's Union of BC Municipalities Convention on September 18, 2024. Thank you for taking the opportunity to meet with the Ministry of Emergency Management and Climate Readiness (EMCR); it was good to hear first-hand the matters of importance to you and your community relating to recovery support for wildfire-impacted residents.

We are pleased that EMCR was able to provide financial support to the Columbia Shuswap Regional District (CSRD) through the Disaster Recovery Expenditure Authorization Form (DREAF) process. The DREAF process was introduced in November 2023 following the unprecedented 2023 wildfire season, with the recognition that communities required immediate funding to support disaster recovery efforts. Through this process, the CSRD has successfully accessed funding through multiple DREAFs for recovery-related staff (i.e.: Community Recovery Managers and Development Services Personnel) as well as funding issued recently for the Slope Manager early warning program that will issue notifications for small landslide events.

As with any new approaches, we understand that there are opportunities to improve this process and strengthen efficiencies. Both the DREAF process and the Slope Manager program are new approaches that EMCR has undertaken in an effort to remain service-oriented and innovative in our disaster recovery supports. The Ministry would welcome your feedback on both of these initiatives as we consider refinements for continued and future applications. Jeff Grass, Executive Director of the Wildfire Recovery Operations Branch, will connect with you directly to ensure that we capture your feedback.

On a related note, EMCR is also encouraged by the recovery progress to date within the CSRD and will be monitoring the properties soon to be under construction following the new Riparian Directive issued by the Ministry of Water, Lands and Resource Stewardship. Again, your reflections regarding this directive will be invaluable to shaping future policy work in this area.

.../2

642007 - Kevin Flynn, CSRD  
Page 2 of 2

The Ministry is committed to working with your staff and community in the years to come. Thank you for your continued advocacy for residents impacted by the Bush Creek wildfire as we work together to support your community through the disaster recovery process.

Again, thank you to you and your delegation for taking the time to meet.

Sincerely,



Tara Richards  
Deputy Minister

CC: Jeff Grass, Executive Director, Wildfire Recovery Operations Branch

Regional District of Columbia Shuswap  
John MacLean, Chief Administrative Officer  
Jennifer Sham, Corporate Officer  
Jay Simpson, Electoral Area F Director  
Natalya Melnychuk, Electoral Area G Director



[www.fvrd.ca](http://www.fvrd.ca) | [info@fvrd.ca](mailto:info@fvrd.ca)

November 7, 2024

Trish Mandewo, President  
UBCM  
10551 Shellbridge Way  
Richmond, BC V6X 2W8

Dear Trish:

The Fraser Valley Regional District (FVRD) Board is writing to formally request that the Union of British Columbia Municipalities (UBCM) initiate a comprehensive **governance review**. As you know, UBCM has long been a powerful voice for local government and First Nations in British Columbia, advocating for common interests, analyzing economic and social trends, and translating these insights into policies that benefit communities across the province.

Over the past decade, British Columbia has faced numerous significant challenges, including housing affordability, a strained healthcare system, a sluggish economy, labour market shortages, climate disruption, the toxic drug crisis, and growing concerns about food insecurity. These pressing issues require the collective effort of all regions of the province, and as we continue to address them, it is increasingly important that the UBCM Executive reflects the full scope and diversity of all British Columbia's local governments and First Nations.

In this regard, we believe it is an opportune time to revisit UBCM's governance structure. As you may recall, the last review of UBCM's organizational structure was completed in 2010 by a Structure Review Committee, resulting in changes to the Union's bylaws and modifications to the Executive's composition. While these changes were valuable at the time, the context within which we operate has evolved considerably. The growing complexity and variety of issues facing our communities today—particularly the diverse needs of rural and remote regions—underscores the need for an updated governance structure that more effectively represents all areas of the province.

We respectfully request that UBCM consider updating its bylaws and governance framework to ensure more balanced and equitable representation from all regions, bringing both rural and urban perspectives to the table on a regular and sustained basis. A renewed structure would better enable UBCM to advocate effectively for the interests of all British Columbians, ensuring that no region is left behind in policy development and decision-making processes.

The FVRD Board is committed to supporting this important process and would like to have the opportunity to participate in discussions or consultations related to the governance review. As a regional district with diverse rural and urban communities, we feel we could provide invaluable feedback to this process. A comprehensive governance review will strengthen UBCM's role in advancing the well-being of communities throughout British Columbia, and we look forward to working together to achieve this goal.



*www.fvrd.ca | info@fvrd.ca*

Thank you for considering this request. We appreciate your leadership and the ongoing work of UBCM, and we are hopeful that this review will contribute to the continued success of the Union in representing our diverse province.

Sincerely,

A handwritten signature in black ink, appearing to be "Jason Lum", written in a cursive style.

Jason Lum,  
Chair

cc: 26 Regional District Chairs & CAOs



## Municipal Finance Authority of BC

### REPORT FROM THE CHAIR and VICE-CHAIR ON ACTIVITIES FOR THE PERIOD ENDED SEPTEMBER 2024

#### **PURPOSE**

This report is intended to provide information on the performance and activities of the Municipal Finance Authority of British Columbia (“MFA”) subsequent to the last report presented to the Members at our Annual General Meeting (AGM) on March 27, 2024.

#### **BACKGROUND**

The following is a review of activities of the MFA in 2024 during the period of May 1<sup>st</sup> up to October 1<sup>st</sup>, with a focus on the activities of the past six months.

#### **GOVERNANCE**

##### **Board of Trustee Meetings**

Representation from every community in British Columbia is provided through 40 Members from 28 regional districts and our 10-member Board of Trustees.

The last meeting of our Members was held on September 17, 2024 (Semi-Annual Meeting), in conjunction with the UBCM Annual Convention.

The Board of Trustees met with management 3 times during the period of May 1, 2024 to October 1, 2024 to review operating performance, access to the financial markets, administration, and other miscellaneous items, as well as to provide oversight for MFA’s Pooled Investment Funds. The Board of Trustees reviewed the second quarter performance of the pooled investment funds and received an update on the volumes and participation in the pooled high interest saving accounts. Trustees received electronic updates as required, in addition to formal meetings throughout 2024 - including quarterly reports on fund positioning and performance, investment management processes, and portfolio compliance.

Trustees and MFA staff made presentations on behalf of the MFA at various local government conferences during the year.

#### **RESULTS**

##### **Income from Operating Activities, Short-Term Debt Fund, and Retention Fund**

The annual budget was approved by the Board of Trustees on March 12<sup>th</sup>, 2024, and by the Members at the Annual General Meeting on March 27<sup>th</sup>, 2024. The budgeted operating revenue is \$8.53 million, and expenditures are \$5.14 million for a projected annual operating

contribution of \$3.39 million. Short-term Debt Fund contribution and Income Earned on Retained Assets are budgeted at \$2.49 million and \$4.19 million, respectively. Budgeted total annual contribution to the Retention Fund is \$10.08 million with an expected ending Retention Fund balance of \$126.9 million for 2024.

**Operating results for the 1st half of 2024** show a net contribution from core operations of \$1.48 million which was favourable to budget by \$424,487. Revenues were favourable by \$20,731 which is primarily attributed to Financial Service Fees from pooled investment funds being modestly higher than budgeted, offset by lower investment income. Expenditures (Total Governance plus Total Administrative expenses) were favourable to budget by \$403,757 which is mainly attributed to timing differences related to funds being requested for sponsorships and external education and lower spend to date for legal, salary and information technology costs.

**Short-term Debt Fund** had a favourable variance of \$158,431. This is due to higher revenue from greater outstanding short-term loans than budgeted, and fees related to the Commercial Paper program being lower than budgeted. This is slightly offset by lower investment income than budgeted due to a quicker than budgeted decreasing rate environment.

**Earnings on the Retention Fund for the 1st half** are favorable to budget by \$16,161. Overall, the Retention Fund has a balance of \$126.9 million as of June 30, 2024. The Retention Fund and the Debt Reserve Fund form the organization's capital base which supports MFA's AAA ratings in accordance with the Capital Adequacy Policy adopted by the Board of Trustees in September 2019. Capital adequacy of the Authority was reviewed by the Board of Trustees on May 7, 2024. The levels held are consistent with the policy and framework in place and appropriate given the risks of the organization.

## **BORROWING AND LENDING**

### **Triple A Credit Ratings**

MFA's AAA credit rating was reaffirmed by all three major rating agencies (Moody's, Standard & Poor's (S&P), and Fitch Ratings) in June 2024, completing the rating agency efforts for the calendar year. AAA is the best attainable rating and allows MFA to access capital in the markets at the most favourable interest rates.

### **Borrowing in the Capital Markets and Long-term Lending**

On April 2<sup>nd</sup>, 2024, we reopened the 4.05% December 2033 debenture for \$415 million to fund refinancing requirements at a re-offer yield of 4.388%. The issue was 1.4 times oversubscribed, well diversified between 45 investors, and received strong demand from foreign central banks. This bond now has \$650 million outstanding. On May 22<sup>nd</sup>, 2024, we reopened the 2.55% October 2029 debenture for \$695 million to fund refinancing requirements at a re-offer yield of 4.06%. The issue was 1.6 times oversubscribed, well diversified between 39 investors, and received strong demand from international accounts. This bond now has \$1.1 billion outstanding. On September 20<sup>th</sup>, 2024, we issued a new 3.75% December 2034 debenture for \$190 million to fund new loan requirements at a re-offer yield of 3.76%. The issue was 3.3 times oversubscribed, well distributed between 41 investors, and received strong demand domestically and internationally.



### Commercial Paper Issuance and Short-term Lending

The Commercial Paper Program continues to provide low-cost short-term and equipment financing to MFA's clients. The short-term lending rate as of early September is 4.96%. We currently have \$600 million commercial paper outstanding that is funding \$277 million of loans with \$323 million available for incremental lending. We continue to monitor demand for short-term loans across members to ensure we remain right-sized to meet their funding requirements.

### POOLED INVESTMENT FUNDS AND POOLED HIGH INTEREST SAVINGS ACCOUNTS

One-year returns and balances of the Funds as of June 28, 2024 are as follows:

Investment Funds					
	Balances*			Performance**	
	(\$CAD millions)			1-Year Total Return (%)	
	2024-06-28	2023-06-30	Change	as of	2024-06-30
				Fund	Benchmark
PHISAs	1,905	2,078	(173)	--	--
Money Market Fund	1,569	1,509	60	5.27	4.95
Gov't Focused Ultra-short Bond Fund	430	391	39	5.31	5.25
Short-term Bond Fund	861	805	56	5.41	5.41
FFF Short-term Bond Fund	229	203	26	5.30	5.41
Mortgage Fund	276	259	17	6.48	5.36
Diversified Multi-asset Class Fund	502	427	75	13.03	14.11
FFF Diversified Multi-asset Class Fund***	113	0	113	--	--
<b>Total AUA</b>	<b>5,885</b>	<b>5,672</b>	<b>213</b>		

\*Fund balances as at end of Q2 2024 and 2023 sourced from CIBC Mellon's daily reporting.

\*\*1-year total returns sourced from PH&N's June 2024 Monthly Performance Report.

\*\*\*This Fund was incepted in November 2023 and has not reached a 1-year investment period yet.

### Pooled High Interest Savings Account (PHISA) Program

Aggregate PHISA balances were \$1.9 billion (vs \$2.08 billion on June 30, 2023).

MFA staff continue to work with PHISA partners to obtain attractive terms to offer Clients. Effective May 1, 2024, National Bank of Canada (NBC) increased its rate by 5 basis points (0.05%). On June 6 and again on September 5, 2024, interest rates for all three bank PHISAs were lowered by 25 basis points (0.25%) at each occurrence in concert with the Bank of Canada rate cuts. As at October 1, 2024, the rate for National Bank PHISA was 4.90%, the rate for Scotiabank PHISA was 4.80%, and the rates for CIBC PHISA were 4.80% for the first \$200 million and 4.22% on balances in excess of \$200 million.

MFA staff have been actively promoting the benefits of our PHISA program with Clients, resulting in 13 new PHISA accounts opened year to date as at October 1, 2024.

#### **Diversified Multi-asset Class Pooled Fund (“DMAC”)**

MFA continues to discuss the merits of the DMAC Fund with clients who have long-term reserves and highlights the importance of estimating long-term cash flow when investment planning. A few additional local governments have completed the necessary undertakings, primarily long-term cash flow forecasting, investment policy adjustments, and socializing internally and with decision-makers to position themselves to invest in the Fund. Best practices call for an Investment Policy to be approved by Council, while discrete investment decisions are left to be managed by CFOs and their staff, in accordance with the Council-approved policy. There were \$136 million in new subscriptions into the Fund year-to-date to October 1, 2024, including \$96 million overall from two new participants.

As at the end of June 30, 2024, the DMAC’s market value was \$502 million, attributable to four investors, and the Fund experienced a total annual return of 13.03%. The DMAC Fund is progressing towards its target asset mix and at the end of Q2 was slightly underweight ‘Alternative Investments’ and modestly overweight ‘Fixed Income.’

#### **Fossil Fuel Free Diversified Multi-asset Class Pooled Fund (“FFDMAC”)**

The FFFDMAC was launched in September 2023, with \$42 million subscribed between two initial investors. Since then, there have been three more subscriptions totalling \$62M into the Fund, and the original two investors are the only local governments subscribed into the Fund as of October 1, 2024.

As of June 30, 2024, the FFFDMAC Fund experienced a total year to date return of 9.96%, and 15.2% since inception.

#### **Mortgage Fund**

After over a year-long wait, MFA management was pleased to call-in nearly \$25 million into the MFA Mortgage Fund at the end of June; this call included 3 new Participants into the Fund, bringing total number of Participants to 22. At the end of June 2024, approximately \$276 million was invested in the Fund. To second quarter-end 2024, the Fund’s Total Annual Return was 6.48%. MFA management regularly engages with PH&N’s mortgage fund managers to assess the environment and quality of their portfolios and remains pleased about its management and the opportunity the Mortgage Fund represents to Clients. As of October 1, 2024, there remains a queue of \$30.7 million in soft commitments to invest in the Fund, and we anticipate another call for capital into the Fund within the next six months.

## **CLIMATE AND SUSTAINABILITY (ESG)**

Since the last update to Members in at the Annual General Meeting in March, MFA continues to take preparatory actions for integrating climate and sustainability into its governance, strategy, risk management, impact measurement, and reporting. MFA has established three ESG Program objectives to guide its work. They are:

1. To reduce the negative impact of MFA operations on the environment and society
2. To manage material risk to MFA core business and thereby retain access to the lowest attainable cost of capital for our members
3. To pursue opportunities for transformative and material impact with local governments through MFA's core lending and investing activities

ESG can encompass a very broad set of topics across its three dimensions of environment, social, and governance, and requires consideration within the context of MFA's business model, core activities, and industry sector to determine which topics are relevant and material to MFA's business, and in turn what is decision-useful to its strategy and that of MFA's stakeholders.

The MFA is taking a phased approach to its ESG program development and disclosures led by a workplan that is **investor-focused, risk-centred, and has a climate-first priority**. The initial focus of MFA's ESG program is to identify, assess, manage and disclose the impacts to MFA's business from a changing climate, and the impacts of MFA's lending and investing activities on climate change.

These workplan priorities and attributes are being driven by the demands of global investors which necessitate globally accepted sustainability disclosure standards and corresponding regulation (jurisdictional or sectoral). Investors are seeking greater transparency, consistency and comparability in the development and disclosure of non-financial information and a more fulsome and credible picture when evaluating the climate and other sustainability risk inherent to their investments.

In June 2023, globally accepted sustainability disclosure standards were published by the IFRS to complement their globally accepted accounting standards upon which the MFA's financial statements are prepared. These climate and sustainability standards are effective for annual reporting periods beginning on or after January 1, 2024.

While MFA is not presently required by any regulation to comply with these standards, we do compete for access to global capital. We are continuously engaging with MFA's bondholders, investor intermediaries and rating agencies to understand their evolving expectations related to climate risk and impact reporting. We have determined it is in the MFA and its members' best interest to keep pace with regulated peers by providing existing and prospective bondholders with consistent, comparable and transparent disclosure of the MFA's climate-related risks, impacts and opportunities. The MFA Act protects MFA and its members from default risk through joint and several liability and direct taxation authority thus we believe the actual financial risk to be low. That said, we welcome the annual exercise of assessing future potential

financial risk from the impacts of climate change and other sustainability issues which are undeniably placing pressure on the infrastructure and financial health of local governments.

### **INVESTOR RELATIONS**

Management continues to actively promote MFA's credit story to institutional investors around the world. Investor development meetings are done in various formats, including one-on-one teleconference calls, one-on-one meetings, and group presentations. Investor development is a critical component in differentiating MFA and achieving continuous access to the markets and the lowest cost of funds from among its peers.

Outlined below are MFA's most important investor development events since the previous report:

#### **BMO Annual Government, Reserve & Asset Managers Conference – May**

MFA CEO, Peter Urbanc attended the BMO Government Finance Conference in Toronto in early May. This annual conference is among the most effective/useful we attend every year as many bond investors from all around the world participate and we can efficiently engage in useful dialog over the three-day period. We had the opportunity to present to a group of over one hundred investors and had several one-on-one meetings with those who wished to speak to us about MFA in more detail.

#### **Global Infrastructure Bank Annual Symposium & Investor Meetings – May**

MFA CEO, Peter Urbanc, and CFO, Matthew O'Rae, joined a group of Canadian dollar institutional investors in Frankfurt and Cologne, Germany in mid-May before attending a conference of international peer public sector funding agencies in Copenhagen, Denmark. The international event was in its first year in 2023 but has proven to be a great opportunity to build relationships and share and learn about best practices from the other 10 global municipal infrastructure bank CEOs and CFOs who attend.

#### **Western Canada Investor Meetings - June**

MFA CEO, Peter Urbanc, and CFO, Matthew O'Rae, met with 13 investors in Winnipeg, Calgary, and Edmonton that wanted a detailed credit refresh on MFA, both from investors who currently participate, or are thinking about participating, in MFA's program.

#### **National Bank Financial Annual Municipal and Local Government Authorities Borrowers Conference – September**

MFA CEO, Peter Urbanc presented to a group of Canadian fixed income investors and representing MFA at the National Bank Financial Conference in Montreal.

#### **Bloomberg Annual Canadian Finance Conference - October**

MFA CEO, Peter Urbanc, and CFO, Matthew O'Rae, will be making multiple presentations to global fixed income investors and representing MFA at this in-person conference in New York.

**2024 UBCM Convention**


As a major sponsor, MFA was represented at the UBCM conference, trade show, and Community Excellence Awards, as well as the Provincial Community-to-Community (C2C) Forum and the Community Energy Association's annual awards. Peter Urbanc, Betsy Yeung, Allison Ashcroft, Nicole Gervais, and Lauren Kerr attended these events and the UBCM trade show to connect with Members during the week.

MFA is an annual and major sponsor for UBCM, funding both the keynote speaker and the Community Excellence Awards. As usual, there is an opportunity for Chair Malcolm Brodie to share remarks about the MFA prior to the keynote address. Vice Chair Al Richmond presented awards at the Community Excellence Awards in the category of 'Excellence in Asset Management'.

**SUMMARY / CONCLUSION**

MFA's Annual General Meeting and Financial Forum event is set to take place in person in Victoria on April 23 and 24 at the Hotel Grand Pacific. Speakers will be announced as they are confirmed. The MFA team looks forward to meeting with new and returning Members in Victoria.

Submitted by:



Malcolm Brodie  
Chair



Al Richmond  
Vice-Chair

**Thompson Regional Committee Meeting (Zoom meeting)  
Draft summary for September 10<sup>th</sup>, 2024**

**In attendance:**

Rhona Martin	Columbia Shuswap RD	Board member
Jamison Squakin	Okanagan Nation Alliance	Board member
Allysa Hopkins	North Okanagan RD	Committee member
James Gordon	Thompson Rivers University	Committee member
Vivian Birch-Jones	Squamish-Lillooet RD	Committee member
Trevor Bohay	BC Ministry of Forests	Committee member
Alex de Chantal	Fraser Basin Council	Staff
Erin Vieira	Fraser Basin Council	Staff

Meeting commenced at 10:00 AM

**1. Welcome and introductions**

Alex welcomed all present and acknowledged Secwepemc territory. A round of introductions took place. The March 12<sup>th</sup> 2024 draft meeting summary was approved.

Vivian requested an update from staff on the Fraser Landslide project.

Action item:

Alex will follow up with FBC staff to get an update via email.

**2. Staff reports**

**Shuswap Watershed Council (SWC)**

Background	The FBC is the program manager for the Shuswap Watershed Council, a collaborative partnership of local governments, First Nations, and Provincial agencies to enhance water quality and safe recreation in the Shuswap for the long term. See <a href="http://www.shuswapwater.ca">www.shuswapwater.ca</a> for more information.
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Update	<p>Erin reported that the Shuswap Watershed Council is operating all its usual programs, despite the failed CSRD referendum in February that resulted in the CSRD ceasing their funding support. In 2024-25, the SWC is funded by the Thompson-Nicola Regional District, Adams Lake Indian Band, and the SWC's Operating Reserve which has grown to approx. \$174K over the past several years.</p> <p>This summer the SWC ran its Zebra &amp; Quagga Mussel Prevention program, delivering educational campaigns to prevent the spread of these mussels as well as providing funding support for early-detection monitoring of invasive mussels at several sites throughout the Shuswap.</p> <p>The SWC's Water Quality Grant Program is supporting six water quality protection projects to be carried out on five farms in the Shuswap.</p> <p>The SWC has a regular meeting tomorrow morning. The agenda will include a discussion on the future funding and governance of the Council.</p>
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#### Thompson Shuswap Salmon Collaborative (TSSC)

Background	<p>FBC has been retained to facilitate and provide planning support for a Thompson-Shuswap Salmon Collaborative. It is a government-to-government-to-government initiative involving the Secwepemc Fisheries Commission, the Province of BC, and the Department of Fisheries and Oceans (DFO). See <a href="https://www.fraserbasin.bc.ca/tssc.html">https://www.fraserbasin.bc.ca/tssc.html</a> for more information.</p>
Update	<p>The TSSC met in July. They have received more funding and work can continue until the end of March 2025.</p>

#### Community Wildfire Roundtables

Background	<p>FBC is facilitating roundtables for wildfire preparedness in the communities of Clearwater, Williams Lake, Clinton, Lillooet, Quesnel, Similkameen, Prince George and Salmon Arm. See <a href="http://www.wildfireroundtables.ca">www.wildfireroundtables.ca</a></p>
Update	<p>8 communities now have wildfire roundtables established. Inaugural meetings took place in the spring, and the roundtables will reconvene in November.</p>

#### Cooperative Community Wildfire Response

Background	<p>FBC staff have been retained to work on a Cooperative Community Wildfire Response project. BC Wildfire Service wants to determine the interest and capacity of rural communities in the BC Interior in developing wildfire fighting capabilities in areas outside of structural fire protection boundaries. This is an engagement project to identify training and equipment requirements of rural communities.</p>
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Update	<p>S100 and S185 training courses were delivered to over 300 people in 25 communities across the BC Interior. Four contractors were engaged to deliver the training. There is still funding available, and more people/community organizations can receive training up until the end of March 2025. FBC will receive a report from BC Wildfire outlining the results and successes of the programs.</p> <p><u>Comments:</u> Vivian commented that she has been very pleased with this work and fire brigades in her area have taken the training.</p> <p>James mentioned a documentary called "<a href="#">The Test</a>" that covers the community fire readiness in the community of Logan Lake.</p>
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### Kamloops Air Quality Roundtable

Background	<p>FBC facilitates a technical roundtable including City of Kamloops, BC government, T'kemplups te Secwepemc, health authorities, industry, Thompson Rivers University and community groups. The Roundtable meets to discuss air quality issues and how to work together. See <a href="http://www.kamloopsairquality.ca">www.kamloopsairquality.ca</a>.</p>
Update	<p>The Roundtable will meet again in the fall.</p>

### 3. Committee member reports

Allysa Hopkins

- Beginning conversations about fire protection for communities in Area F / RDNO.

Trevor Bohay

- Trevor re-introduced himself as the Director of all-hazard response coordination for the Assistant Deputy Minister’s office of the Ministry of Forests. He oversees delivery of the post-wildfire natural risk analysis program.
- Regarding wildfires in the area: 11 fires will have preliminary post-wildfire hazard assessments. The Shetland Creek fire will get a detailed assessment done by a consultant.
- Mention of Provincial funding programs:
  - UBCM Disaster Risk Reduction and Adaptation Program closes on October 4<sup>th</sup>. There will not be a Spring 2025 program. More info: <https://www.ubcm.ca/cepf/disaster-risk-reduction-climate-adaptation>.
  - New program, Disaster Resilience Innovation Funding, includes various streams of funding up to \$40M for the next two years. More info: <https://www2.gov.bc.ca/gov/content/safety/emergency-management/local-emergency-programs/financial/drif>.
- The Tsilqotin National Government Emergency Salmon Task Force has seen a dramatic increase in Sockeye salmon passage past the site of the Chilcotin River slide. More info in this news release: <https://mcusercontent.com/52b75e17647b0b4460687b60d/files/1e8ee219-77d8-333f->





[eafd4d8a9262bd4e/September\\_9\\_2024\\_Emergency\\_Salmon\\_Task\\_Force\\_Situation\\_Report\\_01.pdf](#).

Vivian Birch-Jones

- Lillooet Invasive Species Society is still working on post wildfire invasive species work
- SLRD offered free tipping fees for landowners doing FireSmart activities and fuel reduction
- A community forum between SLRD, Northern St'at'imc, and District of Lillooet is coming up, it will include a casual dinner with community representatives and a full day of meetings
- Community concerns about frequent emergency room closures
- SLRD participated in running a collaborative emergency operations centre in response to the Chilcotin Slide
- New CAOs at the SLRD, Heather Paul, and District of Lillooet, Joe McCulloch.

Rhona Martin

- Pleased to hear about the wildfire training for rural communities
- Lots of fatalities due to vehicle accidents on the highways this summer
- Looking forward to the Shuswap Watershed Council meeting tomorrow and a discussion on sustaining the work of the Council
- Experienced a busy tourist season in the Shuswap, lots of Americans are returning to BC for vacation
- Heard comments about a terrible mosquito season in the eastern part of CSRD and it impacted tourism and enjoyment of the outdoors
- FarmGate program supported by the CSRD has been very successful.

Jamison Squakin

- Okanagan Sockeye are reportedly experiencing a record year. Temperatures and oxygen in Osoyoos Lake are limiting factors.
- Annual salmon feast, September 20<sup>th</sup> – 22<sup>nd</sup> at Okanagan Falls Provincial Park, a culturally significant site for the Syilx People and an important traditional fishing camp, gathering place and trading site. More info: <https://syilx.org/events/okanagan-nation-salmon-feast/>.
- Okanagan Nation Alliance annual river restoration workshop is October 8<sup>th</sup> – 10<sup>th</sup>, deadline to register is September 13<sup>th</sup>. More info: <https://forms.gle/iCc6694gmCvBznS46>.
- National Day for Truth and Reconciliation is on September 30<sup>th</sup>, all committee members are encouraged to attend and support local events
- Kamloops Film Society is presenting the 3<sup>rd</sup> annual Stseptekwles re Sk'elep (Coyote Stories) Indigenous Film Festival, September 27<sup>th</sup> – 29<sup>th</sup>, at Paramount Theatre. More info: <https://thekfs.ca/indigenous-film-festival/>.
- Planning Institute of BC is organizing a webinar on September 25<sup>th</sup> re: TRC and Realizing UNDRIP. More info: <https://web.cvent.com/event/de00a278-3c6b-4968-add6-d752daf5a718/summary>.

James Gordon

- TRU unveiled their low-carbon district energy system which has been in development since 2020. When it is fully completed in 2030 it will reduce the university's emissions by 95% compared to 2020 levels. The energy system employs BC Hydro air- and water-source heat pumps. TRU has approval to install a 1-MW photovoltaic system (i.e., ~ 550 panels on three roof-tops)
- Transportation sector produces about 40% of emissions in BC. TRU is working to reduce emissions and incentivize low-carbon commuting to/from the campus.
- September 25<sup>th</sup> is National Tree Day and TRU will plant 54 trees on campus in honour of the 54<sup>th</sup> anniversary of the campus
- Working on a water audit to identify opportunities to improve irrigation on campus
- Films for Change Program offers community groups an opportunity to show a film in the Alumni Theatre and facilitate a discussion.

#### 4. FBC Update

##### Management meeting

Alex reported that a management meeting is taking place later this week to discuss the organizational review that is underway in preparation for the October FBC Board meeting. Some of the topics being examined in the review include FBC's presence in the Kootenays/Southeast; inter-regional collaboration; and succession planning.

##### Board meeting

The next FBC Board meeting is October 9<sup>th</sup> – 10<sup>th</sup> in Vancouver.

#### 5. Adjournment

The meeting adjourned at 11:35 AM.

##### **Next Thompson Region Committee (ThRC) meeting:**

November 12<sup>th</sup>, 2024, 10:00 – 11:30 AM.

Hybrid meeting – in-person and Zoom available – your choice how to participate.



## COMMITTEE OF THE WHOLE MEETING MINUTES

**Note: The following minutes are subject to correction when endorsed by the Committee at the next Committee of the Whole meeting.**

Date: October 16, 2024  
 Time: 9:30 AM  
 Location: CSRD Boardroom  
 555 Harbourfront Drive NE, Salmon Arm

### Directors

Present	K. Cathcart	Electoral Area A Director
	D. Brooks-Hill^	Electoral Area B Director
	M. Gibbons	Electoral Area C Director
	D. Trumbley	Electoral Area D Director
	R. Martin	Electoral Area E Director
	J. Simpson	Electoral Area F Director
	N. Melnychuk (Vice Chair)	Electoral Area G Director
	R. Oszust	Town of Golden Director
	G. Sulz^*	City of Revelstoke Director
	K. Flynn (Chair)	City of Salmon Arm Director
	T. Lavery^	City of Salmon Arm Director 2
	C. Anderson	District of Sicamous Director

Staff In Attendance	J. MacLean	Chief Administrative Officer
	J. Sham	General Manager, Corporate Services (Corporate Officer)
	C. Robichaud	Deputy Corporate Officer
	J. Pierce^	General Manager, Financial Services (Chief Financial Officer)
	B. Van Nostrand*	General Manager, Environmental and Utility Services
	D. Sutherland*	General Manager, Community and Protective Services
	C. Paiement*	Manager, Planning Services

J. Thingsted\*  
B. Payne

Planner III  
Manager, Information Technology

## 1. Land Acknowledgement

We acknowledge that we are meeting in service to the Columbia Shuswap Regional District which is on the traditional and unceded territories of the Secwepemc, Syilx Okanagan, Sinixt and Ktunaxa Nation. We are privileged and grateful to be able to live, work and play in this beautiful area.

Declaration on the Rights of Indigenous Peoples Act  
Article 17:

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

## 2. Call to Order

The Chair called the meeting to order at 9:33 AM.

## 3. Adoption of Agenda

**Moved By** Director Oszust

**Seconded By** Director Cathcart

THAT: the Committee of the Whole meeting agenda be adopted as amended.

Discussion on the Motion:

Chair Flynn ask for an addition to the resolution under item 5 to include "(c) labour relations or other employee relations" as a reason to move into the Closed session of the meeting.

**CARRIED**

## 4. Meeting Minutes

### 4.1 Adoption of Minutes

**Moved By** Director Melnychuk  
**Seconded By** Director Simpson

THAT: the minutes attached to the Committee of the Whole meeting agenda be adopted.

**CARRIED**

#### **4.2 Business Arising from Minutes**

None.

#### **5. Closed (In Camera)**

Late Agenda - order of business change.

Director Sulz joined the meeting at 9:37 AM.

**Moved By** Director Lavery  
**Seconded By** Director Brooks-Hill

THAT: pursuant to Section 90(1) of the Community Charter, the subject matter being considered relates to one or more of the following:

(c) labour relations or other employee relations;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

AND THAT: the Committee close this portion of the meeting to the public and move to into the Closed Session of the meeting.

**CARRIED**

The Committee moved into the Closed portion of the meeting at 9:37 AM.

The Open portion of the meeting resumed at 11:34 AM.

#### **6. Business General**

##### **6.1 Policy Review**

Report from Jennifer Sham, General Manager, Corporate Services (Corporate Officer), dated October 10, 2024.

Late Agenda - report added.

**Moved By** Director Cathcart  
**Seconded By** Director Simpson

THAT: the Committee support the staff direction to bring forward “No Update” and “Rescind” policies to the November Regular Board Meeting, as attached to the October 16, 2024 Committee of the Whole Agenda.

Discussion on the Motion:

Director Simpson requested to have Policy A-47 added to the 2025 workplan minor updates list as he had been speaking to the CAO about a situation that may be coming forward related to the policy.

Director Gibbons requested to have Policy A-82 added to the 2025 workplan minor updates list and requested to have Métis peoples recognized in the policy.

The Committee asked why Policy F-7 was identified by staff for rescission and F-29 identified for a major update.

General Manager, Financial Services noted that the information within Policy F-7 was duplicated in Policy F-14 and that Policy F-29 required revisions as the policy was linked to old memos and needed modernization.

**CARRIED**

**6.3 Water Utility Financial Health Update and User Fee Recommendations for 2025-29**

Report from Ben Van Nostrand, General Manager, Environmental and Utility Services, dated October 4, 2024. An overview of the financial health of water systems to support a utility rate review and update.

Guest Speaker - John Weninger, JW Infrastructure Planning.

Late Agenda - report added.

**Moved By** Director Anderson

**Seconded By** Director Brooks-Hill

THAT: the Committee of the Whole recommend to the Board of Directors to direct staff to base the 2025-2029 Annual Water User Fees, under the CSRD Waterworks Rates and Regulation Bylaw No. 5819, on Scenario 2 as outlined in this report;

AND THAT: a board report be presented at the November 21, 2024, Regular Board meeting.

Discussion on the motion:

Director Oszust asked if individual condition assessment were recommendation and if so, how frequently inspections occur.

Mr. Weninger said all that was know was the age of the assets and that the assets life could be extended with good maintenance. Mr. Weninger said that condition assessments were recommended for preventative maintenance but noted that it was difficult to assess water pipes as they were pressurized. The best time to conduct an assessment was during the repair of a line break and compiling the data at that time.

Director Gibbons felt there was a broad range between water systems and thought it would be difficult for taxpayers to manage the increased rates and asked why such a large spectrum was used.

Mr. Weninger advised that the numbers were not just based on pipe replacement as there were various assets associated with each water system. He also noted that there were water systems with asbestos pipes that would need to be replaced. Rather than future taxpayers responsible to pay the lion's share it was best to spread out the future replacement/upgrade costs between current and future users.

Chair Flynn asked if property owners on small water systems would be responsible for the debt.

General Manager, Financial Services confirmed that each system would be responsible for the associated costs.

Director Martin thought increase to build up reserves was the responsible course of action to take and felt it prudent to ensure that an effective communication strategy was developed to provide information to property owners regarding cost increases.

Director Simpson asked why funding would need to increase to achieve 75% of the funding target in 5 years when some water systems were 30 years away from projected replacement.

Mr. Weninger advised that most systems do not currently have sufficient reserves and scenario 2 was based on the need have the reserves caught up to a satisfactory level.

General Manager, Financial Services advised that the bylaw would be drafted and each water system could be reviewed at that time.

The CAO advised the CSRD was attempting to achieve a consistent philosophy across all water systems to ensure for the future health and stability the utilities.

Vice Chair Melnychuk was in favour of scenario 2.

Director Gibbons did not support an overall on size fits all measurement for water systems and felt the utilities should be evaluated individually as it may not be appropriate to instill a blanket fee across the board.

Director Gibbons agreed that reserves were necessary but felt that they should be built up in a manner that taxpayers can support.

Chair Flynn asked if staff were working on increasing community education for water conservation and asked if there could be five, eight and ten year water fee scenarios.

General Manager, Environmental and Utility Services advised that water conservation was a goal in for a future workplan and the department would be looking at what other municipalities and regional districts are doing in regard to education.

**CARRIED**

The meeting recessed at 12:48 PM and resumed at 1:21 PM.

Director Sulz left the meeting at 1:21 PM.

**6.2 Electoral Areas B, C, D, E, F, G: Short-Term Rental (STR) Temporary Use Permit Policy (P-28)**

Report from Jan Thingsted, Planner III, dated October 3, 2024.  
Presentation of draft Short-Term Rental (STR) Temporary Use Permit (TUP) Policy, and update on CSRD STR communication.

Late Agenda - PowerPoint presentation added.

**Moved By** Director Cathcart  
**Seconded By** Director Martin

THAT: the Committee of the Whole support in principle the draft Short-Term Rental (STR) Temporary Use Permit (TUP) Policy P-28 for consideration and endorsement at the November 21, 2024 Board Meeting.



Discussion on the motion:

The Committee expressed concerns with the number of unanswered questions from the province regarding the Short Term Rental (STR) registry and felt that it would be prudent to have all the information before establishing a policy.

Planner III confirmed that staff were still waiting on information from the province but felt it was important to move forward with a policy to allow staff to review applications in a consistent manner. Staff confirmed that the majority of steps presented in the proposed policy were already a part of the current TUP process and that a policy would simply formalize the procedure and provide open transparency and clarity to both public and staff.

Directors asked about opting in to the provincial registry and inquired about the possibility of establishing STR business licencing in electoral areas and the potential costs involved.

CAO noted that business licencing would still require property owners to be compliant with other CSRD regulations (i.e. zoning).

Directors asked to staff find out what other regional districts are doing in relation to implementing business licencing and provide information about service costs.

**DEFEATED (11 – 1)**

**In Favour: Director Oszust**

The meeting recessed at 3:00 PM and resumed at 3:08 PM.

#### **6.4 2025-2029 Pre-Budget Discussion**

Late Agenda - presentation added.

Discussion:

Director Cathcart requested that cost and workload information for the possible implementation of business licencing be included in the 2025/2029 budget discussion. She also inquired about a recent hydrologist study conducted in Area A and the possibility of conducting the second phase of the study. Director Cathcart expressed her continued

support of moving forward with an aquatic centre and was hoping to look at options moving forward.

Director Gibbons said Areas C and G needed to have their own separate OCP and zoning bylaws and noted there was no mention of upgrades that were scheduled for the White Lake and Eagle Bay Firehalls in the pre-budget presentation.

General Manager, Financial Services replied that both projects were committed in the 2024 budget and that they still formed part of that workplan.

Director Simpson requested to have the Rose Clifford playground added to the upcoming workplan and budget.

Director Melnychuk supported the refresh of the parks master plan and was looking forward to the potential implementation of Area G community hall funding service establishment to provide stable ongoing funding to support the operation of community halls.

Director Trumbley left the meeting at 3:49 PM.

Director Martin identified the North Fork Wild grant funding project, the Japanese internment historic program, and Yard Creek Park operation negotiations with the provincial government as items she wished to be budgeted for in 2025.

Director Brooks-Hill requested to have Area B opt into the provincial Short Term Rental (STR) registry and stated that he would consider taxation in Area B in order to implement a business licences service for STRs.

The CAO advised Directors they could provide any additional 2025/2029 budgetary requests to the CAO and the General Manager, Financial Services by November 1, 2024.

## **6.5 Laserfiche Cloud Migration and Introduction of Process Automations**

Report from Jennifer Sham, General Manager, Corporate Services, dated October 3, 2024.

Late Agenda - report added.

**Moved By** Director Martin

**Seconded By** Director Melnychuk

THAT: the Committee of the Whole receive the information regarding the potential partnership with Government Frameworks.

Discussion on the motion:

Directors Simpson asked if there would be benefits to the public. General Manager, Corporate Services said the most notable public benefit would be from the application/permit processing automations that were expected to increase efficiencies and streamline applications processing times.

Director Gibbons voiced concerns around cyber security and asked staff how the organization would recover from data theft.

Manager, Information Technology advised that Government Frameworks has a robust disaster recovery system in place and that by partnering with this company it would provide the CSRD an extra layer of security. The current CSRD premises servers would be replaced with the cloud based technology and data would be backed up by multiple servers located in Canada to reduce the risk of data loss.

**CARRIED**

**7. Rise and Report**

**Moved By** Director Cathcart

**Seconded By** Director Anderson

THAT: the Committee of the Whole meeting Rise and Report.

**CARRIED**

4:12 PM

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CORPORATE OFFICER

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CHAIR



Chief Administrative Officer

Period Ending November 12, 2024

What I've been working on...

- Working on the Secwepemc Landmarks Project with The Shuswap Trail Alliance, Members of the Secwepemc Community and our Community Services team.
- Extensive participation in the Rail Trail Project. This included meeting with our partners and stakeholder communities. The project is proceeding with both the CSRD and NORD completing sections of the trail in Sicamous, Enderby and Armstrong with the support of already approved Active Transportation Grants.
- The First Nation Engagement project. This project, funded by Municipal Affairs, has built on the work undertaken during the Sorrento/Blind Bay incorporation study. Currently working, with Clearview Consulting, on a Community-to-Community Meeting funding application which will be coming to the Board.
- Working with the Staff Team on the Shuswap Tourism/Economic Development discussions. Currently planning for the initial meeting of the Select Committee to discuss the matter and make recommendations to the Board.
- Meeting with the Bruhn Bridge Project team to discuss the projects and the connection to the Rail Trail.
- Assisted in the preparation for upcoming staff and board training.
- Supported the Community Services department in planning for the future of the Sicamous Arena. We are working towards presentation of options to the participants (Electoral Area E and the District of Sicamous), and ultimately the Board.
- Participating as required in planning for the 2025 - 2029 Financial and Workplan development.
- Attended a community meeting with Chair Flynn and Director Trumbley to discuss concerns with dangerous dogs and animal control in Silver Creek.
- Working with the Management Team on refining and clarifying internal and external communication protocols.
- Discussions with the City of Revelstoke, Town of Golden and District of Sicamous on various joint initiatives or services. We have less formal service interactions with the City of Salmon Arm.
- Working with Directors on initiatives or projects that are of interest. Mapping out how to move forward with the appropriate interaction and approval of the Board.

What have I been attending...

- Together, with most of the Board, I attended the Union of British Columbia Municipalities Convention in Vancouver. Attended and supported meetings with the Ministers of Water, Lands and Resource Stewardship, Environment and Emergency Management and Climate Readiness. Attended a pre-conference session on relationship building with First Nations.
- Together, with Chair Flynn and Vice Chair Melnychuk, I attended a joint meeting with Skwlāx te Secwepemcúlecw, Adams Lake, Neskonlith, and Splotsin First Nations.
- Attended a meeting of the North Shuswap Chamber of Commerce with Director Simpson.
- Attended and presented at the Municipal Administration Training Institute (MATI) Leadership Program in Parksville, BC.
- Attended and supported a meeting of the participants in the Rail Trail Roundtable in Armstrong.
- Attended Respect in the Workplace training with the Staff Team and the Board.

What's coming up...

- Going into a quieter period in terms of conventions and the like.
- There are upcoming meetings of the Shuswap Emergency Program Executive Committee, Electoral Area Directors and Hospital District.

What am I keeping an eye on...

- Situational awareness around matching service expectations with resource availability.
- Bruhn Bridge redevelopment.
- Provincial Government Cabinet announcements (November 18 apparently).

Respectfully submitted,



John M. MacLean, CAO

November 13, 2024



# BOARD REPORT

<b>TO:</b>	Chair and Directors
<b>SUBJECT:</b>	Response to legal letter from Yankee Flats and Salmon River Roads residents, Electoral Area D, re: Spa Hills Composting Facility and request for compost facility comprehensive bylaw in the CSR D.
<b>DESCRIPTION:</b>	Report from Marty Herbert, Manager, Building and Bylaw Services, dated, November 5, 2024. Compost zoning bylaws in the CSR D.
<b>RECOMMENDATION</b>	THAT: the Board receive this report for information. <i>Corporate Vote Unweighted Majority</i>

## BACKGROUND:

This purpose of this report is to discuss a request for the CSR D to create a new extensive compost facility bylaw as noted within the October 7, 2024, legal letter, (see letter with examples attached), and introduced by Angela McCue, solicitor, on behalf of Yankee Flats and Salmon River Road residents per concerns with Spa Hills compost facility, 2223 Yankee Flats Road.

## POLICY:

[CSR D - Bylaw Enforcement Policy A-69](#) (the "policy").

[CSR D Salmon Valley Land Use Bylaw No. 2500](#). (the "bylaw").

Province of BC, Environmental Management Act and Public Health Act, [Organic Matter Recycling Regulation](#), (OMRR).

Province of BC, website complaint portal, Report All poachers and Polluters, [RAPP](#) line.

## FINANCIAL:

There are no financial implications associated with the receipt of this letter.

## KEY ISSUES/CONCEPTS:

### Assertion:

*"A misperception on the part of the CSR D that jurisdiction for composting rests solely with MOE (i.e. the province).*

*...."What is striking is the number of times the CSR D and its representatives have erroneously suggested that the CSR D has no jurisdiction to address the problem, and that jurisdiction lies solely with the province (MOE). This is legally incorrect."*

### Response:

This is an incorrect belief. Staff have never communicated that information, rather, staff are fully familiar with CSR D Bylaw No. 2500 that provides regulations for the use of land producing, storing, or applying compost.

In response to complaints received about the facility, on numerous occasions, staff have simply noted that in addition to their complaint received by the CSRSD, within our response, staff provided a recommendation that the complainant also consider referring their concerns to the province, through the authorized online complaint portal, (RAPP) line, as a measure to request extra assistance with residents' concerns. Our action and comment for referral to the province is backed by CSRSD Bylaw Enforcement Policy and is also mindful that the provincial OMRR legislation captures far more extensive regulations directly aimed at the compost operation and includes significant higher penalties in the legislation pertaining to environmental contraventions regarding operations of the composting facility.

Additionally, the letter requests that the CSRSD create an extensive composting bylaw that addresses,

*- "Expert" involvement and qualifications as well as a perception of conflict of interest if local government does not have access to its own independent experts at the expense of the proponent.*

*- Odour Management*

*- Leachate Management*

*- Groundwater Protection*

*- Covered Buildings to address the "meat bombing" experienced by local residents when scavengers pick up and spread the unprocessed or partially processed compost."*

At present, the CSRSD has only one private composting facility within its borders, Spa Hills.

As provided by the submitted documents, it is within the Boards authority to create an extensive composting bylaw that does not conflict with legislation and closely matches provincial regulations noted in OMRR. The CSRSD cannot prohibit the use of the land for composting, however it can regulate the land use.

One of the primary purposes of the current Board approved A-69 Bylaw Enforcement policy, is that it remains affordable for taxpayers and enforcement activities are directly impacted by the limits of the annual budget. As a result of the central purpose of the policy, bylaw enforcement is provided direction which notes that the CSRSD is not always the single main thrust for enforcement when concerns are brought forward for issues related to geographic areas with pertinent higher levels of government enforcement and applicable legislation.

From a staff perspective, based upon the current combination of budget and Board approved established terms of the enforcement policy, the review of current staff resources, training and qualifications, and upcoming further additional workload created by provincial Short Term Rental (STR) legislation, staff do not recommend adopting composting regulations that are difficult to interpret, costly to enforce, and essentially duplicate the provincial mandate noted by existing provincial legislation.

Should the Board wish to provide such direction, a 2025 report could be produced that provides amendments to the existing Bylaw Enforcement Policy and outlines the formation of a new comprehensive composting bylaw that services all electoral areas within the CSRSD. This new bylaw would be crafted strikingly similar to the extensive provincial OMRR legislation and include the examination of methods, examples and best practices noted within the attachments provided, for possible inclusion within the bylaw. Within this future report, a detailed assessment would be provided that note any financial impacts to all applicable CSRSD budgets for staffing, equipment and training required for enforcement of the new bylaw.

#### **IMPLEMENTATION:**

A copy of the Board resolution will be provided to the solicitor headlining the subject letter.

**COMMUNICATIONS:**

N/A

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation(s).

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*



**Report Approval Details**

Document Title:	2024-11-21_Board_DS_Response_to_Legal_Letter_Requesting_Composting_Bylaw.docx
Attachments:	<ul style="list-style-type: none"> <li>- Oct 7, 2024 legal letter to CSRD.pdf</li> <li>- 2013-03-05_Compost_Regulation_in_BC_FINAL.pdf</li> <li>- 2024-09-17_IR229229_Warning.pdf</li> <li>- 2736---capital-regional-district-composting-facilities-regulation-bylaw-no-1-2004B (002).pdf</li> <li>- CRD - COMPOSTING ENFORCEMENT POLICIES AND PROCEDURES.pdf</li> <li>- SUPPORTING INFORMATION FOR COMPOSTING FACILITIES IN THE CRD.pdf</li> </ul>
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Gerald Christie was completed by workflow administrator Crystal Robichaud**

Gerald Christie

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean

**ANGELA McCUE**  
**Barrister and Solicitor**

#1001 – 1111 Beach Avenue, Vancouver BC V6E 1T9  
Telephone (604) 790-0945; e-mail amccuelaw@telus.net  
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October 7, 2024

Via e-mail: [info@csrd.bc.ca](mailto:info@csrd.bc.ca)  
and via regular mail

Columbia Shuswap Regional District  
PO Box 978  
555 Harbour Front Drive NE  
Salmon Arm BC  
V1E 4P1

Attention: Council Members

Dear Council Members:

**Re: Residents on Yankee Flats Road and Salmon River Roads: Legal Issues Relating to Spa Hills and Proper Regulation of Composting in the CSRD**

I write on behalf of the Residents on Yankee Flats Road and Salmon River Roads to address legal issues associated with the Spa Hills composting facility and with the proper regulation of composting in the Columbia Shuswap Regional District (“CSRD”).

As the CSRD will be aware, the Spa Hills facility has been controversial at best. The last two inspection reports from the Ministry of Environment and Climate Change Strategy (MOE) disclose a serious pattern of non-compliance. The first Non-Compliance Report from the BC Ministry of Environment and Climate Change Strategy (MOE), which was previously provided to you, detailed no less than 11 areas of non-compliance while the most recent reinspection Warning Report (copy attached) shows no less than 9 remaining areas of non-compliance including such important matters as leachate management around the compost pile, leachate being discharged directly to ground and failure to have enclosed structures within which to carry out composting operations. It is therefore not open to debate that there are significant problems at this facility.

It is my understanding that the residents whose property is in proximity to the composting facility have suffered significant reductions in their property values as a direct result of the non-compliance including the impacts of severe stenches which they had repeatedly been promised would never cross the property boundaries of the facility. These impacts are, as I understand it, causing residents to challenge their property assessments. This is of course likely to adversely

affect the tax base of the CSRD. These are tax dollars that could otherwise be used to train your waste management and bylaw enforcement staff and to address the local residents' concerns. The impacts are local, and you are the local government. There is no doubt that the CSRD has an obligation to respond to this situation.

Insofar as my clients and I can tell, the main reasons for the lack of response in the past from the CSRD include:

- 1) A misperception on the part of the CSRD that jurisdiction for composting rests solely with MOE (i.e. the province); and
- 2) A lack of guidance as to the potential solutions open to regional districts in relation to composting.

My clients are of the view that we may be able to assist the CSRD in addressing these concerns. I have therefore been instructed to write to you to share the benefit of our research and to offer to co-operate with your legal counsel to ensure that they may benefit from the research we have carried out. I will address each of the issues in writing while offering some proposed solutions from authoritative sources. This will allow you and your legal counsel an opportunity to review and assess our research.

- 1) A misperception on the part of the CSRD that jurisdiction for composting rests solely with MOE (i.e. the province);**

My clients have provided me with extensive background information regarding the history of the disputes between local residents and the Spa Hills compost facility operators as well as many of the past responses from the CSRD and its representatives. What is striking is the number of times the CSRD and its representatives have erroneously suggested that the CSRD has no jurisdiction to address the problem, and that jurisdiction lies solely with the province (MOE). This is legally incorrect.

The province has not reserved jurisdiction for itself. Indeed, the legislation clearly provides that the province has specifically delegated authority to local governments to pass bylaws relating to composting.

The key legislative provision is s. 25(3) of the *Environmental Management Act*, SBC 2003, c 53, [ <https://www.canlii.org/en/bc/laws/stat/sbc-2003-c-53/latest/sbc-2003-c-53.html> ] which provides:

**Authority to manage municipal solid waste and recyclable material in regional districts**

25 ... (3) For the purpose of implementing an approved waste management plan, **a regional district may make bylaws to regulate the management of municipal solid waste or recyclable material** including, without limitation, bylaws regulating, prohibiting or respecting one or more of the following:

- (a) the types, quality or quantities of municipal solid waste or recyclable material that may be brought onto or removed from a site;
- (b) the discarding or abandonment of municipal solid waste or recyclable material;
- (c) the burning of any class or quantity of municipal solid waste or recyclable material;
- (d) the delivery, deposit, storage or abandonment of municipal solid waste or recyclable material at authorized or unauthorized sites;
- (e) the transport of municipal solid waste or recyclable material within or through the area covered by the waste management plan;
- (f) the operation, closure or post-closure of sites, including requirements for
  - (i) the recording and submission of information,
  - (ii) audited statements respecting the municipal solid waste or recyclable material received at and shipped from a site, and
  - (iii) the installation and maintenance of works;
- (g) respecting fees, including
  - (i) setting fees and charges that may vary according to
    - (A) the quantity, volume, composition or type of municipal solid waste or recyclable material, or
    - (B) the class of persons, sites, operations, activities, municipal solid wastes or recyclable materials, and
  - (ii) specifying the manner and timing of the payment of those fees and charges;
- (h) requiring the owner or operator of a site or a hauler to**
  - (i) hold a recycler licence, a waste stream management licence or a hauler licence, or**
  - (ii) comply with a code of practice;**
- (i) setting the terms and conditions for issuing, suspending, amending or cancelling a licence referred to in paragraph (h);**
- (j) requiring an owner or operator of a site or a licence holder to obtain insurance or provide security satisfactory to the regional district to ensure**
  - (i) compliance with the bylaws, and**

- (ii) **that sufficient funding is available for site operations, remediation, closure and post-closure monitoring;**
- (k) **requiring the owner or operator of a site to contain municipal solid waste or recyclable material within specified height and area limits, and specify requirements and terms for confirming compliance with those limits;**
- (l) prohibiting unauthorized persons from handling or removing municipal solid waste or recyclable material that is deposited at a site or set out for collection;
- (m) establishing different prohibitions, conditions, requirements and exemptions for different classes of persons, sites, operations, activities, municipal solid wastes or recyclable materials;
- (n) **requiring an owner of municipal solid waste or recyclable material, the deposit of which has been prohibited by bylaw, to pay the cost of its disposal in a manner specified in the bylaw;**
- (o) **authorizing designated persons to enter a site or inspect the contents of a vehicle for the purpose of enforcing a bylaw made under this subsection** and, for this purpose, [sections 109](#) [*entry on property*] and [111 \(2\)](#) [*inspection of vehicles*] apply to a designated person as if the designated person is an officer referred to in those sections, but only in respect of municipal solid waste and recyclable material;
- (p) providing that
  - (i) **a contravention of a provision of the bylaws is an offence punishable by a fine not exceeding \$200 000,** and
  - (ii) if a corporation commits an offence under the bylaws, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence commits the offence even though the corporation is convicted.

[Emphasis added]

We have deliberately included the full text of s. 25(3) so that Councillors may easily see just how broad the jurisdiction of the CSRSD is. We particularly draw your attention to the subsections we have bolded for emphasis. You will see that it is entirely within the CSRSD's jurisdiction to regulate compost facilities as part of its solid waste management program and to provide by bylaw for compliance officers to enter property to inspect. Further, there is considerable latitude to require compliance and rectification of issues of concern at the expense of the compost operator(s). Also included are provisions allowing the CSRSD to require insurance or security that

would cover ensure compliance and address remediation costs. Finally, there is an ability to set fees and penalties so that revenue is generated (that could be used to offset training and enforcement costs). In summary, the tools exist, and your potential powers are broad. We urge you to fulfill your obligations to local property owners and exercise these powers for their protection from the financial and health impacts they are suffering.

For the sake of greater clarity, it is to be noted that the definition in section 1 of the EMA specifically defines “recyclable material” to include compostable material as follows:

**"recyclable material"** means a product or substance that has been diverted from disposal, and satisfies at least one of the following criteria:

- (a) is **organic material** from residential, commercial or institutional sources and is **capable of being composted, or is being composted**, at a site; ... [Emphasis Added]

It is therefore abundantly clear that the EMA specifically provides regional districts with the power to pass bylaws to regulate the business of composting.

A further point to note is that s. 25(4) of the EMA provides:

- (4) Before exercising the authority under this section, a regional district must
  - (a) indicate in its waste management plan its intention to undertake consultations with affected stakeholders in accordance with section 27 (1) [*public consultation process*], and
  - (b) undertake the consultations.

This is the basis for my comment (above) that the regulation of compost would be carried out under the CSRSD’s solid waste management program.

We also note that the CSRSD, in its current solid waste treatment plan does regulate composting although it appears to have chosen only to regulate composting of household and yard wastes. There does not appear to be any regulation of commercial composting facilities even though these are the ones with the greatest potential local impacts to human health and the environment. There is no apparent logic to the omission of proper regulation of commercial composting facilities in the CSRSD.

If the CSRSD retains any remaining doubts or in any way doubts the strength and veracity of the legal position I have put forward, or if there are any doubts that this is to be done under the CSRSD’s solid waste management plan then I would invite you to place this correspondence before your solicitor. I am instructed to offer to engage in verbal or written communications with your solicitor in relation to these issues should you so desire or to assist him or her to verify that the CSRSD does in fact have broad jurisdiction to pass bylaws for the purpose of regulating

composting in the CSRD. I am also instructed, as discussed below, to provide examples of functional composting regimes and recommendations for the content of any proposed composting bylaws.

2) **A lack of guidance as to the potential solutions open to Regional Districts in relation to composting.**

My clients are not “anti-composting”. Indeed, they can see the potential value of composting ***if it is done right and is properly regulated.*** We therefore wish to be of assistance to the CSRD in putting proper composting bylaws in place. It should be noted that regional districts cannot provide less protection or lower standards than provincial regulations (the OMRR) but it is entirely open to regional districts to provide higher standards.

It should be noted that the OMRR, was updated in 2022. A link to the current bylaw is: <https://www.canlii.org/en/bc/laws/regu/bc-reg-18-2002/latest/bc-reg-18-2002.html>. You will see that the regulation has been amended to deal with a number of technical matters such as heavy metals that would be outside the scope of matters easily addressed by a regional district. It has not however fully addressed a number of matters of concern that are issues at the Spa Hills site and that are easily addressed by a regional district. There are therefore a number of upgrades to the OMRR that a regional district would wish to consider in order to bring a regional district’s proposed bylaw into line with modern knowledge and standards. Given the history and in light of the recent election call, it does not seem reasonable to expect the province to address the remaining deficiencies in its composting regulations in the foreseeable future. Meanwhile, the impact of existing deficiencies in the provincial regulations leave the CSRD and other regional districts dealing with financial, environmental and health impacts, increasing citizen complaints and loss of revenue. The potential for this to become a major issue in the next local election is apparent.

Fortunately, we are aware of two excellent resources which we wish to draw to your attention when considering appropriate standards and bylaws for a regional district:

- a) A publication from the University of Victoria Environmental Law Centre entitled: *Compost Regulation in British Columbia – Regulatory Overview, Best Practices and Recommendations for Law Reform* [[https://www.elc.uvic.ca/wordpress/wp-content/uploads/2016/05/2013-03-05\\_Compost\\_Regulation\\_in\\_BC\\_FINAL.pdf](https://www.elc.uvic.ca/wordpress/wp-content/uploads/2016/05/2013-03-05_Compost_Regulation_in_BC_FINAL.pdf)]; and
- b) CRD bylaw 2736 - - A BYLAW TO REGULATE THE OPERATION OF COMPOSTING FACILITIES IN THE CAPITAL REGIONAL DISTRICT;

I will briefly comment on each of these excellent resources:

- a) A publication from the University of Victoria Environmental Law Centre entitled: *Compost Regulation in British Columbia – Regulatory Overview, Best Practices and*

*Recommendations for Law Reform* [[https://www.elc.uvic.ca/wordpress/wp-content/uploads/2016/05/2013-03-05\\_Compost\\_Regulation\\_in\\_BC\\_FINAL.pdf](https://www.elc.uvic.ca/wordpress/wp-content/uploads/2016/05/2013-03-05_Compost_Regulation_in_BC_FINAL.pdf)] (the “UViC Composting Report”)

The matter of regulation of composting including provincial and local government jurisdiction was addressed in this excellent resource from the University of Victoria Environmental Law Centre. While this is a 2015 resource, it is still relevant particularly since the province has not as yet acted on all of the recommendations nor has the province acted on all of the recommendations from the various public processes it has undertaken.

Given the 2022 changes to the OMRR, we will focus on the deficiencies as they relate to areas of concern in relation to Spa Hills. As you will be aware from the MOE Non-Compliance and Warning Reports as well as from citizen complaints, the major areas of concern that local residents would like to see addressed in a composting bylaw are:

- “Expert” involvement and qualifications as well as a perception of conflict of interest if local government does not have access to its own independent experts at the expense of the proponent.
- Odour Management
- Leachate Management
- Groundwater Protection
- Covered Buildings to address the “meat bombing” experienced by local residents when scavengers pick up and spread the unprocessed or partially processed compost

The first section of the UViC Composting Report that I would refer you to is found at pages 78-80 where there is specific discussion of local government implementation of the recommendations in that Report. Specific discussion of regional districts is found at page 78 where the following passage appears:

...[R]egional district governments can impose bylaws to implement approved waste management plans and regulate the management of recyclable materials such as compost. This permits the enactment of bylaws regulating, prohibiting or respecting the handling of compost, the management of compost sites (ie. facilities), requirements that a facility operator hold a recycler licence, comply with a code of practice, or provide security or insurance, the enforcement of bylaws, and the provision of penalties.<sup>223</sup> These bylaws can impose requirements that are additional to, and more stringent than, those contained in the provincial enactments like the EMA, OMRR, ALCA, providing that these bylaws are not inconsistent or in conflict with the provincial enactments.<sup>224</sup>

The UViC Composting Report then goes on to provide the example of the CRD’s composting bylaw – discussed in further detail below.



There are likely some additional examples of regional district bylaws now but the CRD bylaws are described as fairly progressive and they are discussed in detail in the UViC Composting Report so they would make an easily adaptable example for the CSRD to follow.

The UViC Composting Report also looks at 4 other jurisdictions: Alberta, Ontario, Texas and California and makes a series of recommendations based upon what has been learned from the experience in those jurisdictions. For your ease of reference I have copied some of the key recommendations and summarized some of the proposed solutions/best practices as well as indicating where there is proposed language in the UViC Composting Report or where there is language that could just be copied from the Alberta regulations complete with page references in the Report for where the language describing best practices can be found (so that you and your legal counsel can easily access the recommended language so that you can simply copy and paste with minor revisions as you deem appropriate). An overview of the major recommendations from this report (that you would wish to consider when drafting a bylaw) is as follows:

#### Recommendation #1

Require that facilities smaller than those with a capacity of 20,000 tonnes (annually) be required to have an environmental assessment carried out by a qualified professional. That assessment would include:

- a comprehensive design plan;
  - a composting pad with specific requirements for impermeability
  - requirements for run-on and run-off control systems;
  - air pollution control systems including specific odour control requirements
- [See p. 56–57 of attached Report for more detail]

This requirement addresses the fact (that my clients believe is demonstrated by the Spa Hills experience) that smaller facilities can have major impacts and provides the regional district with latitude to address that.

#### Recommendation #2

Adopt a more specific list of required design elements and technology for buildings, works, and systems within the compost facility in order to provide owners, operators, neighbours and government officials with clear guidelines that can be easily enforced. [See p. 57-58 of attached Report for more specifics]

#### Recommendation #3

Adopt mandatory siting criteria. In our view, one of the main reasons Spa Hills has become such a source of controversy and friction relates to siting. There is simply too much compost being processed in an area that is not environmentally suited to composting and that is not a good “fit” with surrounding residential & rural land uses. [See pages 58–59 of attached Report for further explanation]

## DEFINITION OF QUALIFIED PROFESSIONAL

### Recommendation #5:

Adopt a rigorous definition of “qualified professional” that clearly defines the disciplines from which a QP can be chosen, taking into account the transparency of their professional association, and required qualifications, expertise, experience, accreditation and knowledge that are more closely related to the design and operation of a compost facility and address QP liability for problems that arise from their negligent design and operation of compost facilities.

[See page 60-62 of attached Report including example of Alberta definition found at page 61.]

The 2022 OMRR regulation does, in section 1 provide a definition of a “qualified professional” and does at least require the “qualified professional” to be a member of a professional association that has disciplinary procedures. It does not however require any knowledge of which professional bodies have functional disciplinary processes that can be relied upon to enforce some degree of professionalism, nor does it specify which professional bodies would be acceptable as the Alberta example (specifying professional engineers) does.

We recommend specifying the professional body or bodies from which acceptable experts can be drawn. We also suggest specifying what type or length of experience in the area is considered necessary for a “qualified professional” as the existing definition requiring “suitable education, experience,,,” is somewhat vague. Finally, we recommend providing for the extent to which professionals will be held accountable for their negligent actions and/or opinions.

## OPERATOR TRAINING & CERTIFICATION

### Recommendation #6:

Adopt a certification program for compost facilities operators similar to the requirement found in the Alberta Waste Control Regulation. There should be at least one person at the facility at all times who has the required certification.

[See pages 62-63 of attached Report]

Lack of operator training is an issue of serious concern for the local residents. It is their perception that there is a lack of training in relation to the current staff and management at the facility and that this is contributing significantly to the problems at the site.

## STORAGE & IMPERMEABLE SURFACES

### Recommendation #7:

Require an impermeable surface in the storage facility with limited exceptions for agricultural in-field storage. To accommodate the various types of storage options, the type of impermeable surface should be defined by a minimum permeability factor, not by the type of material.

The 2022 OMRR addresses impermeable surfaces in section 26. It uses a vague definition that simply states:

“located on asphalt, concrete or another similar impermeable surface that is capable of withstanding wear and tear from normal operations and that will prevent the release of leachate into the environment.”

As you will see, this definition lists materials but does not define the minimum permeability factor. [ See pages 63-64 of attached Report]

## ODOUR MANAGEMENT & AIR QUALITY

### Recommendation #9:

Adopt rigorous and clearly defined objectives for the protection of the environment, human health and well-being from the impact of odour. This will hold compost facilities to a specific standard of operations and ensure that they are better community neighbours.

The obligation not to cause pollution should be accompanied by an obligation not to cause “material discomfort, harm or adversely affect the well-being or health of a person”. Also consider integrating compliance with s.15 of the Public Health Act, which prohibits a person from causing a health hazard.

The 2022 OMRR addresses odour in Parts One and Two at sections 23 and 24. As is indicated in s. 24(2)(d), the odour management requirement is simply to provide a plan that will not cause pollution. We recommend an actual prohibition against causing pollution as well as using the language suggested in the Report to create a specific obligation on the part of the proponent not to “cause material discomfort, harm or adversely affect the well-being or health of a person.”

[See p. 65 of attached Report for further explanation and best practices]

Recommendation #10:

Provide for legally enforceable provisions that regulate the release of odours that can cause adverse effects.

[See pages 65-66 of attached Report for further discussion and best practices]

Recommendation #11:

Adopt an odour management plan for compost facilities of all sizes, require the mandatory implementation of the odour management plan and include specific requirements similar to those found in the Alberta regulatory scheme.

While the 2022 OMRR does provide, in section 24(2)(d) for an odour management plan that will not “cause pollution”, we are recommending that the CSRD bylaw also require the mandatory implementation of that odour management plan and consider the types of requirements found in the Alberta regulatory scheme.

[See pages 66-68 of attached Report for further explanation and examples of best practices from other jurisdictions]

Recommendation #12:

Adopt an odour complaints investigation procedure and also require an Odour Contingency Response Plan that contains specific and transparent procedures for minimizing and remedying the cause of any offensive odour.

[See pages 69-70 of attached Report for further explanation and examples of best practices from other jurisdictions]

Addressing the odour issue at this level appears justified to us given the financial and health impacts to neighbours of the odour reportedly inappropriately emanating from the Spa Hills facility and the likely financial impact on the regional district from loss of property tax revenue.

## LEACHATE MANAGEMENT

Recommendation #13

Use a broad definition of “leachate” in order to capture potentially harmful effluents to the environment and human health that may arise from the full range of materials that may be present at the facility. An example of a definition from Alberta is:

“a liquid that has percolated through and drained from feedstock or compost and has extracted dissolved or suspended materials”.

The definition of “leachate” in the 2022 OMRR is found in the definitions section, section 1. It provides that “leachate” is defined as follows:

**“leachate”** means

- (a) effluent originating from organic matter being received, processed, composted, cured or stored at a composting facility,
- (b) effluent originating from managed organic matter being stored or applied to land, or
- (c) precipitation, storm water, equipment wash water or other water which has come into contact with, or mixed with, organic matter or managed organic matter being received, processed, composted, cured or stored;

This is not an unreasonable definition. It is however worth considering also adding, for greater clarity, the Alberta definition set out above and discussed further below. [See page 70 of attached report for further explanation and examples of best practices as well as example of potential definition]

#### Recommendation #14

Clearly require a leachate collection system for all facilities. The Alberta Standards refers to leachate as “process water”, which is defined as a “combination of storm water run-on, leachate, equipment wash down water and any other wastewater generated on site.” The Alberta Standards set out the required components for the management of process water that include:

- Provisions for process water, retention ponds and control of process water in the engineering maps and plans required for the Facility Design Plan and Specifications;
- Process water management procedures within the Operations Plan;
- Requirements for retention ponds; and
- Process water and retention pond sediment disposal procedures.

[See pages 70-71 of attached report for further detail and best practices].

#### Recommendation #15

Outline how to properly manage leachate to provide facility operators, neighbours and government officials with specific guidelines as to how the leachate is to be treated and disposed. An example given of a “best practice” is the Alberta regime that provides clear directions as to how to manage leachate.

For smaller facilities, the Alberta Code prevents the release of leachate or run-off from the composting pad to the surrounding watershed unless it meets the one of the following standards:

- the surface water background quality,
- specific guidelines published by Alberta Environmental Protection, or
- the Canadian Water Quality Guidelines published by the Canadian Council of Ministers of the Environment (CCME).

For larger facilities, the Alberta (EWMC) Approval requires that the leachate be treated at an approved wastewater treatment facility unless it can be utilized in the compost process or evaporated.

In the 2022 OMRR, the requirement for a leachate management system is found in sections 23(2)(b) and 24(2)(c). The provisions simply state that a qualified professional must provide a report that contains a leachate management plan that “stipulates how leachate generated from any and all stages of the composting process will be minimized, managed, treated or disposed;” The 2022 OMRR then goes on to address leachate management in further detail under Division 3 at s. 26 which provides:

### **Composting facility requirements**

**26 (1)** In this section, "**curing area**" means an area where organic matter which has undergone the rapid initial stage of composting is further matured into a humus-like material.

(2) The receiving, storage, processing and curing areas of a composting facility must comply with all of the following:

(a) be located on asphalt, concrete or another similar impermeable surface that is capable of withstanding wear and tear from normal operations and that will prevent the release of leachate into the environment;

(b) have a roof or cover, or a prepared surface, designed to prevent

- (i) the surface collection of water around the base of organic matter and compost, and
- (ii) run-off water from entering the receiving, storage, processing and curing areas;

(c) have a leachate collection system designed, constructed, maintained and operated to reuse leachate, or to remove leachate, from the receiving, storage, processing and curing areas.

(3) Leachate that is not collected and reused in the composting process must not be discharged into the environment unless authorized under the Act.

(4) Despite subsections (2) and (3), an impermeable surface, roof, cover, prepared surface or leachate collection system is not necessary if a qualified professional can demonstrate through an environmental impact assessment that the environment will be protected and appropriate water quality criteria satisfied through the use of alternative leachate management processes.

(5) A director may request additional information with respect to the environmental impact assessment that the director considers necessary for the protection of human health and the environment, and may specify particular concerns, questions, standards or monitoring that the assessment must address.

[am. B.C. Regs. 321/2004, s. 19 (n); 76/2022, s. 3.]

As noted above, my clients are distrustful of “hired gun” experts. We do not believe that subsection 4 should be adopted by the CSRD. It is open to you to require the specified leachate requirements to ALL facilities and not allow a “loophole” that could allow hired gun experts to provide for alternate unproven approaches. In addition, the ability to require further information in subsection 5 should be modified to allow local government waste management staff to require similar information.

#### STRUCTURES WITH ROOFS TO PREVENT “MEAT BOMBING”

As noted in the previous section immediately above, the matter of roofs or covers for structures is addressed in s. 26(2)(b). It is also addressed in s 26(4) where there is provision that a roof can be disposed of if an alternative is recommended by a qualified expert. This is an issue of significant concern to my clients. We reiterate that the requirement for a roof or other impermeable cover should not be subject to change. It should be mandatory.

#### GROUNDWATER

##### Recommendation #16

Require the implementation of a groundwater monitoring program and groundwater monitoring system for all facilities, regardless of their production capacity. The parameters of this requirement should be tailored to the production capacity of the facility and the environmental sensitivity of the surrounding hydrological system to ensure that the cost of groundwater monitoring program/system is tailored to the risk of harm that the facility poses.

An example is given of best practices using the Alberta situation. For smaller facilities, the Alberta Code permits the Director to require the construction and

maintenance of a groundwater monitoring system (GWMS) depending on the type and location of the facility, the volume of feedstock, and vicinity of the water table. The requirements for the GMWS and the groundwater quality performance standards are set out in s.8 of the Alberta Code. For larger facilities, the terms and conditions attached to the Alberta (EWMC) Approval include a section on groundwater. This section requires the approval holder to operate a groundwater monitoring system (GWMS), the collection and analysis of groundwater samples, and the implementation of remediation or risk management plans based on specific standards.

The 2022 OMRR appears to address groundwater protection only in a limited way. Groundwater is mentioned in Schedule 8 at section 1(b) and 2(b) and appears to relate to application of compost to land under a land application rather than groundwater protection during the composting process. Where the OMRR does address groundwater quality is in the sections dealing with heavy metals in the Schedules. We recommend that the recommendations in the attached UVic Composting report for groundwater monitoring be reviewed and adopted. We have no comment at this time on the proposed levels of heavy metals specified for groundwater in the Schedules to the 2022 OMRR.

[See pages 72-73 of attached Report for further detail and particulars of best practices]

## REPORTING

### Recommendation #17

Require the registered owner or facility operator to establish and maintain a more comprehensive set of records that captures the entire extent of operations and activities that take place in the facility to provide for improved transparency and accountability between the facility, government, and community.

An example of best practices is given of the Alberta Standards which requires that the registration holder establish and maintain a number of comprehensive records including:

- Operating Record,
- Monitoring Records,
- Tonnage Report,
- Annual Report,
- Final Closure Report (upon closure)

The Alberta Standards outlines the minimum and comprehensive list of information that each record or report should contain, the length of time they should be maintained, and the frequency with which they should be provided. We wish to emphasize that a major



issue of concern in relation to Spa Hills relates to transparency, or perceived lack of transparency in relation to volumes of material received. We ask that this be a focus of the CSRD bylaw so that the neighbours will be (and feel) empowered to verify volumes. [See pages 73-74 of attached Report for additional detail and discussion of best practices]

## PUBLIC AVAILABILITY OF DOCUMENTS & RECORDS

### Recommendation #18

Require that all documents, reports and results relating to the design and operation of the compost facility be submitted to local government or be made available at the request of the local government, so they are available for review and comment by the municipal or regional government waste manager as well as available to the public. This will improve government's decision-making ability with respect to compost operations and the public understanding of the impact that the facility may have on their community.

The 2022 OMRR does not appear to have provided for dissemination of information to local government or the public. Transparency is crucial to reinstating public trust. We recommend that the CSRD and its waste manager consider collection of the sorts of information detailed in the attached report so that it may be made easily accessible to you and to the public. This would again assist in addressing concerns relating to apparent lack of transparency and barriers to effective enforcement.

[See page 74 of attached Report for additional explanation]

## COMMUNITY INVOLVEMENT

### Recommendation #20

Require a public consultation process before a facility can be constructed in a community. It is also recommended that the [bylaw] require that the facility operator engage with the community during the operation of the facility in order to manage ongoing issues and potential nuisances such as odour and noise. [See pages 75-77 of attached Report for additional explanation and examples of best practices including the Edmonton example of a Community Liaison Committee.]

- b) CRD bylaw #2736 - A BYLAW TO REGULATE THE OPERATION OF COMPOSTING FACILITIES IN THE CAPITAL REGIONAL DISTRICT

I have attached a copy of CRD Bylaw #2736. It can also be found at the following link:

<https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/solidwastehartlandlandfillssittransferstationscompostingfacilities/2736---capital->

[regional-district-composting-facilities-regulation-bylaw-no-1-2004B.pdf](#). The CRD has also developed an enforcement policy for bylaw #2736 and a document with supporting information. These are attached and can also be found at the following links:

<https://www.crd.bc.ca/docs/default-source/recycling-waste-pdf/CompostingFacilitiesBylawEnforcementPolicy.pdf> and <https://www.crd.bc.ca/docs/default-source/recycling-waste-pdf/CompostingFacilitiesBylawSupportingInformation.pdf>

The CRD composting bylaw documents are being provided for 2 reasons. First, it demonstrates the ability of regional districts to enact bylaws regarding composting. Second, it provides a sample bylaw that the CSRD's legal counsel can use as a template for the CSRD's own bylaw. Please also note that there is a brief overview of how the CRD's bylaw operates found at pages 82-89 of the UVic Composting Report. In particular, we would point out that it is not necessary for the CSRD to create a whole new bureaucracy. It appears that composting would be under the authority of the existing waste manager and enforcement would be through the existing waste management and bylaw enforcement staff. Training would be required but that is not anticipated to involve major expense and would presumably be offset by the licensing fees collected from operators of composting facilities as well as by fines and revenue derived from property taxes on increased land values for property that is free from the current apparent odours and other impacts.

Overall, the CRD's bylaw #2736 is a fairly good example of a progressive composting bylaw. This is subject to comments found at pages 82-89 of the UVic Composting Report where it is indicated that there are a few areas in which the CRD bylaw could be improved such as specifically providing for how odours are to be monitored and detected and to what extent odours will be tolerated (see page 85). Please also note that the UVic Composting Report specifically points out, at page 78, that in the absence of reform at the provincial level, the various recommendations described in the Report and described above could be addressed by the regional district simply by amending bylaw # 2736 and/or amending the terms and conditions in the licenses issued to composting facilities. We mention this simply to highlight the fact that the CSRD has a similar ability to address the recommendations in the UVic Composting Report on its own without waiting for any further action on the part of the province.

A final issue to point out in relation to the potential use of the CRD composting bylaw as a potential template relates to scope. Section 3.3 on page 6 of the CRD composting bylaw provides that no license is required for those who operate a Class 1 composting facility (unless they have a history of non-compliance). Since Spa Hills has been a source of controversy, the CSRD will wish to ensure that its bylaw would require Spa Hills to have a recycler license. We note that the CRD bylaw has deliberately changed the definition of food waste to provide for Class A food waste (vegetable matter) vs. Class B food waste (which includes fish, poultry and other food waste). Composting of Class B food waste does require a license. We suggest that the CSRD bylaw specifically address red meat food waste (which is clearly a higher risk type of

waste) and include it within the classes of compost that require a license to commercially process.

## RECOVERING EXPERT COSTS

In addition to licensing fees and insurance provisions that would provide clean-up funds, there is another suggestion we wish to offer. Particularly in the early days, expert assistance may be useful. We note that in the context of green bylaws a number of local governments have begun to provide for those applying for permits to be responsible for the cost of the local government hiring its own experts where the local government is of the view that independent expert assistance would be of assistance. We suggest that your legal counsel consider including in the composting bylaw a provision that allows the CSRD to retain its own experts at the expense of the person applying for or operating the composting facility. This would allow expert expense to lie with the composting operator rather than with the CSRD and its taxpayers while simultaneously addressing any perceived conflict of interest with experts retained and instructed by proponents. This measure would give the CSRD increased confidence in its regulation of composting facilities and help restore public confidence.

## SUMMARY & CONCLUSIONS

In summary, the CSRD clearly does have jurisdiction to enact a bylaw to regulate composting within the CSRD. While the province has carried out consultations acknowledging that the current provincial regime requires updating and has addressed some amendment, it seems unlikely that there will be further action in the foreseeable future. This leaves the matter squarely in the lap of the CSRD.

Fortunately, the CRD has already enacted a fairly progressive bylaw that can be used as a template to prepare a draft bylaw. In addition, there is the UVic Composting Report that has reviewed and commented upon some of the deficiencies in the provincial composting regime and has provided recommendations including sample language or sources (such as the Alberta Code and Alberta Standards) that could easily be adopted or adapted. In other words, preparing a composting bylaw is not likely to be anywhere as daunting as it has in the past appeared.

We look forward to confirmation that the CSRD will proceed with a composting bylaw and reiterate that we are more than happy to communicate with the CSRD and its legal counsel in relation to these issues. I can be reached at the telephone number and e-mail address found on page 1 of this letter. We hope that our comments and the results of our research are of use to you and will assist in addressing the long outstanding matter of significant public concern.

Given the longstanding nature of these concerns, we ask that you respond to this letter within 30 days.

Sincerely,



Angela McCue  
Barrister & Solicitor

- Attachments:
- 1) Warning letter from MOE to Spa Hills dated September 17, 2024;
  - 2) A publication from the University of Victoria Environmental Law Centre entitled: *Compost Regulation in British Columbia – Regulatory Overview, Best Practices and Recommendations for Law Reform* [[https://www.elc.uvic.ca/wordpress/wp-content/uploads/2016/05/2013-03-05\\_Compost\\_Regulation\\_in\\_BC\\_FINAL.pdf](https://www.elc.uvic.ca/wordpress/wp-content/uploads/2016/05/2013-03-05_Compost_Regulation_in_BC_FINAL.pdf) (the “UViC Composting Report”)];
  - 3) A copy of CRD bylaw #2736 - A BYLAW TO REGULATE THE OPERATION OF COMPOSTING FACILITIES IN THE CAPITAL REGIONAL DISTRICT [<https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/solidwastehartlandlandfillssittransferstationscompostingfacilities/2736---capital-regional-district-composting-facilities-regulation-bylaw-no-1-2004B.pdf> ];
  - 4) A copy of CAPITAL REGIONAL DISTRICT COMPOSTING FACILITIES REGULATION BYLAW NO. 2736 ENFORCEMENT POLICY AND PROCEDURE [<https://www.crd.bc.ca/docs/default-source/recycling-waste-pdf/CompostingFacilitiesBylawEnforcementPolicy.pdf> ];
  - 5) A copy of SUPPORTING INFORMATION FOR THE OPERATION OF COMPOSTING FACILITIES IN THE CAPITAL REGIONAL DISTRICT [<https://www.crd.bc.ca/docs/default-source/recycling-waste-pdf/CompostingFacilitiesBylawSupportingInformation.pdf> ] .



# Compost Regulation in British Columbia

Regulatory Overview, Best Practices and  
Recommendations for Law Reform

# Compost Regulation in British Columbia

Regulatory Overview, Best Practices and Recommendations for Law Reform

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April 2015

*DISCLAIMER: This report is based on the laws and regulations that were in effect at the time of writing in 2015. This material is provided for general information as a public and educational resource. We attempt to ensure the accuracy of the material provided; however, we do not guarantee that it is correct, complete or up to date. The Environmental Law Centre does not warrant the quality, accuracy or completeness of any information in this document. Such information is provided "as is" without warranty or condition of any kind. The information provided in this document is not intended to be legal advice. Many factors unknown to us may affect the applicability of any statement or comment that we make in this material to your particular circumstances. This information is not intended to provide legal advice and should not be relied upon. Please seek the advice of a competent lawyer in your province, territory or jurisdiction; or contact the ELC for more complete information.*

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Food scraps posters: MetroVancouver

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## GLOSSARY

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ALC - Agricultural Land Commission (formerly the Land Reserve Commission)

ALCA – Agricultural Land Commission Act

ALR – Agricultural Land Reserve

ALRUSPR – Agricultural Land Reserve Use, Subdivision, and Procedure Regulation

AWCR - Agricultural Waste Control Regulation

CRD – Capital Regional District

DCS - District of Central Saanich

DPA – Development Permit Area

EIS – Environmental Impact Study

EMA – Environmental Management Act

EWMC – Edmonton Waste Management Centre

FIRB – Farm Industry Review Board

FPPA – Farm Practices Protection (Right to Farm) Act

LGA - Local Government Act

MOA – Ministry of Agriculture

MOE – Ministry of Environment

OCP – Official Community Plan

OMRR – Organic Matter Recycling Regulation

TCEQ – Texas Commission on Environmental Quality

## ACKNOWLEDGEMENTS

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- Mateo Ocejo, Director, Net Zero Waste Inc.

The ELC would particularly like to thank Ray Baker and Lee Hardy for bringing this matter to our attention and for their tireless efforts and patience in seeking to resolve the on-going issues surrounding the regulation of compost facilities in BC.



## INTRODUCTION

As populations grow and urban areas expand, communities are faced with significant decisions regarding the procurement and consumption of resources, the management of waste, and the use of land. Composting, the controlled, thermophilic, biological decomposition of organic matter, is an effective means by which communities can address these issues. It allows communities to reclaim an important resource from the municipal waste stream while reducing competition for space at landfills. Indeed, food and yard waste, from both residential and commercial operations, constitute up to 40 percent of the municipal waste stream.<sup>1</sup> This organic waste is often one of the largest categories, by volume, of waste disposed of in landfills. A report prepared for the Capital Regional District (CRD) on

<sup>1</sup> Environment Canada (2013) *Technical Document on Municipal Solid Waste Organics Processing* (pg i) Accessed 6 April 2015 online: <[http://www.ec.gc.ca/gdd-mw/3E8CF6C7-F214-4BA2-A1A3-163978EE9D6E/13-047-ID-458-PDF\\_accessible\\_ANG\\_R2-reduced%20size.pdf](http://www.ec.gc.ca/gdd-mw/3E8CF6C7-F214-4BA2-A1A3-163978EE9D6E/13-047-ID-458-PDF_accessible_ANG_R2-reduced%20size.pdf)>

Vancouver Island noted that approximately 46,600 tonnes of organic waste were deposited in the CRD regional landfill in 2009-10, over 21,000 tonnes more than the next highest type of waste.<sup>2</sup> As landfills reach their maximum capacity, local governments are searching for means to reduce and divert waste. Not only can composting provide this means, but it can also offer other benefits including the reduction and capture of methane emissions that may be used for energy production, the reduction of harmful landfill leachate, and the provision of a nutrient rich matrix for agricultural operations.

However, composting can be challenging, especially when dealing with the high volumes of organic material that are found within the municipal waste streams. Such quantities require large facilities which, in the process of collecting and treating the organic material and managing the final product, can result in transportation, pollution, odour, and noise issues, and attract disease bearing animals. These issues are particularly pertinent to any neighbours of the facility. If composting is to become an integral and accepted part of community waste management schemes, it is important that compost facilities are operated in harmony with their neighbours. Government regulation must be created and implemented in such a way that attracts and encourages the development and innovation of compost facilities in our communities, while ensuring the continued well-being of the people and environment who live near these facilities.

The purpose this report is to outline the current regulatory scheme as it applies to composting in British Columbia. Part 1 of this report outlines the provincial, regional and municipal laws and regulations that relate to composting and explores the relationships between the enactments of the various levels of government. Part 2 of this report addresses how composting is regulated as a land use on different types of land, specifically, land inside and outside the Agricultural Land Reserve. Part 3 of this report identifies a number of issues with the BC regulatory scheme and makes recommendation as to how each issue might be addressed. In order to support the implementation of each recommendation, this part also reviews the operation of composting facilities in Canada and the world, and highlights best practices from these facilities, both technical and regulatory. The recommendations in this report recognize the costs of implementation and financial difficulties that often face small facilities. However, while these considerations have been taken into account, the protection of human and environmental well-being is foremost. To that end, facilities, regardless of production capacity, must operate in manner that meets these fundamental requirements. Developing a regulatory scheme that meets basic ecological prerequisites will require discussion about the appropriate structure of the waste collection, treatment and application systems and the desired size of compost facilities in BC. This report provides comprehensive law reform proposals to that end.

The intent for this report is to assist compost facility operators, government officials, and community members to ensure that composting is conducted in a way that achieves our waste

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<sup>2</sup> Sperling Hansen Associates. (2010) *CRD Solid Waste Stream Composition Study* Accessed 6 April 2015 online: <<https://www.crd.bc.ca/docs/default-source/recycling-waste-pdf/2009-2010-solid-waste-stream-composition-study-final-report.pdf?sfvrsn=0>>

management objectives and provides benefits to the community and the environment.

*hey!*  
food isn't garbage  
**food scraps  
belong in your  
green  
bin**



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[metrovancover.org/foodscraps](http://metrovancover.org/foodscraps)



## PART 1 - COMPOST REGULATION IN BRITISH COLUMBIA

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As with many elements of Canadian society, there are multiple levels of government involved in the regulation of composting in BC. The provincial government has the authority to create legislation that regulates waste management and has done so through the *Environmental Management Act* (EMA), the *Public Health Act* (PHA), and the *Agricultural Land Commission Act* (ALCA). From these acts flow regulations that deal with specific elements of waste management, such as compost, including the *Organic Matter Recycling Regulation* (OMRR), the *Agricultural Waste Control Regulation* (AWCR), and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (ALRUSPR), and the *Mushroom Production Facilities Regulation* (MPFR). The provincial acts also give regional and municipal governments the ability to create bylaws that regulate waste management, and composting in particular. While the provinces and municipal governments can regulate the production and application of compost, the federal government has the authority to regulate the trade and sale of compost under the Canadian Food Inspection Agency trade memoranda t-4-120 enacted under the *Fertilizer Act and Regulations*.<sup>3</sup>

Using these laws, the province regulates composting by defining what feedstock materials or inputs can be used in a compost facility, the design and operation of these facilities, how the materials should be treated throughout the various stages of the composting process, and how and where the finished product can be used. The regulatory scheme is designed so that a single regulation applies to all compost operations in BC, with some exceptions. However, there are some situations where this regulation, while still applicable, is subject to other laws depending on the location of the facility, such as on land in the Agricultural Land Reserve (ALR), or the type of material used as a feedstock. An added layer to the regulatory scheme exists at the local government level, to whom the province has delegated the authority to regulate compost facilities through bylaws. However, as explained in the report, the location of the facility can alter the applicability of these bylaws.

This central compost regulation is the OMRR. Enacted under the EMA, the OMRR applies to all aspects of compost operations in BC except agricultural waste composting and some other, more minor, exceptions. Agricultural waste composting is regulated by the AWCR. If the compost facility is located on land in the ALR, the ALCA and ALRUSPR apply to the facility and will indicate what type of composting is permitted. The OMRR still applies to compost facilities permitted on the ALR but is subject to any overriding provisions in the ALCA and ALRUSPR. Regional districts use the OMRR as a foundation and enact bylaws requiring operators to hold a licence to operate a compost facility and can impose requirements on the facility and the use of compost in addition to, but not in conflict with, those found in the OMRR. Facilities on the ALR are protected from certain local government bylaws, such as those

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<sup>3</sup> Canadian Food Inspection Agency (2014) *T-4-120 – Regulation of Compost under the Fertilizers Act and Regulations*. Accessed 6 April 2015 online: <<http://www.inspection.gc.ca/plants/fertilizers/trade-memoranda/t-4-120/eng/1307910204607/1307910352783>>

dealing with nuisances arising from the facility if normal farm practices are used. However, the facility's operations are subject to review by the Farm Industry Review Board and the Agricultural Land Commission.

In practice, the manner in which a compost facility operates is through the enforcement of the EMA, OMRR, ALCA, and ALRUSPR and through compliance with the terms and conditions of the relevant local government bylaws and permits. A person does not need a provincial permit to operate a compost facility but will have to submit plans and information to the Ministry of Environment before the facility can commence and throughout the operation of the facility. However, if a local government does regulate compost facilities, a person will have to obtain a recycler licence from their regional district and a business licence from their municipality before they can operate the facility.

Unfortunately, the major limiting factor of the compost regulatory regime in BC is enforcement. The Ministry of Environment often does not have the resources to enforce the requirements of the OMRR and relies on the regional districts or municipalities to enforce compliance with the OMRR as a condition of their respective licencing schemes. In turn, the regional districts and municipalities may be slow to act against compost operations, which serve a valuable function in reducing the volume of waste entering the landfills, a pressing priority for many local governments. The speed of enforcement is not helped by the complexity of the regulatory scheme, which seeks to engage three levels of government to jointly regulate commercial and agricultural composting operations inside and outside the ALR. As a result, it is unclear who should take the lead on monitoring and enforcement. Otherwise, besides the use of some vague definitions (e.g. "qualified professionals," "proven technologies," "in-vessel," and "normal farm practices"), the existing scheme is relatively comprehensive. However, to be effective, this regulatory scheme needs deciphering for government officials, compost operators, and citizens, and must be applied more rigorously.

## 1.1 Environmental Management Act

The *Environmental Management Act* (EMA) is one of the overarching pieces of environmental legislation in British Columbia. It regulates a wide variety of environmental matters including waste, contaminated sites, mines, air quality, greenhouse gas, and pollution.

Part 3 of the EMA addresses municipal waste management and directs a regional district to prepare a waste management plan and submit the plan to the Minister of Environment for approval.<sup>4</sup> Once approved, the regional district may then enact bylaws for the purpose of implementing the waste management plan.<sup>5</sup> These bylaws regulate the management of municipal solid waste and recyclable materials. This captures compost operations since the definition of "recyclable materials" in the EMA includes organic materials from residential, commercial, and industrial sources that are capable of being

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<sup>4</sup> *Environmental Management Act* SBC 2003, c.53 ("EMA") s.24

<sup>5</sup> EMA s.25(3)



composted.<sup>6</sup>

Under sections 38 and 138 of the EMA, the Lieutenant Governor in Council (provincial Cabinet) may make regulations in general and specifically respecting the development, content, amendment, approval and review of waste management plans and operational certificates and prescribing the criteria for setting fees for the purposes of municipal solid waste disposal fees. This is accomplished through the *Organic Matter Recycling Regulation* (OMRR).

There is no express requirement in the EMA that a compost facility gain a particular permit or approval before it commences operations; however, the facility must comply with the approved waste management plan,<sup>7</sup> which requires compliance with any relevant regional district bylaws enacted to implement the plan as well as all regulations enacted under the EMA, such as the OMRR.<sup>8</sup> In practice, the MOE regional office will coordinate with the facility throughout the design and construction process to ensure that all regulatory requirements are met before the facility commences operations.<sup>9</sup>

## 1.2 Organic Matter Recycling Regulation

The *Organic Matter Recycling Regulation* (OMRR) is the principal regulation concerning composting in BC.<sup>10</sup> The purpose of the regulation is to ensure that composting is carried out in a way that avoids causing pollution to the environment or nuisances to the facility's neighbours. The regulation seeks to avoid adverse effects to the environment and human health by classifying different types of biosolids and compost by the amount of potentially harmful substances they contain and regulating the management and use of these classes as appropriate.

The regulation is divided into various parts, the most important of which reflect the major elements of composting: facility design and operation, storage, and distribution or application to land. Facility design and operation is regulated to ensure that that a facility is constructed in a competent fashion and adequate plans are in place to oversee the operations of the facility to minimize any impact on people or the environment. Storage is regulated so that material does not escape and cause harm to people or the environment. Distribution and land application is regulated so that biosolids and compost are managed in volumes and locations, and with particular requirements, that are appropriate to the particular class of material and the potential harm they can cause. The application of the provisions in the OMRR may depend on the size (i.e. production capacity) of the facility, the class of material in question, and the type of land on which the facility is located. Other parts of the OMRR define key terms, outline the general application of the regulation, and specify the penalties for contravening the act. The regulation also contains various "schedules" that contain highly specific technical information

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<sup>6</sup> EMA s.1

<sup>7</sup> EMA s.25(2)(a)

<sup>8</sup> EMA s.24(2)

<sup>9</sup> Maryam Mofidpoor, Environmental Management Officer, BC Ministry of Environment, Personal Communication November 19, 2013

<sup>10</sup> *Organic Matter Recycling Regulation* BC Reg. 18/2002 ("OMRR") s.2(3)

regarding how the classes of compost or biosolids should be handled and the performance standards that the facility must meet before a particular class of material can be used.

### 1.2.1 Application of the OMRR

The OMRR applies to all composting operations in BC, subject to some exceptions.<sup>11</sup> It does not apply to composting facilities or the land application of managed organic material that have been a) authorized by permit, approval, or operational certificate, or b) required by an order issued under the EMA. These types of authorizations are granted by the director when a facility does not fit within the existing regulations.<sup>12</sup> This may include facilities that want to use a feedstock not listed in the OMRR or a novel type of facility that has not yet been regulated. These authorizations come with their own requirements to ensure human health and safety and to prevent pollution and nuisance, as determined through collaboration between the facility operator and the appropriate regional office of the Ministry of Environment. The conditions regarding permits, approvals and operational certificates can be found in the EMA at sections 14, 15 and 28 respectively.

The OMRR does not apply to agricultural waste composting that is conducted in accordance with Part 5 of the *Agricultural Waste Composting Regulation Code*, backyard composting or the composting of yard waste in quantities less than 100m<sup>3</sup> per year.<sup>13</sup> The management and composting of “agricultural waste” is regulated by the *Agricultural Waste Control Regulation*, though the OMRR may still apply in certain circumstances. This is addressed in [section 1.4](#), below.

### 1.2.2 Definitions

The OMRR provides the following definitions that shall be used in this report. These definitions are important to understand the structure of the compost regulatory scheme.

- **“agricultural waste”** means agricultural waste that is subject to the Code attached to the *Agricultural Waste Control Regulation*, but does not include
  - a) human or animal food waste that is diverted from residential, commercial or institutional sources,
  - b) waste materials derived from non-agricultural operations, or
  - c) wood waste derived from land clearing, construction or demolition;
- **“biosolids”** means stabilized municipal sewage sludge that has been treated to allow the sludge to be beneficially recycled.
- **“compost”** means a product which is

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<sup>11</sup> OMRR s.3(2)

<sup>12</sup> Maryam Mofidpoor, Environmental Management Officer, BC Ministry of Environment, Personal Communication November 19, 2013

<sup>13</sup> OMRR s.3

- a) a stabilized earthy matter having the properties and structure of humus,
  - b) beneficial to plant growth when used as a soil amendment,
  - c) produced by composting, and
  - d) only derived from organic matter
- **‘composting’** means the controlled biological oxidation and decomposition of organic matter in accordance with the time and temperature requirements specified in Schedule 1.
- **“director”** means a person employed by the government and designated in writing by the minister as a director of waste management or as an acting, deputy or assistant director of waste management.<sup>14</sup> This person works for the Ministry of Environment and could be the manager of a Ministry of Environment regional office.
- **"discharger"** means any of the following responsible persons:
  - a) an owner of a composting facility;
  - b) an owner of a facility that produces managed organic matter for land application;
  - c) a registered owner of the land where managed organic matter is applied.
- **“leachate”** means
  - a) effluent originating from organic matter being received, processed, composted, cured or stored at a composting facility;
  - b) effluent originating from managed organic matter being stored or applied to land; or
  - c) precipitation, storm water, equipment wash water or other water which has come into contact with, or mixed with, organic matter or managed organic matter being received, processed, composted, cured or stored.
- **“managed organic matter”** means Class A Biosolids, Class B Biosolids, or Class B Compost
- **“organic matter”** means those materials set out in OMRR Schedule 12 that are suitable for composting into Class A Compost or Class B Compost. These materials include animal bedding, biosolids, brewery and winery waste, domestic septic tank sludge, fish wastes, human food waste, hatchery waste, manure, milk processing waste, fruit, and vegetable material from processing plants, poultry carcasses, red-meat waste, untreated and unprocessed wood residuals, whey, yard waste.
- **"qualified professional"** means a person who
  - a) is registered in British Columbia with his or her appropriate professional association, acts under that professional association's code of ethics, and is subject to disciplinary action by that professional association, and

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<sup>14</sup> EMA s.1

- b) through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within his or her area of expertise as it relates to this regulation;

It is important to note that while a person may qualify under this definition, there is no requirement that the “qualified professional” have specific experience or education involving the design and operation of compost facilities. The use of a “qualified professional” does not guarantee flawless facility operation, production, and land application of compost. It is unclear to what extent a “qualified professional” would bear the liability for nuisances arising from a compost facility that is in violation of the OMRR.

A “qualified professional” in the context of compost operations typically refers to a professional agronomist or engineer and is required by the OMRR with respect to the compost facility environmental impact study, plans and specifications for facility construction and operation, and land application plans for compost or biosolids. A “qualified professional” is also required by the CRD bylaw: *Compost Facilities Regulation* in respect to the leachate and odour management plans.

- **“retail-grade organic matter”** means Biosolids Growing Medium or Class A Compost
- **“yard waste”** means
  - a) clean and untreated wood waste, or
  - b) non-food vegetative matter resulting from gardening operations, landscaping and land clearing,
 but does not include wood waste derived from construction or demolition.

### 1.2.3 Compost and Biosolid Materials

The purpose of the OMRR is to regulate the transformation of organic materials from the municipal waste stream into a product known as compost that can be applied to land or distributed for sale. It also deals with agricultural waste that does not fall under Part 5 of AWCR Code and the use of treated human waste, known as biosolids, as a feedstock for compost, or as a product that can be applied to the land or distributed for sale. The OMRR describes different types, or classes, of compost and biosolids, which are materials that can be primarily differentiated by their feedstock (biosolids or organic matter) or by specific performance standards relating to measurable substances within the material. [Table 1](#) in the Appendix below outlines the basic requirements and limitations on the use of the types of compost or biosolids.

Differentiating between the particular classes of compost or biosolids is important because this will determine what feedstock materials can be used in a facility, what treatment methods are employed in the compost operation, how the finished product may be stored, the substances permitted in the finished product, and how the finished product may be applied to land or distributed to retail

vendors:

- **Class A Biosolids:** Comprised of treated human waste and must meet the requirements set out in OMRR s.6. Class A Biosolids have an allowable concentration of heavy metals that is similar to Class B Biosolids, with the exception of a lower allowable mercury content and a relatively low allowable fecal coliform level. As such, it is deemed to be of lesser potential harm and there are fewer restrictions on the land application of Class A Biosolids than Class B Biosolids.
- **Class B Biosolids:** Comprised of treated human waste and must meet the requirements set out in OMRR s.8. Class B Biosolids have a relatively high allowable concentration of metals and fecal coliform levels. As such, it is deemed to be relatively harmful and there are heavy restrictions related to how it can be distributed, where it can be applied, the uses of land to which it is applied, and requirements for public notification of its application.
- **Biosolid Growing Medium:** Comprised of Class A or Class B Biosolids and must meet the requirements set out in OMRR s.10. Biosolid Growing Medium has relatively low potential harm as it has lower allowable heavy metal concentrations than Class A and B Biosolids and Class A and B Compost.
- **Class A Compost:** Comprised of only organic matter from feedstock listed in Schedule 12, though this may include biosolids and Biosolid Growing Medium. Class A Compost must meet the requirements set out in OMRR s.12 and s.13. Different requirements apply to Class A Compost that is produced solely from yard waste and/or untreated and unprocessed wood residuals compared to Class A Compost that is not produced solely from these materials. There is no volume restriction on its distribution and no requirements for the land application of either type of Class A Compost.
- **Class B Compost:** Comprised of only organic matter from feedstock listed in Schedule 12, although this may include biosolids and Biosolid Growing Medium. Class B Compost must meet the requirements set out in OMRR s.14 and s.15. Class B Compost is considered to be potentially harmful and must only be applied to land under the strict requirements that also apply to Class B Biosolids. There are no requirements for the distribution of Class B Compost.

#### 1.2.4 Overview of Schedules

The various schedules of the OMRR contain highly specific technical information that establishes the environmental criteria for different types of compost or biosolids. This information varies depending on the type and class of material and includes the required treatment methods for feedstock to reduce pathogens and the attraction of disease vectors, the acceptable standards of specific constituents in the matter, and the protocol, frequency and recording of sampling and analysis for these materials. These schedules will be referenced in subsequent sections when defining how compost or biosolids must be treated and the performance standards that a facility must meet.

1. **Pathogen Reduction Provisions:** sets out specific treatment methods that dischargers must use in the production of biosolids or compost in order to reduce the pathogens present in the

material.

2. **Vector Attraction Reduction:** sets out specific treatment methods that dischargers must use in the production of biosolids or compost so as not to attract vectors (organisms, animals or insects, that are capable of transmitting disease) to the compost facility.
3. **Pathogen Reduction Limits:** defines the allowable fecal coliform levels and the sampling requirements for compost and biosolids.
4. **Quality criteria:** sets out the allowable concentrations of various substances (heavy metals, foreign materials) in the compost and biosolids.
5. **Sampling and Analysis:** outlines the frequency of sampling of compost and biosolids.
6. **Record Keeping:** outlines the monitoring and recording of temperatures and retention times, and the results of analysis of compost and biosolids.
7. **Land Application Plan for Managed Organic Matter:** outlines the information required in the land application plan for Class A and B Biosolids, and Class B Compost.
8. **Land Application Methods for Managed Organic Matter:** outlines how Class A and B Biosolids and Class B Compost can be applied to the land.
9. **Generic Soil Standards for Cobalt, Molybdenum, Nickel, and Selenium Where Managed Organic Matter Has Been Applied:** outlines allowable levels of these elements in various land types (agricultural, urban park, residential, commercial and industrial).
10. **Matrix Soil Standards for Arsenic, Cadmium, Chromium, Copper, Lead, Mercury (inorganic) and Zinc Where Managed Organic Material Has Been Applied:** provides a table specifying the allowable level for each element with regard to site-specific factors that occur on various land types.
11. **Requirements for Biosolids Growing Medium:** requires that Biosolids Growing Medium must be derived from either Class A or B Biosolids that meet the appropriate pathogen and vector attraction reduction requirements, and outlines the standards for Biosolids Growing Medium.
12. **Organic Matter Suitable for Composting:** lists the types of feedstock that may be composted into Class A Compost or Class B Compost.
13. **Notification:** outlines the information that a discharger must submit to the director 30 days before the intended land application.

These technical standards establish standards for dischargers in the development and operation of compost facilities.

### 1.2.5 Composting Facility Requirements

The compost facility is the epicentre of the compost operation. It is important that a compost facility is designed and constructed appropriately because the facility is the site at which large quantities of materials (both pre and post composting) are gathered and treated and is the point where serious problems may arise or future problems may be prevented. As such, the OMRR requires that a qualified professional conduct an environmental impact study of the facility and provide plans and specifications for the construction and operation of the facility, that a leachate management plan be put into place,

and that the discharger operates the facility within the design capacity of the facility.

Given the importance of the compost facility in the composting process, the Ministry of Environment has prepared the *Compost Facility Requirements Guideline: How to Comply with Part 5 of the Organic Matter Recycling Regulation (“OMRR Part 5 Guidelines”)*.<sup>15</sup> This is a best practices document that emphasizes proactive strategies that should be considered during the construction and operation of the facility.

### **Environmental Impact Study Report**

Depending on the annual production capacity of the facility, the discharger may be required to provide an environmental impact study (EIS) for the facility. Proposed or existing compost facilities with an annual production capacity of 20,000 tonnes or more, or facilities that are expanded to, or beyond, an annual production capacity of 20,000 tonnes, or expanded to increase the production capacity by more than 10% must have a qualified professional complete an EIS before the facility can collect organic matter to be used as feedstock or distribute the compost.<sup>16</sup> Those facilities with an annual production capacity of less than 20,000 tonnes, or that are expanded with an increase of less than 10% in production capacity, do not require an EIS.

Note the requirement that the EIS must be prepared by a “qualified professional” and is subject to the caveat discussed in [section 1.2.2](#) above.

The EIS report must be acceptable to the director and must include the design of the composting facility’s odour, leachate collection and treatment systems, and site preparation for the facility including buffer zones and plans to minimize the impact of the facility on adjacent lands.<sup>17</sup>

The criteria for an “acceptable” EIS report are not set out in the OMRR. It is subject to the discretion of the director and includes, but is not limited to, the information stated above. The director has discretion in granting their approval of the report; they may request additional information that they consider necessary to protect human health and the environment and may specify particular concerns or questions that the EIS report must address. One copy of the EIS report must be retained by the discharger while another a copy must be submitted to the director at least 90 days before construction of the new facility starts or the existing facility is modified.

The EIS report may be made available to the public through a Freedom of Information (FOI) request to the Minister of Environment (MOE).<sup>18</sup> Alternatively, reports may also be found using the

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<sup>15</sup>Forgie, D., Sasser, L., & Neger, M. (2004) *Compost Facility Requirements Guideline: How to Comply with Part 5 of the Organic Matter Recycling Regulation*. Accessed 6 April 2015 online: <<http://www.env.gov.bc.ca/epd/epdpa/mpp/pdfs/compost.pdf>>

<sup>16</sup> OMRR s.23

<sup>17</sup> OMRR s.23(2)

<sup>18</sup> An FOI request may be submitted through this website: <<http://www.gov.bc.ca/citz/iao/foi/submit/general/>>

MOE Environmental Management Authorization Database and the MOE document search engine.<sup>19</sup>

### Construction and Operation of Composting Facilities

A qualified professional must also prepare plans and specifications regarding the construction and operation of any new facility (regardless of its annual production capacity) or the modification of an existing facility that results in an increase in the annual production capacity of more than 20,000m<sup>3</sup> or more than 10%.<sup>20</sup> Note that in this instance, the unit of measurement is m<sup>3</sup>, not tonnes, which are different.

The qualified professional must affix the plan with their professional seal or signature and make a signed statement certifying that the compost facility has been constructed in accordance with the plan. The same caveat must be employed with regard to “qualified professionals” as stated in [section 1.2.2](#) above.

The plan must include all works to be constructed on the site, the design capacity of the facility, leachate and odour management plans, and operating and closure plans.<sup>21</sup>

The discharger and the director both have duties in relation to the plans and specifications. The discharger must:<sup>22</sup>

- Ensure that the plans are kept at the composting facility at all times and are submitted to the director upon request;
- Ensure that the composting facility is operated in compliance with the plans; and
- If the facility is in the ALR, provide the director and the Agricultural Land Commission with notice in writing 90 days before beginning the operation of the facility. The notification must include:<sup>23</sup>
  - a) the composting facility location and design capacity, name of a contact person, type of waste received, and intended distribution of compost, and
  - b) a copy of a personnel training program plan that addresses the specific training needed to operate the composting facility in compliance with the *OMRR*.

The director may request additional information with respect to the plans and specifications that they consider necessary for the protection of human health and the environment, and may specify

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<sup>19</sup> The BC Ministry of Environment Authorization Database Search is available online at <<http://www2.gov.bc.ca/gov/topic.page?id=5AE55AB514BD4BF2BAA2516992012A2B>>. The BC Ministry of Environment E-Licensing Public System document search engine may be found at <<https://j200.gov.bc.ca/pub/ams/Default.aspx?PossePresentation=DocumentSearch>>. You need to plug in the information from the database in the search engine, though they have proved to be difficult to navigate to find relevant documents.

<sup>20</sup> OMRR s.24(1)(b)

<sup>21</sup> OMRR s. 24(2)

<sup>22</sup> OMRR s.24(3)

<sup>23</sup> OMRR s.25(2)



particular concerns or questions that the plans and specifications must address.<sup>24</sup>

### **Leachate Management for Composting Facilities**

Leachate is a liquid by-product from the compost process and can have a harmful impact on the environment and human health. The OMRR definition of leachate is included in [section 1.2.2](#) above. In order to ensure that the leachate does not escape into the environment, the OMRR has provided for specific requirements for the receiving, processing, and curing areas of the facility.<sup>25</sup> These areas must be located on asphalt, concrete, or other impermeable surface that can withstand wear and tear from normal operations and will prevent the release of leachate into the environment. These areas must have a roof, cover, or a prepared surface that is designed to prevent the collection of water around the base of the organic matter and compost, and to stop run-off from entering into these areas. There must also be a leachate collection system to reuse or remove leachate from these areas.<sup>26</sup> Any leachate that cannot be collected and reused in the composting process must not be discharged in the environment unless authorized under the EMA.

### **Capacity of Composting Facilities**

It is important that dischargers understand and comply with the appropriate design capacity of the compost facility in order to maintain good operations and avoid problems. To this end, the OMRR requires that the amount of organic matter in a composting facility must not exceed the total design capacity of the facility.<sup>27</sup>

To avoid the accumulation of leftover decayed material, beginning in the 3<sup>rd</sup> year of the facility's operation, at least half of the compost stored at the facility must be removed from the facility on an annual basis.<sup>28</sup> There must not be more than 15m<sup>3</sup> of residual material from the compost process stored at the facility at any time. Any residuals must be stored so as not to attract organisms capable of carrying disease and must be disposed of on a regular basis in accordance with the appropriate solid waste management plan.<sup>29</sup> If a compost facility is going to close, before this may occur, all the compost must be applied or distributed in accordance with the OMRR, and all unprocessed organic matter must be removed from the facility and dealt with in accordance with the regional district's solid waste management plan.<sup>30</sup>

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<sup>24</sup> OMRR s.24(4)

<sup>25</sup> OMRR s.26(2). A "curing area" means an area where organic matter which has undergone the rapid initial stage of composting is further matured into a humus-like material

<sup>26</sup> OMRR s.26(3)

<sup>27</sup> OMRR s.27

<sup>28</sup> OMRR s.28

<sup>29</sup> EMA s.32 and s.33 grant the authority to regulate the disposal of municipal solid waste to either the Administration Board of the Greater Vancouver Sewerage and Drainage District (GVSD) or regional districts (outside the GVSD) through the use of regional solid waste management plans.

<sup>30</sup> OMRR s.30

### 1.2.6 Storage Requirements

The proper storage of managed organic matter (Class A & B Biosolids and Class B Compost) before it is applied to land is important because the accumulation of large quantities of this material in one place could result in the concentration of pathogens, leachate, or odours that might escape into the environment. Therefore, if managed organic matter is stored on a farm or at some other site (such as the compost facility or the land application site), the OMRR requires that it must be stored in either a storage facility or at a storage site.<sup>31</sup>

A storage facility is a structure for containing managed organic matter before it is applied to land. The types of structures that can be used include a reservoir, lagoon, cistern, gutter, tank or bermed area, but do not include a vehicle or any mobile equipment used for the transportation of the managed organic matter.<sup>32</sup> The storage facility must be large enough to store all of the managed organic matter, located at least 15m from a watercourse and 30m from any source of water used for domestic purposes, and maintained so as to prevent the escape of the managed organic matter.<sup>33</sup> The OMRR does not limit the length of time that managed organic matter can be stored in a storage facility although if the storage facility is part of the composting facility it would have to comply with the capacity and annual removal requirements for compost facilities described in [section 1.2.5](#), above.

A storage site is a site for the *temporary* storage of managed organic material that is ready for application to land. The OMRR imposes time limits on the storage of managed organic matter at storage sites (unlike at storage facilities). Managed organic matter may be stored at a storage site for up to two weeks if it is used within two weeks and is prevented from escaping, regardless of the site location and the surrounding features.<sup>34</sup> However, it may be stored at a storage site for up to nine months if it is located at least 30m from any watercourse or any source of water used for domestic purposes and is prevented from escaping. Berms (mounds of earth) or other works must be constructed around the storage site if necessary to prevent the escape of the managed organic matter.

Managed organic matter that is stored at a storage site must be covered from October 1 to March 31 if the storage site is situated at a land application site that is on Vancouver Island, in the Fraser Valley or any other area of BC that receives a total average of 600mm of precipitation during the months of October to March (inclusive).<sup>35</sup> The cover is required to prevent the managed organic matter from escaping.

The provisions in this division do not apply to Biosolid Growing Medium or Class A Compost. Since these materials have low pathogen and heavy metal content, they are deemed to be of low risk to

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<sup>31</sup> OMRR s.17

<sup>32</sup> OMRR s.16

<sup>33</sup> OMRR s.18

<sup>34</sup> OMRR s.19

<sup>35</sup> OMRR s.20

human health and the environment and can be stored by any means the discharger deems appropriate as long as the storage does not create conditions that contravene the EMA, OMRR or other laws.

### 1.2.7 Land Application and Distribution Requirements

Due to the potentially harmful substances (heavy metals, pathogens) within managed organic matter (Class A & B Biosolids and Class B Compost), the OMRR regulates the land application and distribution of these materials. The discharger must have a land application plan prepared by a qualified professional, and the compost material must be applied or distributed in accordance with this plan, as well as within certain volume specifications and according to the respective prescriptions under Schedules 8, 9 and 10 of this regulation.<sup>36</sup> The discharger must also give all relevant authorities appropriate notice before the application occurs so that the authorities can ensure the application is conducted correctly.

#### Land Application Plan

A qualified professional must prepare and sign a land application plan before each time and for each place that managed organic matter is applied.<sup>37</sup> This plan must be provided to the registered land owner and made available upon request to the director or an official designated under the ALCA.<sup>38</sup> After each application, a qualified professional must provide a written certification to state that the application was done in accordance with the land application plan.<sup>39</sup>

The information required in the plan is described in OMRR Schedule 7 and must include:

- The specifics of the facilities, land and material involved including:
  - Contact information and description of the compost facility where the managed organic matter is produced and the land where it is to be applied, the name and authorization of the registered owner of the land, the dates of application, the storage and leachate management requirements for managed organic matter at the application site, and a description of the physical components in managed organic matter to be applied.<sup>40</sup>
- The measurement of certain characteristics of the managed organic matter and the soil where the matter will be applied including:
  - Fecal coliform densities, pH, electrical conductivity, certain chemicals and chemical elements (P, K, N, NH<sub>3</sub>, NO<sub>3</sub>) and a list of substances (heavy metal chemical elements and foreign matter) set out in Schedule 4 of the OMRR.<sup>41</sup>

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<sup>36</sup> OMRR sections 7, 9, and 15 for Class A Biosolids, Class B Biosolids, and Class B Compost, respectively.

<sup>37</sup> OMRR s.5(1)

<sup>38</sup> OMRR s.5(4)

<sup>39</sup> OMRR s.5(3)

<sup>40</sup> OMRR Schedule 7 s.1

<sup>41</sup> OMRR Schedule 7 s.2

- The method of application and the management and monitoring of specified substances<sup>42</sup>

It is of note that there is no requirement for a land application plan for Class A Compost or Biosolid Growing Medium. Again, this because these material are deemed to be of low risk due to their low pathogen and heavy metal content.

### **Notification of Land Application of Managed Organic Matter**

Effective communication is important to ensure that proper oversight and enforcement measures are in place and that all aspects of the composting process are carried out in a safe manner. Before the application of managed organic matter (Class A and B Biosolids and Class B Compost) to land can take place, the discharger must provide notice and information to the pertinent authorities.

A discharger must give notification of any proposed land application of managed organic matter in volumes greater than 5m<sup>3</sup> to the persons or entities listed below at least 30 days before the land application.<sup>43</sup> The notification is provided using the standardized form in OMRR Schedule 13.

- **Director** – who may request additional information within 30 days of receipt of notification. If the information provided to, or requested by, the director indicates the need for site-specific standards or management practices respecting the land application of managed organic matter in order to protect human health and the environment, the director may, within 30 days after receipt of the information, require the discharger to meet the site-specific standards or management practices specified by the director.
- **Medical health officer** (who has jurisdiction in the area) – if the managed organic matter is to be applied to agricultural land or in a watershed. This officer, within 30 days of receipt of notification, may provide written directions to the discharger that the application must not proceed, or proceed subject to conditions specified by the officer.
- **Agricultural Land Commission**<sup>44</sup> – if the managed organic matter is to be applied with the agricultural land reserve (ALR)

The discharger and the director or, where appropriate, the medical health officer, may agree to amend the 30-day time limit provided to respond to the notification.

Similar to an EIS report discussed in [section 1.2.5](#) above, the notification may be made available the public upon the submission of a Freedom of Information request or may be found using the MOE Environmental Management Authorization Database and the MOE search engine.<sup>45</sup> Please see footnotes 14 and 15 for more information.

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<sup>42</sup> OMRR Schedule 7 s.3

<sup>43</sup> OMRR s.22 (1)

<sup>44</sup> *Agricultural Land Commission Act*, SBC 2002 c.36 (“ALCA”) s.61. The Land Reserve Commission has become the Agricultural Land Commission. While the OMRR still uses the former name, this report uses the term Agricultural Land Commission.

<sup>45</sup> See footnotes 14 and 15 for FOI website and database/search engine, respectively.

The provisions in this division do not apply to Biosolid Growing Medium or Class A Compost. These materials can be applied to land without notification to the above-listed persons or entities.

### **Land Application & Distribution**

There are differing requirements for land application and distribution of different compost and biosolids materials. Land application is, as the name suggests, the process of applying the processed material, either biosolid or compost, to the land. Distribution has a wide definition and can include the sale or movement away from the facility of the compost or biosolid. For ease of reading, the materials have been grouped together by the common elements of regulation that apply to them.

#### **Class A & B Biosolids, Class B Compost**

Divisions 2, 3 and 6 provide for the land application and distribution of Class A Biosolids, Class B Biosolids, and Class B Compost, respectively.

With respect to land application, each material must be applied in accordance with a corresponding land application plan and the soil substance concentrations specified in Schedules 9 and 10 (or a site-specific criteria approved by the Director). This plan must be made available to the registered owner of the land before the land application occurs. It is not specified how many days before the land application must the plan be made available to the owner.

Further requirements are imposed on the land application of Class B Biosolids and Class B Compost. First, the land application must comply with OMRR Schedule 8. This schedule, depending on the fecal coliform level in the material or extent of processing, sets out requirements for where the material may be applied in relation to water bodies, roads, dwellings, or properties, restricts the use of the land for domestic animal grazing and human food crop production, and may require signage that indicates that biosolids have been applied to the land and warns of health hazards to humans and animals. Second, these materials must not be land applied in a watershed used as a “permitted water supply” under the *Drinking Water Protection Regulation*.

With respect to distribution, Class A Biosolids may only be distributed in volumes that do not exceed 5m<sup>3</sup> per vehicle per day, or in sealed bags for retail purposes, each not to exceed 5m<sup>3</sup>. There are no restrictions on the number of bags distributed per vehicle per day, or to the distribution of volumes greater than 5m<sup>3</sup> to composting facilities or Biosolids Growing Medium facilities.

Class B Biosolids may be distributed to composting facilities with no volume restriction. They may also be distributed to a Biosolids Growing Medium facility with no volume restriction if they meet the pathogen reduction and vector attraction requirements for Class A Biosolids specified in OMRR Schedules 1, 2, and 3.

There are no provisions that stipulate the distribution of Class B Compost. Class B Compost can be distributed without restriction.

## Biosolid Growing Medium & Class A Compost

The land application and distribution of Biosolid Growing Medium and Class A Compost are unregulated. There are no requirements provided for the land application of these materials (regardless of whether the compost is produced from solely untreated and unprocessed wood residuals or not) indicating that these materials can be applied to land without restriction. These materials can also be distributed without any volume restrictions. This is in keeping with the absence of regulation of these materials in other contexts, because these materials are deemed to be of low risk due to their low pathogen and heavy metal content.

### 1.2.8 Enforcement and Offences

In order to ensure compliance with the provisions in this regulation, if a person violates a provision of the OMRR, they will have committed an offence and will be liable on conviction to a fine not exceeding either:<sup>46</sup>

- \$10,000 for all sections, excluding those listed below.
- \$200,000 for the following violations: (the exact sections are footnoted)
  - For the application of managed organic matter in the absence of a land application plan prepared and signed by a qualified professional for each site and occurrence that the managed organic matter is applied.<sup>47</sup>
  - For the application of Class A Biosolids without, or in contravention with, the Class A Biosolids land application plan or in contravention with OMRR Schedules 8, 9 or 10. Or for the distribution of Class A Biosolids in volumes greater than 5m<sup>3</sup>.<sup>48</sup>
  - For the land application of Class B Biosolids applied without or in contravention with a Class B Biosolid land application plan, or in contravention with OMRR Schedules 8, 9 or 10.<sup>49</sup>
  - If Class A compost is derived from feedstock other than organic matter or if the Biosolids used as feedstock for the production of Class A Compost exceed the standards for Class B Biosolids set out in OMRR Schedule 4.<sup>50</sup>
  - If Class B Compost is derived from feedstock other than organic matter.<sup>51</sup>
  - For the land application of Class B Compost without, or in contravention with, a Class B Compost land application plan, in contravention with Schedules OMRR 8, 9 or 10.<sup>52</sup>
  - If managed organic matter is stored in a storage facility or storage site that does not comply with the requirements in s.18 and s.19, respectively. Or if the managed organic

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<sup>46</sup> OMRR s.31

<sup>47</sup> OMRR S.5(1)

<sup>48</sup> OMRR S.7(2) and (4)

<sup>49</sup> OMRR s.9(2)

<sup>50</sup> OMRR s.12(4) and (5)

<sup>51</sup> OMRR s.14(2)

<sup>52</sup> OMRR s.15(1)

- matter is stored on one farm, but used on another.<sup>53</sup>
- If managed organic matter stored at a storage site at the land application site at the specified “rainy” locations (Vancouver Island, Fraser Valley, or where average precipitation is greater than 600mm between October to March, inclusive) is not adequately covered from October 1 to March 31. Or, if managed organic matter escapes from the storage site due to the absence or, inadequacy of, the coverage during this time.<sup>54</sup>
  - If a discharger does not give notification of land application of managed organic matter in volumes of 5m<sup>3</sup> or more at least 30 days before the land application to the director, or if appropriate, the medical health officer (agricultural land or watershed) or the Agricultural Land Commission (if on the ALR).<sup>55</sup>
  - If a discharger collects (distributes) organic matter at (from) a compost facility that does not have an environmental impact study (EIS) completed by a qualified professional. Or if the EIS is not acceptable to the director. Or if the EIS does not include the elements required by s.23(2): design of facilities, odour and leachate collection treatments, and site preparation, buffer zones, and impact mitigation plans. Or s.23(3): the EIS is not submitted to the director at least 90 days before the commencement of a new facility or modification of an existing facility.<sup>56</sup>
  - If a qualified professional has not prepared plans and specifications for the construction and operation of a new facility (regardless of the capacity) or any modification of an existing facility that results in an increase in the annual production capacity of more than 10% or more than 20,000m<sup>3</sup>.<sup>57</sup>
  - If the discharger does not provide notice in writing to the director and the Agricultural Land Commission (if on the ALR) at least 90 days before beginning the operation of a composting facility.<sup>58</sup>
  - If the receiving, storage, processing, or curing areas of the composting facility do not comply with the requirements of s.26(2), including an appropriate impermeable surface, an appropriate roof, cover or prepared surface, or a functioning leachate collection system. Or if leachate that is not collected and reused in the composting process is discharged into the environment without authorization under the EMA.<sup>59</sup>
  - If the amount of organic matter in a composting facility exceeds the total design capacity of the facility.<sup>60</sup>
  - If at least half of the compost stored at the facility is not removed annually from the

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<sup>53</sup> OMRR s.17(1) and (2)

<sup>54</sup> OMRR s.20(2)

<sup>55</sup> OMRR s.22(1)

<sup>56</sup> OMRR s.21(2) and (3)

<sup>57</sup> OMRR s.24(1)

<sup>58</sup> OMRR s.25(1)

<sup>59</sup> OMRR s.26(2) and (3)

<sup>60</sup> OMRR s.27

- facility after the third year of the facility start-up.<sup>61</sup>
- If residuals from the composting process are not stored in a way that prevents vector attraction or are not disposed of on a regular basis in accordance with the EMA. Or if more than 15m<sup>3</sup> of residuals are stored at a composting facility at any time.<sup>62</sup>
  - If, before the closure of a compost facility, any of the remaining compost is applied or distributed in a way that does not comply with the OMRR, and/or any of the unprocessed organic matter is not removed from the facility and dealt with in accordance of the EMA.<sup>63</sup>

It is important to note, however, that all levels of government have discretion in how they enforce laws. They are not required to enforce their own regulations or laws, and can choose the circumstances under and methods by which they enforce the law.

## Summary

By defining different classes of compost and biosolids, the OMRR creates a regime to regulate the production, storage, land application and distribution of compost and biosolids. The OMRR also sets out requirements for the design, construction and operation of compost facilities as well as penalties for violation of the provisions of the regulation. The EMA delegates authority to the regional districts to enact bylaws with respect to municipal waste and recyclable materials, including compost. As discussed in [section 1.3.1](#) below, these bylaws must not only be consistent with relevant provincial enactments, but they often require that a compost facility operator be compliant with those provincial enactments as a condition of holding a business licence to operate a compost facility. This is also true with respect to municipal bylaws created for regulating land use, as discussed in [section 1.3.2](#) below. This ensures that the OMRR remains as the regulatory foundation for all local government waste management bylaws yet maintains the force to stand alone as a regulation that must be adhered to by compost facility operators.

## 1.3 Local Government Regulation

Regional districts have been granted the authority under s.25(3) of the *Environmental Management Act* (EMA) to enact bylaws that regulate compost facilities; however, municipalities do not have any specific jurisdiction do so. Municipalities must rely on their powers to enact bylaws under the *Local Government Act* (LGA) to regulate land use,<sup>64</sup> or their powers to enact bylaws under the *Community Charter* to regulate nuisance.<sup>65</sup>

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<sup>61</sup> OMRR s.28

<sup>62</sup> OMRR s.29(1) and (2)

<sup>63</sup> OMRR s.30

<sup>64</sup> *Local Government Act*, RSBC 1996 c.323 (“LGA”) Part 26 in general, and s.903 in particular

<sup>65</sup> *Community Charter* SBC 2003 c.26 (“Community Charter”) s.8



### 1.3.1 Regional District Bylaws

The EMA enables regional districts to undertake the responsibility for solid waste management within their boundaries.<sup>66</sup> In order to do so, a regional district may develop and submit a waste management plan to the Minister of Environment for approval.<sup>67</sup> There is no express requirement in the EMA that a regional district develop a waste management plan, but it is clear that many activities with respect to waste management cannot be completed without one. Section 25(3) of the EMA delegates authority to a regional district to make bylaws to implement the approved waste management plan and, in doing so, regulate a broad spectrum of aspects in relation to the management of a recyclable material such as compost. This includes bylaws regulating, prohibiting or respecting the handling of recyclable material, the management of compost sites (i.e. facilities), requirements that a facility operator hold a recycler licence, comply with a code of practice, or provide security or insurance, the enforcement of bylaws, and the provision of penalties.<sup>68</sup>

Regional Districts can regulate compost facilities in the region by bylaw and add specificity to the regulation of these facilities as appropriate. It is important to note that the EMA and OMRR take precedence over local bylaws, and regional districts may only act within the limits of this delegated authority.<sup>69</sup> As a general rule, all local government enactments<sup>70</sup> (both regional district and municipal) must comply with provincial laws, unless expressly stated otherwise in the provincial law. If a local government enactment is in conflict or inconsistent with the provincial law, then the enactment has no effect to the extent of the conflict or inconsistency.<sup>71</sup> For the general purposes of this report and for composting, the relevant provincial laws that the local government enactments must comply with are the EMA, OMRR, AWCR, ALCA, ARLUSPR, and orders of the Agricultural Land Commission.

There is no conflict when a local government enactment imposes restrictions or conditions on the compost operation **in addition to** those imposed by the provincial laws, unless, in the case of additions to the requirements of the EMA, OMRR, or ALCA, the Minister of Environment declares that a conflict exists by order.<sup>72</sup> This means that a local government can enact regulations for compost operations that are more stringent than the provincial regulations, though it cannot allow a discharger to operate under less stringent regulations. The local government also cannot enact a land use/zoning bylaw or land use contract that prevents land from being used for a purpose allowed by a permit, approval, order, or approved waste management plan.<sup>73</sup>

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<sup>66</sup> EMA s.24(1), (2), (3)

<sup>67</sup> EMA s.24

<sup>68</sup> EMA s.25(3)

<sup>69</sup> OMRR s.2(3) rests jurisdiction with regulation of composting in the provincial government.

<sup>70</sup> "Local government bylaws" includes municipal bylaws, or a permit, licence, approval or other document issued under the authority of a municipal bylaw as well as regional district bylaws and actions.

<sup>71</sup> EMA s.37(1), ALCA S.46

<sup>72</sup> EMA s.37(5), ALCA s.46(6)

<sup>73</sup> EMA s.37(6)

### *Capital Region District Bylaw No. 2736: Compost Facilities Regulation*

An example of a regional district bylaw and how it interacts with other compost regulations is the Capital Regional District (CRD) *Composting Facilities Regulation Bylaw*.<sup>74</sup> This bylaw requires that a person must obtain a recycler licence before they can operate a compost facility in the region. The licence, in turn, imposes certain terms and conditions on the licence holder, additional to the provincial requirements, in order to ensure that the facility operates under the direction of the regional government. One such condition is that the facility must operate in accordance with all applicable provincial enactments, such as the OMRR. If any of the terms and conditions of the licence are violated, the regional district may cancel or suspend the licence and the discharger will be unable to operate the facility. In this way, the bylaw creates a structure by which the regional district is able to determine who can compost and a mechanism by which they enforce proper compost operations based on the provincial regulation.

This bylaw differentiates between three classes of compostable, or feedstock, materials. The bylaw uses the list of “organic matter used for composting” provided in Schedule 12 of the OMRR and divides the list into Class 1: General Organic Matter, Class 2: Biosolids & General Organic Matter, and Class 3: Restricted Organic Matter. Each class requires a separate licence, can only be processed with specified technology, and is subject to provisions of the bylaw in a particular way. It should be noted that this bylaw uses a front-end input designation to direct its compost regulations based on the type of feedstock materials, compared to the OMRR that uses tail-end performance standards based on testing of the composted product.

Before granting a licence, the bylaw prescribes an application process that requires a description of the facility and operations, management plans to deal with the various problems that can arise from composting, the deposit of a performance security to guarantee compliance with the terms of the licence and the bylaw, and certain fees. The bylaw specifies who may enforce the bylaw and the penalties prescribed in OMRR, and also provides for an appeal process for decisions made by the solid waste manager. The bylaw only addresses storage and the composting process in a limited fashion and does not provide regulations for the land application and distribution of compost, or the requirements, design, and operation of a compost facility. Although the bylaw does not explicitly point to the OMRR to fill in these gaps, these missing aspects are impliedly addressed through the licence condition that the facility must operate in accordance with all applicable Provincial enactments, which includes the OMRR.

A more detailed outline of the *CRD Compost Facilities Regulation Bylaw* is reproduced in the [Appendix](#) below.

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<sup>74</sup> *Capital Regional District Bylaw No. 2736: A Bylaw to Regulate the Operation of Composting Facilities in the Capital Regional District (“CRD Bylaw No. 2736”)*

### 1.3.2 Municipal Bylaws

Municipal bylaws enacted under existing municipal jurisdiction can impose further requirements on compost facilities. With respect to compost operations outside the ALR, a municipal government can regulate a compost facility to the extent of the powers granted to it by the *Community Charter* using, for example, its ability to regulate nuisances.<sup>75</sup> A municipality may also use its land use jurisdiction under Part 26, and s.903 in particular, of the *Local Government Act* (LGA) to regulate the use of land through bylaws that impose zoning designations, density requirements, site-specific conditions, and development permit areas.<sup>76</sup> With respect to compost operations in the ALR, a municipality has more limited regulatory powers. A municipality can regulate and prohibit a “permitted use” compost operation, but they cannot prohibit a “farm-use” facility, unless the municipality is the Township of Langley, City of Abbotsford, City of Kelowna, or Corporation of Delta.<sup>77</sup> As discussed in more detail in [section 2.1.1](#) below, these four local governments have been granted the authority to more comprehensively regulate uses and activities on land in the ALR. In addition, municipal nuisance bylaws, regardless of the municipality, do not apply to a “farm use” compost operation if the operation is compliant with the requirements of the *Farm Practices Protection (Right to Farm) Act* (FPPA).<sup>78</sup>

The interaction between municipal bylaws and provincial laws is the same as between regional district bylaws and provincial laws described above in [section 1.3.1](#). That is, municipal enactments (e.g. bylaw or licence) cannot be in conflict or inconsistent with the EMA, OMRR, ACWR, ALCA, ALRUSPR or orders of the Agricultural Land Commission.<sup>79</sup> Otherwise, the municipal enactment is without effect to the extent of the conflict.<sup>80</sup> A conflict or inconsistency does not exist simply because of additional, more stringent, restrictions or conditions that are imposed by the bylaw, unless, in the case of additions to the EMA OMRR, or ALCA, the appropriate Minister declares that a conflict exists.<sup>81</sup> As such, a municipal bylaw can impose more stringent requirements on a compost facility than a provincial enactment.

A municipality may regulate compost operations through a variety of bylaws including zoning and land use, business licencing, and noise bylaws. Bylaws from the District of Central Saanich have been outlined in the [Appendix](#) below to provide a more detailed example of how municipalities may regulate compost operations.

#### *Official Community Plan designation of Development Permit Areas*

The designation of a Development Permit Area (DPA) is another means that a municipality can regulate land use. The *Local Government Act* at sections 919.1 and 920 grants local governments the

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<sup>75</sup> *Community Charter* s.8

<sup>76</sup> LGA s.903 and s.919.1

<sup>77</sup> As per the Right to Farm Regulation BC Reg. 261/97, these municipalities can enact Farm Bylaws specified under LGA s.917

<sup>78</sup> *Farm Practices Protection (Right to Farm) Act*, RSBC 1996 c.131 (“FPPA”) s.2(3)

<sup>79</sup> EMA s.37(1); ALCA s.46(2)

<sup>80</sup> EMA s.37; ALCA s.46(4)

<sup>81</sup> EMA s.37(5); ALCA s.46(6)

authority to use an official community plan (OCP) to designate a DPA within their boundaries. Essentially, the DPA is a means for local governments to impose conditions upon activities that take place within a discrete area of land within their jurisdiction. A DPA may be designated for a variety of purposes including the protection of the natural environment or the protection of farming.<sup>82</sup> Once a DPA has been put in place, a development permit is required for any proposed development within the DPA. This permit specifies certain guidelines and conditions that must be adhered to in order to reach the objectives for which the DPA was designated. A person who wishes to conduct an activity in the DPA must apply for the local government to issue a development permit and may be required to submit a report, certified by a professional engineer with relevant experience, to assist the local government with determining the conditions to be imposed on that development.<sup>83</sup>

A development permit for a DPA designated for the protection of the natural environment may require that certain areas remain free of development, specify natural features to be preserved or enhanced, require natural water courses to be dedicated, require works to be constructed to protect or restore specified natural features of the environment, require protection measures for fish habitat and riparian areas, control drainage, or control erosion.<sup>84</sup> The requirements for a DPA are usually provided in the local government's OCP.

With respect to a proposed compost facility located in a DPA, the owner/operator must apply to their local municipal government for a development permit before development of the facility can proceed. The applicant may be required to provide certain information to assist the local government in determining then conditions or requirements it may impose in the development permit.

## 1.4 Agricultural Waste Control Regulation

Agricultural wastes such as manure, used mushroom medium, and agricultural vegetation waste can quickly accumulate on a farm and must be managed appropriately to prevent pollution and allow the farmer to retain valuable resources.

The management of this waste is so closely tied to general farm operations that the production, storage, and application of compost from agricultural wastes is permitted as a "farm use" on the ALR if the compost is used for farm purposes and the process is in compliance with the Agricultural Waste Control Regulation.<sup>85</sup> As this type of operation is designated as a "farm use" by the ALRUSPR, it is subject to the regulations concerning farm uses described in [part 2.1.1](#) of this report and the protections from nuisance liability and certain local government bylaws.

As per OMRR s.3, agricultural waste composting is not subject to the OMRR if it is conducted in

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<sup>82</sup> LGA s.919(1)

<sup>83</sup> LGA s.920

<sup>84</sup> LGA s.920 (7)

<sup>85</sup> *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* B.C. Reg. 171/2002 ("ALRUSPR") s.2(2)(k)

accordance with Part 5 of the *Code of Agricultural Practice for Waste Management* (Code) made under the AWCR. This Code is described below.

#### 1.4.1 Code of Agricultural Practice for Waste Management

The Code is contained within the AWCR. The Code describes how agricultural wastes, wood waste and mortalities must be collected, stored, handled, used and disposed of in accordance with the Code in a manner that prevents pollution.<sup>86</sup> Amongst its various Parts, the Code describes how and where agricultural waste may be stored and applied to land, provides broad requirements for composting of agricultural waste, and provides for the composting of animal mortalities. The Code does not describe the methods that must be used in the compost process, the facilities in which it must occur, how the compost must be stored, or how the compost must be applied.

##### Composting of Agricultural Waste

Agricultural wastes may only be composted on a farm if the material being composted consists only of agricultural wastes that have been produced on that farm or that have been produced elsewhere but will be used on that farm only.<sup>87</sup> The compost site must be located at least 15m from a watercourse and 30m from any source of water used for domestic purposes. The composting must be conducted in a manner that does not cause pollution.

The regulation also provides for the composting of agricultural waste for the production of mushroom medium on a farm. This is allowed if the mushroom medium that is produced is only used on that farm, and, as with a compost operation on a farm, the compost site is located at least 15m from a watercourse and 30m from any source of water used for domestic purposes, and if the composting does not cause pollution.<sup>88</sup>

The composting of livestock, poultry or farmed game that have died on the farm and are unmarketable is permitted if they are composted on the farm where they died, the composting site is located at least 15m from a watercourse and 30m from any source of water used for domestic purposes, and the composting does not cause pollution.<sup>89</sup>

While “farm use” composting operations such as agricultural waste composting are protected from nuisance liability and various government bylaws by the FPPA, this Code further provides that

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<sup>86</sup> *Code of Agricultural Practice for Waste Management* (am. BC Regs. 321/2004, s.2) (“Code”) s.3

<sup>87</sup> Code s.15

<sup>88</sup> Code s.16(2): If the operation and site existed before April 1, 1992, the mushroom medium produced on the farm may be used elsewhere, and the site does may be within 15m and 30m of watercourses and domestic water sources, respectively. However, a report must satisfy to the director that no pollution to watercourse or domestic water supply will occur. The report must be produced by a person with professional qualifications in the field of environmental assessment and licensed to practice in British Columbia, or staff of the ministry of the Minister of Agriculture under a Best Agricultural Waste Management Plan and made available to the director by April 1, 1993.

<sup>89</sup> Code s.24

nothing in the Code is intended to prohibit odours from the operation, as long as the operation is carried out in accordance with the Code.<sup>90</sup>

### **Land Application of Agricultural Waste**

Agricultural waste may only be applied to land as fertilizer or a soil conditioner.<sup>91</sup> It must not be directly discharged into a watercourse or groundwater, and it must not be applied to land if the application causes pollution of a watercourse or groundwater due to meteorological, topographical or soil conditions or the rates of application, runoff or escape of the agricultural waste.<sup>92</sup> There are certain conditions under which agricultural wastes may not be applied if by doing so would result in runoff or escape of the waste causing pollution of a watercourse or groundwater, or goes beyond the farm boundary. These conditions are the application of waste on frozen lands, in diverting winds, on areas having standing water, on saturated soils, or at rates of application that exceed the amount required for crop growth.<sup>93</sup> This regulation does not define when land is considered frozen, what is a diverting wind, when soil is considered saturated, or what rates of application might exceed the amount required for crops.

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<sup>90</sup> Code s.19

<sup>91</sup> Code s.12

<sup>92</sup> Code s.13

<sup>93</sup> Code s.14

hey!  
**food**  
isn't garbage  
food scraps belong  
in your green bin



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[metrovancover.org/foodscraps](http://metrovancover.org/foodscraps)



## PART 2 - REGULATION BY LAND TYPE

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In addition to the regulation of compost facilities, storage and land application, the provincial regulatory scheme also differentiates between composting on land in the Agricultural Land Reserve (ALR) and on land outside the ALR.

The provincial *Agricultural Land Commission Act* (ALCA) and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (ALRUSPR) allow the province to control the types of activities that occur in the ALR with the intent to protect farm uses. Whether an activity is a “farm use” not only determines whether an activity can take place on the ALR but, under the *Farm Practices Protection (Right to Farm) Act* (FPPA), may also protect the operator from liability from nuisance claims that arise from the operation of the activity. The EMA and OMRR still apply on land in the ALR, but in some instances, the ALCA, ALRUSPR, and the FPPA may alter the application of some local government bylaws to operations in the ALR.

With respect to the compost operations outside the ALR, the EMA, OMRR and local government bylaws all apply. However, there may be instances of compost operations on land designated as farmland but that is outside the ALR to which the FPPA and its attendant changes to local government bylaws may still apply.

### 2.1 Composting in the Agricultural Land Reserve

The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the primary use. Farming is encouraged on the land while non-agricultural (“non-farm”) uses are controlled. Any legislation, regional or local bylaws and land use plans that may pertain to the ALR land are expected to comply with the *Agricultural Land Commission Act* (ALCA).<sup>94</sup>

The ALCA is a land use law that prescribes what activities can take place on the ALR. The primary regulation under the ALCA is the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (ALRUSPR), which permits certain activities in the ALR by designating them as either a “farm use” or a “permitted use.” and specifies conditions that these uses must meet. The ALCA and ALRUSPR are not subject to any other enactments except the *Interpretation Act*, the *Environment and Land Use Act*, and the EMA and its regulations, including the OMRR, or unless specifically stated in the ALCA.<sup>95</sup> This means that all other enactments, such as local government bylaws that seek to regulate or prohibit certain activities on the ALR, can only do so where permitted, or to the extent that they do not conflict with the ALCA and ALRUSPR.

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<sup>94</sup> ALCA s.46

<sup>95</sup> ALCA s.2(1)



As explained in the following sections, the ALRUSPR allows composting in the ALR under certain circumstances and if the compost operation complies with certain enactments, such as the OMRR or AWCR. The OMRR permits the construction and operation of compost facilities and the application of biosolids or compost to land in the ALR so long as the activities are in compliance with all applicable legislation of BC, including the OMRR, ALCA, and ALRUSPR, and that the activities are conducted in accordance with “good agricultural practice.”<sup>96</sup>

Neither the OMRR nor other legislation define a “good agricultural practice.” The BC Ministry of Agriculture (MOA) has developed a reference guide consisting of factsheets that describe different farm practices, including composting.<sup>97</sup> The MOA asserts that the guidelines provided in these factsheets describe current practices used by farmers in BC and are not intended to serve as “best management practices” or formal standards. However, the MOA states that these factsheets describe what the Ministry considers to be normal farm practices for agricultural waste composting in the context of the *Farm Practices Protection (Right to Farm) Act*. Under this Act, the Farm Industry Review Board (FIRB) is granted the power to determine whether an activity is a “normal farm practice” in order to grant a farmer protection from formal nuisance complaints. If the factsheets are considered in a determination of a “normal farm practice,” the factsheets could also be used in a determination of a “good agricultural practice.” Other evidence of industry standards or normal practices can also be considered.

It is important to know whether the compost facility is located in the ALR in order to understand what legislation and regulations apply to the facility and what kind of composting is allowed. In short, if the compost facility is in the ALR, its operations must comply with the ALCA, the ALRUSPR and the OMRR. However, the interaction between this legislation and others can be complicated. The flowchart in [section 2.4](#) may be helpful to clarify this complexity.

### 2.1.1 Farm Uses

As the ALR has been set aside for agricultural purposes, it is important that any activities that occur on this land are for agricultural or farm uses, or do not interfere with the ability of the land to support these uses. To this end, the ALCA states that agricultural land in the ALR must only be used for “farm uses,” and prohibits all non-farm uses, unless they are otherwise permitted by the ALCA or the ALRUSPR.<sup>98</sup> Therefore, for a compost activity to legally operate on land in the ALR it must fit within the descriptions contained in the ALRUSPR of a “farm use” or, alternatively (as discussed in [2.1.3 below](#)), a “permitted use.”<sup>99</sup> Activities designated as “farm uses” include the construction, maintenance and

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<sup>96</sup> OMRR s.2(4)

<sup>97</sup> As of 6 April 2015, the BC Ministry of Agriculture *Reference Guide to Farm Practices* is no longer available online. It was previously found at <[http://www.al.gov.bc.ca/resmgmt/fppa/refguide/activity/870218-29\\_Composting.pdf](http://www.al.gov.bc.ca/resmgmt/fppa/refguide/activity/870218-29_Composting.pdf)>. There is some discussion of what constitutes a “normal farm practice” on the FIRB website, accessed 6 April 2015 at <[http://www.firb.gov.bc.ca/2011\\_farm\\_practices\\_normal\\_farm\\_practice.htm](http://www.firb.gov.bc.ca/2011_farm_practices_normal_farm_practice.htm)>

<sup>98</sup> ALCA s.20(1) *a person may not use agricultural land for a non-farm use unless permitted under the Act*

<sup>99</sup> ALCA s.1: “farm use” means an occupation or use of the land for farm purposes including farming of land, plants and animals and any other similar activity designated as a farm use by regulation, and includes a farm operation as defined in the FPPA.

operation of a building, structure, driveway ancillary service or utility necessary for that farm use.<sup>100</sup>

The following compost activities are designated as “farm uses” and are appropriate on the ALR:<sup>101</sup>

- The production, storage and application of compost from **agricultural wastes** produced on the farm for farm purposes in compliance with the *Agricultural Waste Control Regulation (Code of Agricultural Practice for Waste Management)*.
- The **application of compost and biosolids** produced and applied in compliance with the *Organic Matter Recycling Regulation*.
- The production, storage and application of **Class A Compost** in compliance with the *Organic Matter Recycling Regulation*, if **all** the compost produced is used on the farm. [emphasis added]

These compost activities may be regulated but cannot be prohibited by any local government bylaw, except by a farm bylaw made under s.917 of the *Local Government Act* (LGA) or, if the activity is undertaken on treaty settlement lands, by a law of the applicable treaty First Nation government.<sup>102</sup> This means that “farm uses” on the ALR can be subject to regulation by local governments, just like activities outside the ALR. However, local governments are unable to prohibit these “farm uses,” unless through a farm bylaw made under LGA s.917. To enact a farm bylaw under s.917, a local government requires the permission of the Minister of Agriculture.<sup>103</sup>

To date, only the City of Kelowna, the Township of Langley, the City of Abbotsford, and the Corporation of Delta have been granted the authority to enact s.917 farm bylaws.<sup>104</sup> These local governments may make bylaws in relation to the conduct of farm operations, the types of buildings, structures, machinery, facilities and equipment required for farm operations, siting, and prohibiting specified farm operations.<sup>105</sup> These bylaws may be situation-specific and based on the sizes and types of farms, site conditions, uses of adjoining land, and areas. The Minister of Agriculture must approve the farm bylaws adopted under s.917 and the Minister can also make regulations defining areas and circumstances (along with terms and conditions) not covered by the bylaws. These regulations may be different in different circumstances.

### 2.1.2 Normal Farm Uses Protected by FPPA

Recognizing that farming is important and that farm operations are often accompanied by smells and sounds that may not always be pleasant for neighbours, the BC Legislature enacted the *Farm*

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<sup>100</sup> ALRUSPR s.2(3)

<sup>101</sup> ALRUSPR s.2(2)(k), (m), (l)

<sup>102</sup> ALRUSPR s.2

<sup>103</sup> LGA s.903(5): Despite subsections (1) to (4) but subject to subsection (6), a local government must not exercise the powers under this section to prohibit or restrict the use of land for a farm business in a farming area unless the local government receives the approval of the minister responsible for the administration of the *Farm Practices Protection (Right to Farm) Act*.

<sup>104</sup> *Right to Farm Regulation* BC Reg. 261/97

<sup>105</sup> LGA s.917(1)

*Practices Protection (Right to Farm) Act* (FPPA) to protect farmers from liability for nuisance claims arising from any odour, noise, dust or other disturbance resulting from a farm operation. The Act prohibits the application of certain bylaws, such as nuisance bylaws, enacted under the *Local Government Act* (LGA) or the *Community Charter*. The FPPA also prevents a complainant from lodging an injunction or court order that stops the farm operation.

If a compost facility is part of a farm operation, or is a “farm operation” by virtue of being designated a “farm use” under ALCUSPR s.2(2) then it may be granted protection under the FPPA if it complies with the following requirements:<sup>106</sup>

- a) Be conducted in accordance with normal farm practices;
- b) Be conducted on, in or over land
  - o (i) in the ALR, (ii) on which by the LGA, farm use is allowed, (iii)...*concerning aquaculture...* or (iv) that is Crown land designated as farm land under FPPA ss.(2.1); and
- c) Not be in contravention with the *Public Health Act*, the *Integrated Pest Management Act*, the *Environmental Management Act* and its regulations, or any land use regulation.<sup>107</sup>

Any person who is aggrieved by any odour, noise, dust or other disturbance resulting from a “farm use” compost operation on the ALR can apply in writing to the Farm Industry Review Board (FIRB) for a determination as to whether the disturbance results from a normal farm practice.<sup>108</sup> As outlined in FPPA s.6, upon receiving a complaint, FIRB will convene a panel and hold a hearing. The complaint will be dismissed if the disturbance results from a normal farm practice. If the practice is found not to be a normal farm practice, the panel will order the farmer to cease the practice or modify it to make it consistent with normal farm practice.

A “normal farm practice” is a practice that is conducted by a farm business in a manner consistent with proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances, and any standards prescribed by the Lieutenant Governor in Council.<sup>109</sup> As mentioned above in [section 2.1](#), the Ministry of Agriculture has provided factsheets for various farm practices, including composting, which may be used by the FIRB for the determination of a “normal farm practice.”

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<sup>106</sup> FPPA s.2(2)

<sup>107</sup> FPPA s.1: **land use regulation** - an enactment that restricts or prescribes the use to which land or premises may be put or the nature of business or activities that may be conducted on land or premises, but does not include the following:

- (a) a bylaw under the following provisions of the *Community Charter*: s.8 (3) (d) [*firecrackers, fireworks and explosives*]; s.8 (3) (e) [*weapons other than firearms*]; s.8 (3) (h) [*nuisances, disturbances and other situations*]; s. 8 (3) (k) [*animals*]; s.8 (5) [*firearms*];
- (b) a bylaw under the following provisions of the *Local Government Act*: s.703 [*animal control authority*]; s.724 [*noise control*]; s.725 [*nuisances and disturbances*]; s.728 [*fireworks*].

<sup>108</sup> FPPA s.3

<sup>109</sup> FPPA s.1

If, in the opinion of the chair of the Board or the panel, the subject matter is trivial, the complaint is frivolous, vexatious or not made in good faith, or the complainant does not have a sufficient personal interest in the subject matter, the complainant may be refused a hearing, the hearing may be discontinued, or the decision withheld.<sup>110</sup>

An example of where the Board refused to continue a hearing on grounds of a vexatious application is found in a recent FIRB decision where a complainant sought a ruling that an operation was not a “farm operation” and therefore should not fall under the jurisdiction of the FIRB.<sup>111</sup> While FIRB had the jurisdiction to make such a ruling, complaints generally proceed under the presumption that the activity in question is a “farm operation” and the decision sought is whether the practice in question is a “normal farm operation.” The Board refused to make a ruling because the Board found that the complainant did not seek the remedies available in FPPA (an order that the farmer cease or modify the practice) but sought the ruling for the purposes of an ulterior legal proceeding.<sup>112</sup>

For a “farm use” compost operation to be granted protection from nuisance complaints under the FPPA, it is essential that all three requirements in FPPA s.2(2) (normal farm practice, conducted on specified land, and compliance with the appropriate enactments) are satisfied. The third requirement demands compliance with (amongst other enactments) the EMA and its regulations, namely the OMRR. If the operation is not compliant with the OMRR, then enforcement, including prohibition, can occur under local government bylaws and provincial laws regardless of the operation being in the ALR. A determination of compliance with the OMRR is different, and separate, from a determination that the operation is consistent with normal farm practices: just because an operation is consistent with “normal farm practices” does not necessarily mean that it is compliant with the OMRR.

“Farm use” compost operations that comply with the above requirements of the FPPA are further exempted from certain local government bylaws made under the *Community Charter* or the LGA.<sup>113</sup> By conducting the compost operation as a “farm use” in accordance with the requirements outlined in FPPA s.2(2) the operator cannot be charged for violation of those bylaws or prevented by injunction or court order from conducting that operation. The bylaws that are most relevant to compost operators are those relating to nuisances, noise and disturbances.

It should be noted that “farm use” compost operations that are conducted on land outside the ALR on which farm use is allowed by the *Local Government Act* are not granted this exemption from the

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<sup>110</sup> FPPA s.6(2)

<sup>111</sup> FIRB Farm Practices Complaints Decisions *Hardy & Bond v Stanhope Farms Ltd* (4 October, 2013) Accessed 6 April 2015 online: <[http://www.firb.gov.bc.ca/complaints/farm\\_practice\\_complaints/hardy\\_and\\_bond\\_v\\_stanhope\\_farms\\_ltd\\_decision\\_oct04\\_13.pdf](http://www.firb.gov.bc.ca/complaints/farm_practice_complaints/hardy_and_bond_v_stanhope_farms_ltd_decision_oct04_13.pdf)>

<sup>112</sup> *Ibid* pp.16

<sup>113</sup> FPPA s.2(3): If the requirements of s.2(2) [except s.2(2) (b) (ii)] are fulfilled, a farmer, by conducting a farm operation, does not contravene a bylaw made under the following provisions of the:

- a) *Community Charter*: s.8 (3) (d) [explosives], (e) [weapons other than firearms]; (h) [nuisances, disturbances]; (k) [animals]; and s.8 (5) [firearms];
- b) *Local Government Act*: s.703 [animal control authority]; s.724 [noise]; s.725 [nuisances and disturbances]; and s.728 [fireworks]

LGA or *Community Charter* bylaws specified in s.2(3) of the FPPA.<sup>114</sup> In addition, “permitted use” compost operations in the ALR do not qualify for this exemption as they are not considered “farm operations.”

### 2.1.3 Permitted Use

A composting operation that does not process agricultural waste or is not designated as a “farm use” under ALRUSPR s.2(2) may be still be permitted on land within the ALR. Section 3 of the ALRUSPR permits various land uses in the ALR and specifies the conditions that accompany these uses. One such land use is:

- S.3(1)(p) the production, storage and application of **Class A compost** in compliance with the *Organic Matter Recycling Regulation*, if at least **50%** of the compost measured by volume is used on the farm. [emphasis added]

These uses can be prohibited by local government bylaws or by a law of the applicable First Nation government if the lands in the ALR are treaty settlement lands. This means that a bylaw, such as the *Central Saanich Land Use Bylaw*, that requires that a compost operation in the agricultural zone (i.e. on the ALR) to use 100% of the compost on the property on which it is produced would, in effect, validly prohibit a “permitted use” compost operation that uses anything less than 100% of the compost of on its property and sells the rest. This ALRUSPR provision is silent on whether a “permitted use” compost operation can be regulated by a local government bylaw.

It should be noted that similar to “farm uses,” ancillary activities to these “permitted uses” that are necessary for that use (construction, maintenance and operation of buildings, structures, driveways etc.) are also permitted.<sup>115</sup> However, unlike a “farm use” compost operation, or composting of agricultural wastes, a “permitted use” compost operation on the ALR is not afforded any liability protection under FPPA for nuisances arising from the compost operation. It is also subject to all local government bylaws, such as a noise and nuisance bylaws.

### 2.1.4 Local Government Bylaws & the ALR

As discussed, local governments are granted authority to enact bylaws with respect to activities within their jurisdiction under the *Local Government Act* (LGA), *Community Charter*, and the *Environmental Management Act* (EMA). The LGA permits local governments to enact zoning bylaws, development permit areas, and in some instances, farm bylaws.<sup>116</sup> The *Community Charter* permits municipalities to enact bylaws in relation to a variety of municipal issues, such as nuisances and disturbances.<sup>117</sup> The EMA permits regional districts to make bylaws to regulate the management of

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<sup>114</sup> FPPA s.2(3)

<sup>115</sup> ALRUSPR s.3(5)

<sup>116</sup> LGA s.903, s.920 and s.917, respectively.

<sup>117</sup> *Community Charter* s.8

municipal solid waste or recyclable material in order to implement an approved waste management plan.<sup>118</sup>

However, various enactments refine the application of local government bylaws composting operations on the ALR including the ALCA, the ALRUSPR and the FPPA.

For example, s. 46(3) of the ALCA specifies how local government bylaws and First Nation government laws interact with farm land in the ALR. This section provides that local government bylaws can apply to the use of agricultural land within the ALR, but they must ensure consistency with ALCA, the ALRUSPR and the orders of the Agricultural Land Commission.<sup>119</sup> If the bylaws are inconsistent, they are of no force or effect to the extent of the inconsistency. Examples of inconsistency include allowing the use of the land in the ALR that is not permitted under the ALCA, and if the use of the land impairs or impedes the intent of the ALCA, the ALRUSPR or the orders of the Agricultural Land Commission.<sup>120</sup> The intent of these enactments appears to be to protect and preserve the agricultural land, while encouraging farm uses and controlling other uses on the ALR. Bylaws are not considered to be inconsistent if they impose additional restrictions on “farm uses” on the ALR in addition to those in the ALCA: this allows local governments to enact more stringent regulations on compost facilities than the ALCA or the OMRR might impose.

A good example of the application of a municipal bylaw to compost operations in the ALR is the provision in the District of Central Saanich Land Use Bylaw no. 1309 that requires that compost prepared in the agricultural zone must be applied to land in the same farm business as the land on which the composting occurs and may not be sold or removed from the premises on which it is produced.<sup>121</sup> This would allow a “farm use” compost operation described in ALRUSPR s.2(2)(m) (100% on-farm use) but it would not allow a “permitted use” compost operation described in ALRUSPR s.3(1)(p) which requires that a minimum of 50% of the compost be used on the property on which it is produced, the rest of which can be sold. As such, this bylaw provision effectively prohibits the sale of compost and therefore, the “permitted use” compost operation. However, since ALRUSPR s.3 provides that “permitted uses” may be prohibited by local government bylaws, this bylaw provision is within the authority of the municipality to enact.

In addition, as discussed in [section 2.1.2](#) above, the FPPA restricts the application of certain LGA and *Community Charter* bylaws to “farm uses” on the ALR.

## Summary

Compost operations may be permitted in the ALR if they can be designated as a “farm use” under

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<sup>118</sup> EMA s25(3)

<sup>119</sup> ALCA s.46(3) and (2)

<sup>120</sup> ALCA s.46(5)

<sup>121</sup> *District of Central Saanich (DCS) Land Use Bylaw no. 1309 s.25.A(3)(b)*

ALRUSPR s.2(2) or as a “permitted use” under ALRUSPR s.3(1). “Farm use” compost operations can be subject to regulation by local government bylaws but cannot be prohibited by a local government bylaw unless the bylaw is a Farm Bylaw made under LGA s.917 by a local government given the required authority by the Minister of Agriculture. Only Delta, Abbotsford, Kelowna, and Langley have this power. A “farm use” compost operation is protected from certain local bylaws and nuisance complaints arising from the operation by the FPPA if the operation fulfils certain requirements. These requirements are that the operation is consistent with “normal farm practices,” is conducted on the ALR or designated farm land, and is compliant with various enactments, including the EMA and the OMRR. A determination of what is a “normal farm practice” can be made by the Farm Industry Review Board, though this is no guarantee of compliance with the OMRR. A “permitted use” compost operation may be prohibited or regulated by local government bylaws and is not protected from nuisance claims or local government bylaws by the FPPA.

## 2.2 Non permitted compost facilities on the ALR

In keeping with the intent of the ALCA to encourage farming in the ALR and restrict or control other uses, as a general rule, compost facilities that are not designated as “farm uses” or “permitted uses” are not allowed on the ALR.<sup>122</sup> This is a land use matter within the jurisdiction of the Agricultural Land Commission. If a person contravenes a provision of the ALCA by operating a non-authorized compost facility, the Commission may order that the operation cease entirely, cease to the extent of the contravention, or that a person not take any action that would result in a contravention.<sup>123</sup> An operator of an unauthorized facility or who ignores a stop-work order commits an offence and is liable on conviction to a fine not exceeding \$1 million or imprisonment for not more than 6 months, or both.<sup>124</sup>

Exceptions to this general rule are permitted in some instances. If the owner of agricultural land would like to operate a compost facility that does not qualify as a “farm use” or a “permitted use” on the ALR, they may apply to the Commission to do so.<sup>125</sup> Section 25 of the ALCA outlines the terms by which the Commission may consider the application and the responses they may give. Section 26 of the ALCA allows for the Commission to delegate their power to respond to non-farm use applications to the local government. In subsequent sections (s.27 to s.36), the ALCA outlines the application procedure.

## 2.3 Composting on land outside the ALR

If the compost facility is located outside the ALR, it must still comply with the enactments set out in [Part 1](#) of this report (EMA OMRR, AWCR, Regional District Bylaws and Municipal Bylaws).

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<sup>122</sup> ALCA s.20(1)

<sup>123</sup> ALCA s.50

<sup>124</sup> ALCA s.57(1)

<sup>125</sup> ALCA s.20(3)

In addition, if a non-ALR compost facility is located on land designated for farm use by the *Local Government Act* or on Crown land designated as farm land by the Lieutenant Governor in Council, and fulfills the specified requirements of FPPA (normal farm practice, compliance with applicable enactments such as the OMRR) it is afforded the protections under FPPA from liability for nuisance complaints arising from disturbances resulting from the compost facility and is exempted from the specified local government bylaws.<sup>126</sup>

### Summary

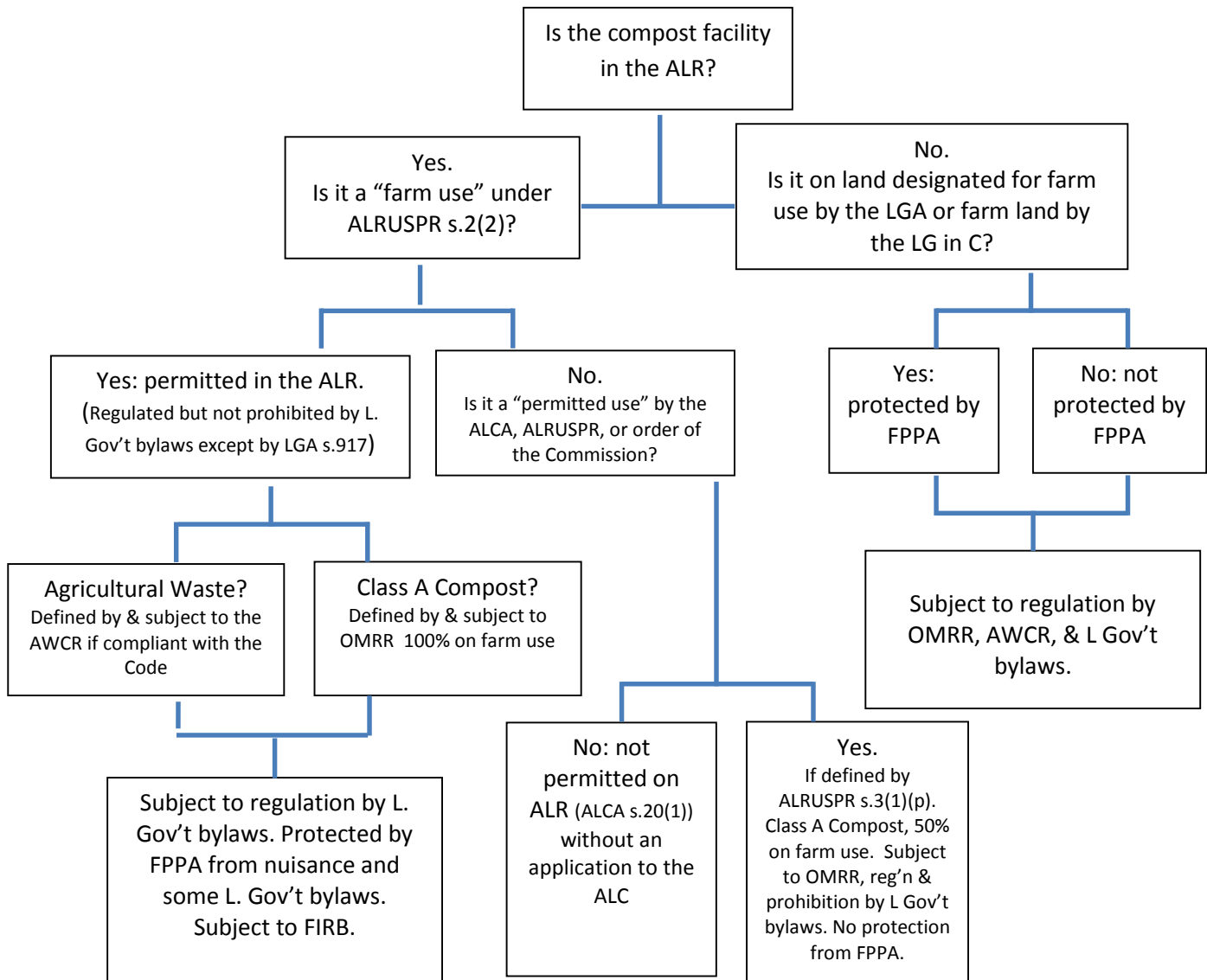
Compost operations are permitted in the ALR if the operation deals with agricultural waste or if the operation can be defined as a “farm use” or a “permitted use” under the ALRUSPR. Both types of operations are subject to provincial enactments such as the EMA and OMRR and local government bylaws. The local government bylaws may regulate compost operations beyond the requirements imposed by the OMRR, ALCA and ALRUSPR as long as the bylaws do not conflict with these enactments. However, a “farm use” operation may be granted some exemptions under FPPA from the application of local government bylaws and nuisance claims. Compost operations that do not fit under the designations “farm use” or “permitted use” are not permitted on the ALR, absent a successful application to the ALC for a non-farm use. Compost operations located outside the ALR must comply with all relevant enactments without exception.

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<sup>126</sup> FPPA s.2



## 2.4. Flow Chart: BC Compost Facility Regulatory Framework



hey!  
**food  
scraps**  
belong in your  
green bin **food isn't  
garbage**



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[metrovancover.org/foodscraps](http://metrovancover.org/foodscraps)



## PART 3 - RECOMMENDATIONS FOR LAW REFORM IN BRITISH COLUMBIA

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This part identifies issues with the BC compost regime, suggests recommendations for law reform, and where possible, provides examples of practices employed in compost regimes elsewhere that are useful examples for implementing these recommendations. The majority of our recommendations focus on the OMRR because this is the provincial law that applies to compost facilities across BC and acts as the framework for the regional district and municipal compost bylaws.

In the absence of amendments to the OMRR, many of these recommendations could be implemented through local government bylaws. As discussed in sections 1.3.1 and 1.3.2, local governments (both regional districts and municipalities) are able to impose requirements on compost facilities that are additional to and more stringent than provincial laws like the EMA, OMRR, or ALCA, providing that the bylaws are not inconsistent or in conflict with the provincial enactments.<sup>127</sup> [Section 3.4](#) discusses this with respect to the recommendations in more detail below.

In developing recommendations and finding best practices, the Alberta compost regime is used heavily as it provides a very clear and detailed set of regulations. Regimes in BC, Ontario, Texas, and California are also relied upon.

In the course of this process, we did not rely on resources readily available to BC compost operators and local governments, namely the *Compost Facility Requirements Guideline: How to Comply with Part 5 of the Organic Matter Recycling Regulation (“OMRR Part 5 Guidelines”)*. In part this was because the *OMRR Part 5 Guidelines* should be known and available to compost operators and government officials but also because the contents of this guideline are merely for guidance and are not legal requirements. The intent of this Part of our report is to find fresh examples of strong compost regulations that impose legally binding requirements on compost operators. However, the *OMRR Part 5 Guidelines* still contain useful information and any efforts to reform to the OMRR should consider the contents of this document and adopt them into the OMRR where relevant.

As noted in the introduction, the following recommendations recognize the costs of implementation and economies of scale challenges that small facilities face. It will often be the case that smaller facilities are subject to less stringent legal and operational requirements than larger facilities, as appropriate to the relative risks that they pose. However, facilities of all sizes have the capacity to harm human and environmental well-being. These public and environmental health elements must remain the foremost priority in any compost operation. The fundamental basis of compost operations, whatever the size of the facility, is that they cannot have adverse environmental

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<sup>127</sup> EMA s.37(5), ALCA s.46(6)

impacts and significantly disrupt the human enjoyment of the surrounding neighbourhood.

### 3.1 Summary of Recommendations

In summary, the recommendations address the following issues:

#### ***Design and Construction of the Compost Facility***

The location and structure of the facility, and the types of technology used in the production process are critical components of a successful compost facility. If these elements of the facility are not designed and implemented correctly, the facility can have serious operational issues and a high risk of causing pollution and nuisance.

#### ***Storage***

Both feedstock and finished compost pose a significant risk of causing odour and pollution problems, therefore, the accumulation and storage of these materials must be managed appropriately.

#### ***Personnel***

The people working at the compost facility must ensure the correct operation of the facility and proper management of the feedstock and finished materials. Since they are best placed to avoid and respond to any issues that arise in the course of the operations it is important that they are appropriately qualified for the job.

#### ***Odour Management***

The type and quantity of feedstock materials make unpleasant odours a common cause for concern and the basis of complaints from facility neighbours. However, the use of appropriate composting technologies, and detection and response procedures can reduce odours and mitigate the nuisance that these materials cause.

#### ***Leachate Management***

Feedstock and finish compost materials can release liquid effluent known as “leachate” that has high concentrations of certain substances, some of which can be harmful. It is important to handle this leachate appropriately to ensure that it does not contaminate water sources or the surrounding environment.

#### ***Groundwater monitoring***

Groundwater is often an important source of drinking water, and it can be overlooked when considering the impact of an aboveground activity such as a compost facility. Careful planning and on-going

monitoring is required to protect this important resource.

### **Reporting**

Transparency and accountability are important characteristics of a successful and compliant compost facility. Government officials and the public must have adequate and timely information about a compost facility in order to make informed decisions about the facilities in their communities and to hold facility owners and operators accountable for their actions.

### **Community involvement**

Given the potential impacts of a compost facility on the surrounding community, it is important that a facility operator maintains a social licence from the community as a good neighbour. The community must have an appropriate level of involvement in decisions concerning the facility that may affect them as well as in the on-going monitoring of the facility.

In order to address these areas of compost regulation, it is recommended that:

1. The OMRR require an Environmental Impact Study for compost facilities with a capacity of less than 20,000 tonnes.
2. The OMRR adopt a more specific list of required design elements and technology for buildings, works, and systems within the compost facility.
3. The OMRR adopt mandatory facility siting criteria based on the siting recommendations currently found in the *OMRR Part 5 Guidelines* and require that the eventual site be approved by the Director in all cases.
4. The OMRR adopt a set of requirements for the operation and closure plans to provide clear guidelines for effective operation and closure of the facility.
5. The OMRR adopt a rigorous definition of “qualified professional” that ensures that the design and operation of a compost facility properly falls within the qualified professional’s expertise. The OMRR should also outline the scope of the qualified professional’s liability for problems that arise from the negligent design and operation of compost facilities.
6. The OMRR adopt a certification program for compost facilities operators.
7. The OMRR make the storage requirements for compost consistent throughout the regulation and require an impermeable surface in the storage facility or site. The surface should be defined by a minimum permeability factor, not by the type of material.
8. The storage requirements in the OMRR are expanded to include Class A Compost and Biosolids Growth Medium.
9. The OMRR adopt more rigorous and clearly defined objectives for the protection of the environment, human health and well-being from the impact of odour.
10. The OMRR include a definition of “odour” in the regulation and provide legally enforceable provisions that regulate the release of odours that can cause adverse effects.

11. The OMRR adopt an odour management plan (OMP) for compost facilities of all sizes and require the mandatory implementation of the OMP following a set of specific requirements.
12. The province of BC adopt an odour complaints investigation procedure that can apply to the odours that are released from a broad number of activities, including compost. The OMRR should also require facilities to implement an Odour Contingency Response Plan to minimize and remedy the cause of any offensive odour.
13. The OMRR use a more broad definition of “leachate” in order to capture potentially harmful effluents to the environment and human health that may arise from the full range of materials that may be present at the facility.
14. The OMRR require a leachate management system for all facilities, regardless of their production capacity.
15. That the OMRR provision dealing with leachate be clarified to outline how to properly dispose of the leachate to provide facility operators, neighbours and government officials with specific guidelines as to how the leachate is to be treated and disposed.
16. The OMRR require the implementation of a groundwater monitoring program and groundwater monitoring system for all facilities, regardless of their production capacity.
17. The OMRR require the establishment and maintenance of a comprehensive set of records that captures the entire extent of operations and activities that take place in the facility.
18. The OMRR require that all documents, reports and results relating to the design and operation of the compost facility be submitted (or made available upon request) to the local government for review and comment by the municipal or regional district waste manager and for viewing by the public.
19. The OMRR adopt a mandatory “self-reporting” scheme for contraventions of provincial laws or local government bylaws. Financial penalties for contraventions should be implemented as a last resort and emphasis should be placed on engaging the compost facility owners and operators to voluntarily adhere to regulations and work through operational problems with the Ministry of Environment or local governments.
20. The OMRR require a public consultation process before a facility can be constructed in a community and require that the facility operator engage with the community during the operation of the facility to manage ongoing issues and potential nuisances.
21. The local and provincial governments develop a working relationship to harmonize the various levels of regulation in the regime and to clarify the roles of each entity.
22. The formation of a compost advisory committee composed of local and provincial governments, governmental agencies, industry, community organizations and local landowners in order encourage dialogue and collaboration between all parties with interests regarding compost operations in BC.

### 3.2 Model Regulations and Facilities

There are a number of jurisdictions in North America that can serve as good models for improving the BC compost regulatory scheme. The jurisdictions that we have used are Alberta, Ontario, Texas, and California.

Alberta has provided the most comprehensive regulatory model and we have drawn examples from their regulations with respect to design and construction, personnel, storage, odour and leachate management, groundwater monitoring, reporting, and community involvement. Ontario has provided a model for incorporating siting requirements, while both Texas and California have provided examples for odour management.

### 3.2.1 Alberta

The province of Alberta has a very comprehensive and robust compost regulatory regime. The province, through the Ministry of Environment and Sustainable Resource Development, oversees the regulatory scheme with very little input from the local governments.

We have used the Alberta regime extensively because it more clearly defines the required elements of compost regulation than the BC regime. While the Alberta regime does not mention the land application and distribution of compost, it has an in-depth focus on the operations of the compost facility itself.<sup>128</sup> This is where the BC regime requires the most improvement. For example, the OMRR requires that the plans and specifications must include “an operating and closure plan for the composting facility” but does not specify what should be included in these plans.<sup>129</sup> In contrast, the Alberta *Code of Practice for Compost Facilities* has six specific requirements for inclusion in an operations plan,<sup>130</sup> and the more recent *Standards for Composting Facilities in Alberta* has 16 specific requirements.<sup>131</sup> This level of detail is present in all the requirements of the Alberta regulations, providing a more clear and consistent set of guidelines for operators, officials and the public. The Alberta regime also contains compost facility requirements that are absent from the OMRR, such as provisions for a groundwater monitoring system.

Since we have used the Alberta regime extensively, we will first outline the structure of the regime below. This will provide some context for understanding our recommendations and best practices. We will not do this for the other jurisdictions used as examples in this Part.

There are several enactments that are relevant in the Alberta regime:

- Environmental Protection and Enhancement Act
- Waste Control Regulation
- Activities Designation Regulation
- Approvals and Registration Procedure Regulation

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<sup>128</sup> The Alberta regime does not address land application of compost because if the compost meets the Canadian Council of Ministers of the Environment quality standards (Alberta’s adopted standard), the risk of causing contamination from application of compost is unlikely. This is a similar rationale to why the OMRR does not regulate the land application and distribution of Class A Compost and Biosolids Growth Medium.

<sup>129</sup> OMRR s.24(2)(e)

<sup>130</sup> Code of Practice for Compost Facilities (Alberta) s.7(1)

<sup>131</sup> Standards for Composting Facilities in Alberta s.1.3

- Code of Practice for Compost Facilities
- Standards for Composting in Alberta (Class II and III)

The *Environmental Protection and Enhancement Act* (EPEA) requires that waste can only be disposed of “at a waste management facility, or in a container the contents of which will be taken to a waste management facility, that is the subject of the appropriate approval, registration or notice required under this Act.”<sup>132</sup>

The *Waste Control Regulation* (WCR), enacted under s.38 of the EPEA, sets out the requirements of waste management facilities including definitions of Class I and Class II compost facilities:<sup>133</sup>

‘Class I compost facility’ means a waste management facility where waste, not including hazardous waste, is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include

- (i) a residential composter,
- (ii) a compost facility that receives only sludge as defined in the *Wastewater and Storm Drainage Regulation*,
- (iii) a Class II compost facility, or
- (iv) a manure storage facility as defined in the *Agricultural Operation Practices Act*.

‘Class II compost facility’ means a waste management facility where only vegetative matter or manure is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include

- (i) a residential composter, or
- (ii) a manure storage facility as defined in the *Agricultural Operation Practices Act*.

Class I compost facilities typically process mixed feedstock such as food scraps or biosolids. Class II compost facilities typically process leaf and yard waste.

The WCR requires that Class I and II compost facilities demonstrate, at a minimum, adherence to the requirements of the WCR and the standards and requirements set out in the *Code of Practice for Compost Facilities*.<sup>134</sup> Furthermore, the WCR requires that Class I and II compost facilities be supervised by a certified operator,<sup>135</sup> and that compost facilities are constructed and operated so that the generation of odours is minimized, the run-on and run-off water is controlled so that surface water and groundwater are not contaminated, and animals and vectors of disease are controlled.<sup>136</sup>

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<sup>132</sup> *Environmental Protection and Enhancement Act*, RSA 2000, c E-12 (EPEA) s.176

<sup>133</sup> *Waste Control Regulation* Alta Reg 192/1996 (WCR) s.1(e) and (f)

<sup>134</sup> WCR s.24

<sup>135</sup> WCR s.25

<sup>136</sup> WCR s.38



The *Activities Designation Regulation* sets out whether an approval, registration or notice is required for a particular activity.<sup>137</sup> An approval is required for the construction, operation, or reclamation of a Class I or Class II compost facility that accepts more than 20,000 tons of waste per year for composting.<sup>138</sup> A registration is required for the construction, operation, or reclamation of a Class I compost facility that accepts not more than 20,000 tons of waste per year for composting.<sup>139</sup> Notice to the Director is required for the construction, operation, or reclamation of a Class II compost facility that accepts less than 20,000 tons per year.<sup>140</sup>

The *Approval and Registration Procedure Regulation* sets out the requirements for an application made to the Director for an approval or a registration.<sup>141</sup> Amongst the comprehensive list of requirements is a requirement for “a description of the public consultation undertaken or proposed by the applicant.” The Director may also request oral information or additional written information from, amongst others, a person who is directly affected and a local authority or government personnel or agency.<sup>142</sup>

The *Code of Practice for Compost Facilities (“Alberta Code”)* is the minimum standard for Class I facilities, regardless of how much waste they accept. It is incorporated by the *Waste Control Regulation* under the authority of s.36 of the EPEA. This means that adherence to the *Alberta Code* is a mandatory legal requirement of holding an approval for a compost facility.<sup>143</sup> The *Alberta Code* sets out comprehensive and highly detailed standards for composting. It addresses design and construction, operating requirements, monitoring, compost quality, reclamation, record keeping, and reporting. Class II composting facilities are not legally bound to follow the *Alberta Code*, but it is recommended that they do so.

Class I and Class II compost facilities that accept **more** than 20,000 tons of waste must apply for an approval. This approval comes with terms and conditions that are additional to and generally more rigorous than the requirements set out in the *Alberta Code*. These conditions are determined on a case-by-case basis through dialogue between the Director and the applicant. The terms and conditions from the Approval (permit) for the Edmonton Waste Management Centre (“*EWMC Approval*”) are used below to provide an example of best practices.

The *Alberta Code* is a relatively old requirement and has been unofficially replaced by the *Standards for Composting in Alberta (Class II and III) (“Alberta Standards”)*. The *Alberta Standards* set more detailed and rigorous baseline requirements for all compost facilities across a number of areas, and key changes include more stringent monitoring and protection for groundwater and a more

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<sup>137</sup> *Activities Designation Regulation*, Alta Reg 276/2003 (ADR) s.5

<sup>138</sup> ADR Schedule 1, Division 1(I)

<sup>139</sup> ADR Schedule 2, Division 2(e)

<sup>140</sup> ADR Schedule 3(a)

<sup>141</sup> *Approvals and Registrations Procedure Regulation* (ARPR) Alta 113/1993 (ARPA) s.3(1)(q)

<sup>142</sup> ARPR s.5

<sup>143</sup> Personal communication with Natasha Page, Alberta Environment and Sustainable Resource Development, 22 April 2014.

comprehensive odour management plan. Many of the provisions in the *Alberta Standards* impose requirements that must be carried out by the “registration holder.” The “registration holder” is the person, usually the owner of the facility, who has successfully applied to the Director for a registration to construct and operate a Class II compost facility as per the *Approval and Registration Procedure Regulation*. The *Alberta Standards* have also revised the definition of Class I and Class II composting facilities, and have added another class.<sup>144</sup> The *Alberta Standards* only refer to Class II and III facilities but, as with the *Alberta Code*, are meant to provide a minimum standard for Class I facilities as well. Since the legislation has not yet been amended to replace the *Alberta Code* with the *Alberta Standards*, the *Alberta Code* remains as the required minimum, and the facility operators are encouraged to use the *Alberta Standards* as an additional guideline. The following sections refer to compost facilities using the definition found in the *Alberta Code*; however, the best practices found in the *Alberta Standard* can be applied to facilities of any size.

There are a number of specific best practices that can be taken from the Alberta compost regime that are explored in more detail below. In general, the Alberta regime provides a more comprehensive regime that more fully addresses the public interest aspects of compost regulation than the BC regime because it sets clear and highly detailed requirements for a wider range of elements of compost facility operations. This provides facility operators, government officials, and the public with clear guidelines and standards as to how a compost facility should be operated.

### 3.2.2 Ontario

The Ontario compost regime demonstrates how policy guidelines can be adopted into a legal framework and serves as an example of how the *OMRR Part 5 Guidelines* may be incorporated into the BC regime. The Ontario *Environmental Protection Act* (EPA) requires that the construction and operation of a waste management system, such as a compost facility, must be done in accordance with an environmental compliance approval (ECA) issued by the Director.<sup>145</sup> *Regulation 347, General-Waste Management* made under the EPA incorporates the provisions found in Part II of the *Ontario Compost Quality Standards* into law.<sup>146</sup> As part of the powers of the Director under EPA s.20.3, the Director will refer to the *Guideline for Protection of Compost in Ontario* in his consideration of an ECA, thereby legally incorporating this document into the Ontario compost regime.

### 3.2.3 Texas and California

There are also instructive odour management examples from Texas and California. The Texas Commission on Environmental Quality has developed the “Odour Complaint Investigation Procedures”

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<sup>144</sup> The revised class definitions of compost facilities under the Alberta Standards are as follows:

Class I - accept more than 20,000 tonnes of feedstock per year.

Class II - accept 500 to 20,000 tonnes of leaf and yard waste per year, or up to 20,000 tonnes of feedstock per year.

Class III - accept 100 to 500 tonnes of leaf and yard waste per year.

<sup>145</sup> *Environmental Protection Act* (EPA) s.27(1)(b)

<sup>146</sup> *General-Waste Management, RRO 1990, Reg 347, s.3(2)25*

(OCIP) to help evaluate nuisance odour complaints.<sup>147</sup> The California compost regulation, *Chapter 3.1 - Compostable Materials Handling Operations and Facilities Regulatory Requirements*, outlines an “Odor Impact Minimization Plan” for a similar purpose.<sup>148</sup>

### 3.3 Issues, Recommendations & Best Practices

This section reviews a number of issues across a variety of areas within the BC compost regulatory regime and makes 21 recommendations for reform. It includes examples from the regimes in Alberta, Ontario, Texas and California to demonstrate how the recommendations have been implemented in other jurisdictions.

#### 3.3.1 Design & Construction of Facility

In order to avoid issues with odour, leachate, noise, and pests, it is important that site selection is the result of appropriate study, the plans and specifications for the design of the facility are adequate and comprehensive, and the facility is constructed correctly to handle the desired quantity and type of feedstock materials.

##### *Design Requirements for Smaller Facilities*

**ISSUE:** Compost facilities of all sizes are capable of causing odour, leachate and other nuisance problems, however, compost facilities with a production capacity less than 20,000 tonnes/yr (“smaller facilities”) are not subject to environmental impact assessment under OMRR s.23. They are subject to a lower standard of proof of “leachate management” and are not subject to being acceptable to the Director.

Section 23 of OMRR requires the facility discharger to have a qualified professional conduct an environmental impact study (EIS) before the facility can collect organic matter and distribute compost. The EIS is required to be acceptable to the director and include the following:<sup>149</sup>

- a) Design of the compost facilities, including buildings, works and other appurtenances;
- b) Odour and leachate collection and treatment systems; and
- c) Site preparation for the facility including buffer zones and plans to minimize the impact of the facility on adjacent lands.

Section 24 of the OMRR does require that all new composting facilities and the modification of an existing facility have plans and specifications prepared by a qualified professional. These plans must

<sup>147</sup> Texas Commission on Environmental Quality (2014) Accessed 6 April 2015 online: <<https://www.tceq.texas.gov>>

<sup>148</sup> CalRecycle (2014) *Chapter 3.1. Compostable Materials Handling Operations and Facilities Regulatory Requirements*

<sup>149</sup> OMRR s.23(2) Accessed 6 April 2015 online: <<http://www.calrecycle.ca.gov/Laws/Regulations/Title14/ch31.htm#17863>>

include:<sup>150</sup>

- a) all works to be constructed on the site,
- b) the design capacity of the composting facility,
- c) a leachate management plan which stipulates how leachate generated from any and all stages of the composting process will be minimized, managed, treated or disposed,
- d) and odour management plan which stipulates how air contaminants from the composting facility will be discharged in a manner that does not cause pollution, and
- e) an operating and closure plan for the composting facility.

Despite the above requirements in the plans and specifications, without the EIS, smaller facilities are not required to demonstrate to the satisfaction of a regulatory official that there are systems in place to deal with odour and leachate. The requirement for treatment systems under s.23 demonstrates a higher degree of preparedness in ensuring the prevention of harm than the provision of plans under s.24. As demonstrated by high profile compost facilities subject to numerous enforcement activities, smaller facilities are quite capable of causing harm through inadequate odour and leachate management systems.

**RECOMMENDATION 1:** That the OMRR extend the application of s.23 to compost facilities with a capacity of less than 20,000 tonnes. The environmental impact statement (EIS) for a smaller facility may be less rigorous than that of a larger facility, but an EIS should nevertheless be included in the requirements for these facilities as their operations can have significant negative impacts on local communities and environments. In particular, siting is a pass/fail issue that must be carefully scrutinized. As a further example of requirements for smaller facilities, the example of the Alberta Code has been included below.

**BEST PRACTICE:** The Alberta compost regulatory scheme requires that smaller facilities (defined as those that accept less than 20,000 tonnes of waste per year) are subject to the *Alberta Code*. The *Alberta Code* more clearly and specifically defines the design requirements for smaller facilities and includes:<sup>151</sup>

- A comprehensive design plan that includes 1) the operating capacity, 2) required structures for operations, and 3) structures, facilities, and equipment for the control of emissions of offensive odour and contaminated liquids,
- A composting pad with requirements for impermeability (0.5m clayey material, permeability of less than  $5 \times 10^{-8}$ m/s or equivalent material) and slope (at least 2%),
- A “run-on” control system that prevents the flow of surface water onto the storage, processing and curing areas,
- A run-off control and management system that provides protection of surface water quality in

<sup>150</sup> OMRR s.23(2)

<sup>151</sup> Alberta Code of Practice for Compost Facilities s.6(1)(a)

- accordance with particular standards,
- Where the facility is enclosed within a structure or vessels, the facility shall have an air pollution control system to control emission of a) offensive odours, b) airborne microbials, and c) airborne particulates.

The *Alberta Standards* set out an even more detailed list of requirements for smaller facilities as part of the registration application and the facility design plan and specifications.<sup>152</sup>

### *Design Requirements for Larger Facilities*

**ISSUE:** The OMRR has few requirements for the types of buildings and works required in a compost facility. In the s.23 environmental impact study for larger facilities, the OMRR only requires the inclusion of the:

- a) design of the composting facilities, including buildings, works and other appurtenances,
- b) odour and leachate collection and treatment systems, and
- c) site preparation for the compost facilities, buffer zones and plans to minimize the impact on adjacent lands.<sup>153</sup>

The s.24 plans and specifications must include:

- a) all works to be constructed on the site,
- b) the design capacity of the composting facility,
- c) a leachate management plan which stipulates how leachate generated from any and all stages of the composting process will be minimized, managed, treated or disposed,
- d) and odour management plan which stipulates how air contaminants from the composting facility will be discharged in a manner that does not cause pollution, and
- e) an operating and closure plan for the composting facility.<sup>154</sup>

As compared to the more detailed requirements in the *EWMC Approval* below, the OMRR allows the facility owner and the qualified professional more latitude in determining what composting technologies will be present in the facility. This leaves some uncertainty as to what is necessary or required by law for a successful and compliant compost facility.

**RECOMMENDATION 2:** That the OMRR adopt a more specific list of required design elements and technology for buildings, works, and systems within the compost facility in order to provide owners, operators, neighbours and government officials with clear guidelines that can be easily enforced. These requirements may apply generally to all larger facilities or may apply specifically to a particular facility as

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<sup>152</sup> Alberta Standard s.1.2

<sup>153</sup> OMRR s.23(2)

<sup>154</sup> OMRR s.24(2)

deemed necessary by the director.

**BEST PRACTICE:** The Alberta regulatory scheme permits a measure of specificity for larger facilities. Class 1 facilities producing 20,000 tonnes or less must follow the *Alberta Code*. Facilities producing more than 20,000 tonnes (i.e. larger facilities) must also obtain an “approval” under the *Activities Designation Regulation* although they are also encouraged to use the *Alberta Code* as a minimum standard. The regional director may require additional safeguards through the approval process. As an example of the type of specificity possible, the *EWMC Approval* contains a comprehensive and clearly defined set of requirements for larger facilities in addition to the general design requirements listed by the *Alberta Code*. The *EWMC Approval* requires that “the approval holder shall operate and maintain a compost facility which includes all of the following:

- (a) An enclosed composting plant which includes solid waste receiving, transfer and storage areas; rotary mixing drums; aeration hall, finishing circuit building, and air collection and treatment facilities;
- (b) Gore composting facility;<sup>155</sup>
- (c) Windrow/static pile composting facility for yard waste, biosolids and manure;
- (d) Biosolids storage, dewatering, and mixing facilities;
- (e) Compost screening facilities;
- (f) Leachate collection facilities;
- (g) Compost handling and loading facilities;
- (h) Compost curing and storage facilities;
- (i) The required appurtenances for the operation and monitoring of the foregoing; or
- (j) Other features that are equivalent to the above as authorized in writing by the Director.”<sup>156</sup>

### *Facility Siting Requirements*

**ISSUE:** Compost facilities can make for smelly neighbours, which necessitates careful evaluation of facility location. However, the OMRR does not provide any siting guidelines or requirements for compost facilities. The *Compost Facility Requirement Guidelines: How to Comply with Part 5 of the OMRR (“OMRR Part 5 Guidelines”)* contains a useful section on Site and Environmental Conditions, which includes suggested buffer zone distances between a facility and other land types and uses.<sup>157</sup> However, the OMRR Part 5 Guidelines are not legally binding and therefore do not have to be followed in the design of a facility.

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<sup>155</sup> Gore composting is a particular type of composting procedure using a patented technology involving a semi-permeable membrane. More information can be found at <[http://www.gore.com/en\\_xx/products/fabrics/swt/all\\_about\\_waste\\_treatment.html?isAjax=true](http://www.gore.com/en_xx/products/fabrics/swt/all_about_waste_treatment.html?isAjax=true)>. Direction to this website does not represent an endorsement of this product.

<sup>156</sup> Alberta Approval s.4.4.1

<sup>157</sup> Forgie, D., Sasser, L., & Neger, M. (2004) *Compost Facility Requirement Guidelines: How to Comply with Part 5 of the Organic Matter Recycling Regulation*, pp 27. Accessed 6 April 2015 online: <<http://www.env.gov.bc.ca/epd/epdpa/mpp/pdfs/compost.pdf>>

**RECOMMENDATION 3:** That the OMRR adopt mandatory facility siting criteria based on the siting recommendations currently found in the *OMRR Part 5 Guidelines*. Siting should be approved by the Director in all cases.

**BEST PRACTICES:** Like the *OMRR Part 5 Guidelines*, the Ontario compost regime also provides useful siting considerations for determining the location of a compost facility.<sup>158</sup> However, it also provides a good example of how to make these guidelines legally binding. The Ontario compost regime requires the Director to refer to the *Guideline for Protection of Compost in Ontario* (“*Ontario Guideline*”) in their consideration of an environmental compliance approval (ECA), which is a requirement for a compost facility.<sup>159</sup> The inclusion of the *Ontario Guideline* as a condition of the ECA makes the language of the document legally binding on the operator of the composting site. This includes the important site considerations used to determine the location of a compost facility.

While the Ontario regime provides a good example of the adoption of guidelines into law, the siting considerations in the *Ontario Guidelines* do not set mandatory criteria or identify where a compost facility may or may not be permitted. This is understandable given the different economics and site conditions of each facility. However, BC lawmakers must define minimum baseline criteria, such as distance for compost facilities from ecologically sensitive sites and activities in the community. These should be adopted as mandatory criteria in the OMRR. This will clearly outline how and where a compost facility may be located, ensuring that they are not located in areas where nuisance and conflicts with neighbours and the environment are inevitable.

### *Operating Plans*

**ISSUE:** The OMRR requires that the plans and specifications for both large and small facilities must include an operating and closure plan for the composting facility, but does not outline what these plans should include.<sup>160</sup>

**RECOMMENDATION 4:** That the OMRR adopt a set of requirements for the operation and closure plans so that facility owners and operators, neighbours and government officials understand the prerequisites for effective operation and closure.

**BEST PRACTICES:** The *Alberta Standards* contain a detailed list of requirements for both the operations plan<sup>161</sup> and the final closure plan.<sup>162</sup> Please refer to the text of the *Alberta Standards* as the requirements are too extensive to list here.

<sup>158</sup> Ontario Ministry of Environment (2012) *Guideline for Protection of Compost in Ontario*, s.3.3.1, pp 10. Accessed 6 April 2015 online: <<http://www.ontariocanada.com/registry/view.do?postingId=2304>> (“*Ontario Guidelines*”)

<sup>159</sup> *Ontario Guidelines*, pp 2.

<sup>160</sup> OMRR s.24(2)(e)

<sup>161</sup> Alberta Standard s.1.3

<sup>162</sup> Alberta Standard s.7

### 3.3.2 Personnel

A compost facility cannot be operated in a safe, acceptable, and efficient manner if the people involved in the design and operation of the facility are not able to carry out their responsibilities correctly and according to the law. The following recommendations seek to ensure that the “qualified professional” and the facility operators have the necessary training, expertise, and experience to fulfill their respective roles in the design and operation of the facility. This will better support the proper function of the facility and avoid problems with the local environment and community.

#### *Qualified Professional*

**ISSUE:** The OMRR requires the involvement of a “qualified professional” in certain elements of the compost operation including: land application planning, environmental impact study, facility design plans and specifications, and leachate management.

A “qualified professional,” as defined in OMRR means a person who:

- a. is registered in British Columbia with his or her appropriate professional association, acts under that professional association's code of ethics, and is subject to disciplinary action by that professional association, and
- b. through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within his or her area of expertise as it relates to this regulation;

This definition provides an unclear and imprecise standard of a qualified professional (“QP”) for compost facilities.

The broad requirements of part (a) of the definition open the door to professionals from a variety of disciplines, many of whom would not be appropriately skilled to design a compost facility. Part (a) also relies on the relevant professional association to ensure the proper conduct and accountability of the QP. However, a professional association may not provide sufficiently rigorous or transparent oversight of their members to ensure confidence in the QP’s proper conduct.<sup>163</sup> For example, s.140 of the BC Institute of Agrologists (BCIA) bylaws indicates that summaries of the discipline hearing committee decisions may be made available to the public on the BCIA’s website, though a search of this website does not reveal any hearing summaries.<sup>164</sup> As such, it is unclear to what extent agrologists are held accountable by the BCIA for improper conduct. In addition, the OMRR does not indicate to what extent, if any, a QP would be held responsible or bear liability under the regulation for nuisances arising from a compost facility that is in violation of the regulation. This unclear accountability provides

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<sup>163</sup> For more information on issues surrounding professional reliance, refer to *Professional Reliance in British Columbia’s Environmental Regulations* (2014) by Mark Haddock. Accessed 6 April 2015 online:

<<http://www.elc.uvic.ca/documents/LRG2307-ELCProfessionalRelianceReport-9June2014.pdf>>

<sup>164</sup> British Columbia Institute of Agrologists (BCIA) Bylaws s.140 Accessed 6 April 2015 online:

<[http://bcia.com/images/client\\_docs/Section\\_7\\_Bylaws\\_EXTRA\\_NEW\\_Final\\_May\\_2014.pdf](http://bcia.com/images/client_docs/Section_7_Bylaws_EXTRA_NEW_Final_May_2014.pdf)>; BCIA Website: <<http://bcia.com/>>



insufficient oversight of a QP's conduct and limited assurances of adequate compost facility design and operation.

Part (b) of this definition does not define “suitable education, experience, accreditation, and knowledge”. There is no explicit requirement that the QP have experience or education specifically relating to the design and operation of compost facilities.

**RECOMMENDATION 5:** That the OMRR adopt a rigorous definition of “qualified professional” that more clearly defines the disciplines from which a QP can be chosen, taking into account the transparency of their professional association, and required qualifications, expertise, experience, accreditation and knowledge that are more closely related to the design and operation of a compost facility. As with other professional reliance regimes, the OMRR regime should address QP liability for problems that arise from their negligent design and operation of compost facilities.

**BEST PRACTICE:** There are a number of examples that the OMRR could follow:

#### **Defined Group of Qualified Professionals**

Although currently only an unenforceable guideline document, the *Alberta Standards* requires that: “[u]nless authorized in writing by the Director, the Facility Design Plan and Specifications shall be prepared by a professional registered with the Association of Professional Engineers, Geologists, and Geophysicists of Alberta (APEGGA)”.<sup>165</sup>

This narrows the focus to a single body of professionals that has been deemed most qualified to provide the necessary services required for the design of a successful and compliant composting facility.

#### **Establishment of a Roster**

##### ***Contaminated Sites Regulation (BC)***

The BC *Contaminated Sites Regulation (CSR)*, enacted under the *Environmental Management Act (EMA)*, requires the use of an “Approved Professional” for many activities. The EMA defines “approved professional” as a “person who is named on a roster established under section 42(2)”.<sup>166</sup> This section permits the director to “designate classes of persons who are qualified to perform classes of activities, prepare classes of reports and other documents or make classes of recommendations that under this Act may be or are required to be performed, prepared or made by an approved professional.”<sup>167</sup> The

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<sup>165</sup> Alberta Environment, Environmental Policy Branch (2007) *Standards for Composting Facilities in Alberta* s.1.2(2a) pg 8. Note: this professional body is now referred to as the Association of Professionals of Engineers and Geologists of Alberta. They can be found online at <<http://www.apega.ca/>>

<sup>166</sup> EMA s.39(1)

<sup>167</sup> EMA s.42(1)

director may also establish a roster of persons who are designated in the abovementioned class, as well as make changes to the roster, add and remove names, or suspend a professional from the roster.<sup>168</sup>

The Ministry of Environment has a well-developed system, protocols, and procedures for the administration of contaminated sites approved professionals.<sup>169</sup> The Ministry has granted management of the roster and the regulation and governance of contaminated sites approved professionals to the Society of Contaminated Sites Approved Professionals of BC (CASP).<sup>170</sup>

## **Rigorous & Clear Definition of Qualified Professional**

### ***Records of Site Condition – Part XV.1 of the Act (ON)***

*Records of Site Condition – Part XV.1 of the Act* (RSC), is an Ontario regulation enacted under the *Environmental Protection Act* that provides a comprehensive definition of a “qualified person” for a number of different situations. To use an example relevant to the role required of a QP under the OMRR, the RSC requires that “for the purposes of section 168.1 of the [Environmental Protection] Act in relation to the preparation or supervision of a risk assessment” a “qualified person” must hold particular and well defined qualifications relating to education (university degrees) and years of experience with the conduct and supervision of environmental site assessments or review of assessment of risk.<sup>171</sup> Both “environmental site assessment” and “assessment of risk” are also well defined in this provision.

### ***Mushroom Compost Facilities Regulation (BC)***

The BC *Mushroom Compost Facilities Regulation*, enacted under the EMA, also provide a more clear definition of the types of professionals acceptable under that Regulation. Section 2(1) requires that a “pollution prevention plan for the mushroom compost facility must be:

- b) reviewed and confirmed by an agrologist registered under the *Agrologists Act* or a professional engineer whose area of professional specialty includes the preparation and implementation of these pollution prevention plans.”<sup>172</sup>

## ***Operator Certification***

**ISSUE:** As the persons managing the day-to-day operations of a compost facility are handling materials

<sup>168</sup> EMA s.42(2), (3), (4)

<sup>169</sup> Ministry of Environment (2011) *Approved Professionals*. Accessed 6 April 2015 online: <<http://www.env.gov.bc.ca/epd/remediation/roster/>> (Accessed on March 12, 2014)

<sup>170</sup> Society of Contaminated Sites Approved Professionals of British Columbia (2014) *Governance*. Accessed 6 April 2015 online: <<http://csapsociety.bc.ca/about/governance/>> (); BC Ministry of Environment (2010) *Facts on Contaminated Sites: The Roster of Approved Professionals*. Accessed 6 April 2015 online: <[http://www.env.gov.bc.ca/epd/remediation/fact\\_sheets/pdf/fs30.pdf](http://www.env.gov.bc.ca/epd/remediation/fact_sheets/pdf/fs30.pdf)>

<sup>171</sup> *Records of Site Condition- Part XV.1 of the Act* O Reg 153/04, s.6(1)

<sup>172</sup> *Mushroom Compost Facilities Regulation* B.C. Reg. 413/98, s.2(1) (Includes amendments up to B.C. Reg. 236/2013, November 28, 2013)

that carry significant potential to harm human and environmental health and create a nuisance, it is important that they have the requisite expertise and knowledge about the correct function of the facility. Section s.25(2)(b) of the OMRR does refer to a “personnel training program plan that addresses the specific training needed to operate the composting facility in compliance with this regulation” but there is no mention what this plan entails or by who it is approved. Outside of the this vague provision, there does not appear to be any other legislative or industry requirement that the persons managing the day to day operations of a compost facility have any particular training on the correct function of the facility.

**RECOMMENDATION 6:** That the OMRR adopt a certification program for compost facilities operators similar to the requirement found in the Alberta *Waste Control Regulation*. There should be at least one person at the facility at all times who has the required certification.

**BEST PRACTICE:** Section 25 of the Alberta *Waste Control Regulation* requires that “[t]he person responsible for a...Class I or Class II compost facility shall ensure that the facility is supervised by a certified operator during its hours of operation”.<sup>173</sup> This applies to operators of both large and small facilities.

To satisfy this requirement, the *EWMC Approval* requires that a Class I compost facility have three “Level 1A certified compost operators” and at least one in charge of each shift or on call at any given time.<sup>174</sup> The Alberta Department of the Environment and Sustainable Resource Development requires landfill and composting facility operators to attend a certification course, pass the exam and take acceptable training to maintain their certification. This course, the *Landfill and Compost Facility Operator Certification*, is administered by the Solid Waste Association of North America (SWANA) – Northern Lights Chapter.<sup>175</sup> The Compost Council of Canada is the certifying partner for compost facility certification. More information about certification can be found at the Alberta Environment and Sustainable Development website.<sup>176</sup>

### 3.3.3 Storage

Both feedstock and finished compost pose a risk of causing odour and pollution problems, therefore, the storage of these materials must be managed appropriately. The following recommendations seek to ensure that storage areas do not allow the release of harmful substances into

<sup>173</sup> *Waste Control Regulation*, Alta Reg 192/1996, s.25(1)

<sup>174</sup> Alberta Approval s.4.1.2

<sup>175</sup> Solid Waste Association of North America – Northern Lights Chapter (2014) *Alberta Landfill Facility Operator Certification*. Accessed 6 April 2015 online: <[http://www.swananorthernlights.org/training\\_certification\\_exam.html](http://www.swananorthernlights.org/training_certification_exam.html)>

<sup>176</sup> Alberta Environment and Sustainable Resource Development, *Landfill and Composting Facility Operator Certification* (2014) Accessed 6 April 2015 online: <<http://esrd.alberta.ca/waste/waste-management-facilities/landfill-and-composting-facility-operator-certification.aspx>> (Note: this link is best accessed by an internet search of the title)

the environment and that storage requirements apply to all types of compost materials.

### *Impermeable Surface*

**ISSUE:** The OMRR requires that the receiving, storage, processing and curing areas of a composting facility must comply with certain conditions, including that it:<sup>177</sup>

Be located on asphalt, concrete or another similar impermeable surface that is capable of withstanding wear and tear from normal operations and that will prevent the release of leachate into the environment.

However, this requirement is inconsistent with the definitions provided in the OMRR for “storage facility” and “storage site,” in which managed organic material must be stored.<sup>178</sup> These definitions make no mention of an impermeable surface and suggest storage options that, at first glance, would not seem to require an impermeable surface similar to asphalt or concrete.

**RECOMMENDATION 7:** That the OMRR makes the storage requirements consistent throughout the regulation and require an impermeable surface in the storage facility with limited exceptions for agricultural in-field storage. To accommodate the various types of storage options, the type of impermeable surface should be defined by a minimum permeability factor, not by the type of material.

**BEST PRACTICE:** One of the design and construction requirements in the *Alberta Code* is that the composting pad be “constructed of at least 0.5m of clayey material having a permeability less than  $5 \times 10^{-8}$  m/s, or an alternative material that provides equivalent protection”. This provides a good example of how an impermeable surface can be defined by the material and a permeability factor in order to ensure a certain level of protection from leachate.<sup>179</sup>

### *Storage of Class A Compost and Biosolids Growth Medium*

**ISSUE:** The OMRR does not outline any requirements for the storage of Class A Compost or Biosolids Growth Medium. The storage provisions only relate to “managed organic matter”, which means Class A Biosolids, Class B Biosolids, and Class B Compost. However, large concentrated volumes of any type of finished compost material or biosolid that is stored uncovered for long periods of time can result in odour, pest, vector, and leachate problems.

**RECOMMENDATION 8:** That the storage requirements in the OMRR are expanded to include Class A Compost and Biosolids Growth Medium.

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<sup>177</sup> OMRR s.26(2)

<sup>178</sup> OMRR s.16; OMRR s.17

<sup>179</sup> Alberta Code s.6(1)(b)(i)

### 3.3.4 Odour Management

The very nature of large-scale compost production engenders the creation of unpleasant odours at compost facilities and often gives rise to complaints from neighbours. However, the use of appropriate composting technologies, and detection and response procedures can reduce odours and mitigate the nuisance that they cause. The following recommendations provide examples of how odours can be avoided and managed appropriately.

#### *Odour & Air Quality Objectives*

**ISSUE:** The OMRR requires that the plans and specifications include “an odour management plan that stipulates how air contaminants from the composting facility will be discharged in a manner that does not cause pollution.”<sup>180</sup> However, the objective “not to cause pollution” does not provide specific odour reduction objectives and ignores the impact that odour can have on human health, property and quality of life.

**RECOMMENDATION 9:** That the OMRR adopt more rigorous and clearly defined objectives for the protection of the environment, human health and well-being from the impact of odour. This will hold compost facilities to a specific standard of operations and ensure that they are better community neighbours. The obligation not to cause pollution should be accompanied by an obligation not to cause “material discomfort, harm or adversely affect the well-being or health of a person” as found in the *EWMC Approval*, below. It is also possible that the OMRR integrate s.15 of the *Public Health Act*, under which the OMRR is enacted, which prohibits a person from causing a health hazard.<sup>181</sup>

**BEST PRACTICE:** The *EWMC Approval* provides for more demanding objectives for odour and air quality and requires that “the approval holder shall not emit an air contaminant...that causes ...any of the following:

- a) impairment, degradation or alteration of the quality of natural resources; or
- b) material discomfort, harm or adversely affect the well-being or health of a person; or
- c) harm to property or plant or animal life.”<sup>182</sup>

#### *Odour & Air Quality Regulation*

**ISSUE:** The OMRR provides for odour management plans and systems, but it does not regulate “odour” itself and treats “odour” as a thing that has ascertainable impacts that can trigger legislated penalties.

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<sup>180</sup> OMRR s.24.2(d)

<sup>181</sup> *Public Health Act* SBC 2008, c 28 (“PHA”) s.15

<sup>182</sup> Alberta Approval s.4.2.6

**RECOMMENDATION 10:** Subject to the FPPA, that the OMRR more directly regulate “odour” by providing for legally enforceable provisions that regulate the release of odours that can cause adverse effects.

**BEST PRACTICE:** The *Ontario Guideline for the Production of Compost* includes a comprehensive section on odour: Part IV Odour Prevention and Control. This section indicates odour is regulated by a number of Ontario enactments including:

- *Environmental Protection Act* - regulates “odour” as a “contaminant” and therefore permits the ministry to inspect and require facilities to take measures to abate the release of odours and use charges and prosecution to ensure compliance.<sup>183</sup> References to “contaminants” can be found throughout the EPA but sections of note include:
  - EPA s. 9 requires that compost facilities obtain an environmental compliance approval (ECA) in order to discharge odours into the natural environment.<sup>184</sup>
  - EPA s.14 prohibits discharges that cause or may cause an adverse effect, even if individual contaminant-specific air standards are met.<sup>185</sup>
- *Ontario Regulation 419/05 – Local Air Quality* - establishes contaminant-specific concentration limits for some odorous contaminants. Compliance with this regulation requires an Emissions Summary and Dispersion Modelling (ESDM) report that includes a summary of total emissions for individual contaminants from a property.
- *Occupational Health and Safety Act* - regulates worker exposure to some odour compounds (ammonia and hydrogen sulphide) normally associated with composting.

### *Odour & Air Quality Treatment System*

**ISSUE:** The OMRR requires an odour management plan for facilities of all sizes<sup>186</sup> and an odour treatment system for larger facilities,<sup>187</sup> but does not specify what the plan or system should entail. The current provisions are vague and do not establish meaningful standards.

**RECOMMENDATION 11:** That the OMRR adopt an odour management plan for compost facilities of all sizes, require the mandatory implementation of the odour management plan and include specific requirements similar to those found in the Alberta regulatory scheme.

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<sup>183</sup> *Environmental Protection Act*, RSO 1990, c E.19 (EPA) s.1

<sup>184</sup> EPA s.9

<sup>185</sup> EPA s.14

<sup>186</sup> OMRR s.24(2)(d)

<sup>187</sup> OMRR s.23(2)(d)

**BEST PRACTICE:*****EWMC Approval***

With respect to the management of odour in larger facilities, the *EWMC Approval* requires that larger facilities include:

- Air monitoring: collection and analysis of samples and reporting in accordance with specified guidelines for atmospheric pollutants, monitoring and reporting procedures, and odour concentration.<sup>188</sup> The release of air contaminants may only occur at designated sites within the facility (the Finished Circuit Building and the biofilters) and must be in accordance with a prescribed parameter.<sup>189</sup>
- The operation and maintenance of a “wet air handling system” to remove moisture and odorous compounds and treat air from the enclosed composting plant prior to discharge.<sup>190</sup> This system must include: a negative air pressure, fan, heat exchanger, exhaust air scrubber, and a biofilter system.
- Scheduled monitoring and annual reporting of odour at the facility and downwind at the boundary of the facility.<sup>191</sup>
- The development and implementation of a comprehensive odour management protocol for the facility, and a quality assessment/quality control program for odour measurement for the purpose of monitoring ambient odour levels in the area surrounding the facility.<sup>192</sup>

The *Alberta Code* requires that the person responsible for smaller facilities “shall develop, maintain and implement an operations plan that is consistent with the compost facility design and includes as a minimum...a plan for the management, detection, and mitigation of offensive odours” (along with other requirements).<sup>193</sup> While not as rigorous as the odour requirements found in the *EWMC Approval*, the requirement for “detection and mitigation” as well as the requirement for the implementation of the plan suggests a commitment to effective odour management.

In addition, see the *Alberta Standards* for a detailed list of requirements for an Odour Management Plan.<sup>194</sup>

***Ontario Guideline for the Production of Compost***


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<sup>188</sup> Alberta Approval s.2.3.1

<sup>189</sup> Alberta Approval s.4.2.4; Alberta Approval s.4.2.9

<sup>190</sup> Alberta Approval s.4.2.1

<sup>191</sup> Alberta Approval Table 4.2-B

<sup>192</sup> Alberta Approval s.4.1.11-14

<sup>193</sup> Alberta Code s.7(1)(e)

<sup>194</sup> Alberta Standards s.1.4

Part IV of the *Ontario Guideline for the Production of Compost* contains the following subsections that provide useful suggestions for odour control and prevention. While these suggestions are not mandatory requirements, the legal incorporation of this document into the Director's consideration of an environmental compliance approval (ECA) provides a strong indication that they should be followed:

- **Facility Siting and Design for Odour Control:** provides suggestions for how to determine the location and the design of the facility to minimize the odours and issues with neighbours.
- **Odour Impact Assessment (OIA)** – describes the OIA process to estimate the emission of odours from the site and assess whether the proposed facility siting and design can adequately control odours in order to avoid complaints.
- **Odour Control System** – describes the elements of an odour control system: containment, collection, treatment, dilution, and enhanced dispersion.
- **Facility Management for Odour Control** – includes a table of common odour sources and discussion about assessing feedback odour potential, nutrients and moisture, site management, operational controls, monitoring meteorological conditions, and on and off-site odour monitoring

***California - Compostable Materials Handling Operations and Facilities Regulatory Requirements (Chapter 3.1.)***

This Californian regulation provides another example of how a regulation can require odour management plans. Section 17863.4 outlines the requirements for an "Odor Impact Minimization Plan" (OIMP), which is required for all compostable material handling operations and facilities. The OIMP must include, at minimum:

- 1) an odor monitoring protocol that describes the proximity of possible odor receptors and a method for assessing odor impacts at the locations of the possible odor receptors;
- 2) a description of meteorological conditions effecting migration of odors and/or transport of odor-causing material off-site. Seasonal variations that effect wind velocity and direction shall also be described;
- 3) a complaint response protocol;
- 4) a description of design considerations and/or projected ranges of optimal operation to be employed in minimizing odor, including method and degree of aeration, moisture content of materials, feedstock characteristics, airborne emission production, process water distribution, pad and site drainage and permeability, equipment reliability, personnel training, weather event impacts, utility service interruptions, and site specific concerns; and,
- 5) a description of operating procedures for minimizing odor, including aeration, moisture management, feedstock quality, drainage controls, pad maintenance, wastewater pond controls, storage practices (e.g., storage time and pile geometry), contingency plans (i.e., equipment, water, power, and personnel), biofiltration, and tarping.



### *Responding to Odour Complaints*

**ISSUE:** Although the production of unpleasant odours is common to many types of facilities, compost facilities are well known for their particular odour issues and warrant specific attention. The OMRR does not establish a procedure for responding to or investigating odour complaints from the public. A municipal government can enact nuisance bylaws to regulate the odour from a compost facility and respond to complaints with respect to a compost facility not on the ALR. For a compost facility on the ALR, a person who is aggrieved by an odour can apply in writing to the Farm Industry Review Board (FIRB) who will determine whether the odour is one that is results from a normal farm practice. However, there are no guidelines provided by the provincial or municipal governments or by FIRB to indicate how an odour complaint will be evaluated.

**RECOMMENDATION 12:** That the province of BC adopt an odour complaints investigation procedure that can apply to the odours that are released from a broad number of activities, including compost. The OMRR should also require an Odour Contingency Response Plan that contains specific and transparent procedures for minimizing and remedying the cause of any offensive odour. As the Farm Industry Review Board (FIRB) already has a procedure for dealing with odour complaints, there should be discussion concerning the interaction between this recommended procedure and that which occurs with farm businesses (“normal farm practices”) on the ALR.

**BEST PRACTICES:** The Texas Commission on Environmental Quality (TCEQ) has specific Odour Complaint Investigation Procedures (OCIP) to help evaluate nuisance odour complaints.<sup>195</sup> These procedures apply to odours emitted from a broad range of activities, including compost. TCEQ staff use an internal procedural document known as the FIDO Chart (Frequency, Intensity, Duration and Offensiveness) to describe the odour.<sup>196</sup> This chart provides a means to log the relevant information of a particular odour, characterize and determine its frequency and duration in order to objectively assess a complaint. This document is no longer published on the TCEQ website but has been reproduced in the Appendix. The TCEQ website also provides an Odor Log for the public to use when they submit an odour complaint.<sup>197</sup>

The *Alberta Standard* includes a provision outlining how to investigate an odour complaint and upon the discovery of an offensive odour requires the implementation of specific procedures in the

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<sup>195</sup> Information on the TCEQ Complaints Reporting process can be found at <[https://www.tceq.texas.gov/complaints/odor\\_complaint.html](https://www.tceq.texas.gov/complaints/odor_complaint.html)> (Accessed 6 April 2015)

<sup>196</sup> As we understand from personal communication with Renee Carlson, the Publishing Manager at TCEQ, this document is scheduled to undergo some changes in March 2015 and will not be posted online after that time. However, for the purposes of this report, the FIDO chart contain in the Appendix below is still a useful model for odour complaint assessment.

<sup>197</sup> Texas Commission on Environmental Quality *Odor Log*. Accessed 6 April 2015 online: <<http://www.tceq.texas.gov/assets/public/compliance/odor-log-public.pdf>>

Odour Contingency Response Plan to minimize or remedy the cause of the offensive odour.<sup>198</sup>

### 3.3.5 Leachate Management

Feedstock and finished compost materials can release liquid effluent known as “leachate” that can have high concentrations of certain substances, some of which can be harmful to human health and the environment. The following recommendations address how to handle this leachate appropriately to ensure that it does not contaminate water sources or the surrounding environment.

#### *Definition of Leachate*

**ISSUE:** The OMRR definition for “leachate” does not include effluent or water that originates from Class A Compost or Biosolids Growth Medium. This omission is due to the low pollution risk that these materials are thought to have. However, having noted the increase of migration of nitrates into the soil from Class A Compost, the Cowichan Valley Regional District has recommended that effluent from all finished compost materials be included in the OMRR definition of leachate.

**RECOMMENDATION 13:** That the OMRR use a more broad definition of “leachate” in order to capture potentially harmful effluents to the environment and human health that may arise from the full range of materials that may be present at the facility.

**BEST PRACTICE:** The *Alberta Code* uses a more broad definition of leachate that captures fluid from all feedstock and composted materials: “a liquid that has percolated through and drained from feedstock or compost and has extracted dissolved or suspended materials”.

#### *Leachate Management Plan*

**ISSUE:** Section 24(2)(c) of the OMRR requires a leachate management plan for both smaller and larger facilities. Section 23(2)(b) of the OMRR requires a leachate collection system for larger facilities. However, s.26(2)(c) requires that the receiving, storage, processing and curing areas of a composting facility, regardless of the production capacity, must have “a leachate collection system designed, constructed, maintained and operated to reuse leachate, or to remove leachate, from the receiving, storage, processing and curing areas.”<sup>199</sup>

**RECOMMENDATION 14:** That the OMRR clarify this inconsistency by requiring a leachate collection system for all facilities.

**BEST PRACTICE:** The *Alberta Standards* refers to leachate as “process water”, which is defined as a “combination of storm water run-on, leachate, equipment wash down water and any other wastewater

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<sup>198</sup> Alberta Standard s.4.7 and 4.8

<sup>199</sup> OMRR s.26(2)(c)

generated on site.”<sup>200</sup> The *Alberta Standards* set out the required components for the management of process water that include:

- Provisions for process water, retention ponds and control of process water in the engineering maps and plans required for the Facility Design Plan and Specifications;<sup>201</sup>
- Process water management procedures within the Operations Plan;<sup>202</sup>
- Requirements for retention ponds;<sup>203</sup> and
- Process water and retention pond sediment disposal procedures.<sup>204</sup>

### *Leachate Disposal*

**ISSUE:** The OMRR requires that “leachate that is not collected and reused in the composting process must not be discharged into the environment unless authorized under the Act”.<sup>205</sup> Section 14 of “the Act”, the *Environmental Management Act*, provides for a permit process authorizing the introduction of waste into the environment. . This process is complicated, and should be streamlined for facility operators to dispose of leachate if they cannot collect and reuse it.

**RECOMMENDATION 15:** That the OMRR provision dealing with leachate be clarified to outline how to properly manage leachate to provide facility operators, neighbours and government officials with specific guidelines as to how the leachate is to be treated and disposed.

**BEST PRACTICE:** The Alberta compost regime provides clear directions as to how to manage leachate. For smaller facilities, the *Alberta Code* prevents the release of leachate or run-off from the composting pad to the surrounding watershed unless it meets the one of the following standards:

- the surface water background quality,
- specific guidelines published by Alberta Environmental Protection, or
- the Canadian Water Quality Guidelines published by the Canadian Council of Ministers of the Environment (CCME).<sup>206</sup>

While the *Alberta Code* requires that there is a “run off control and management system” in place that provides protection for surface water quality in accordance with these standards, it does not indicate what this technical system should consist of.<sup>207</sup>

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<sup>200</sup> Alberta Standards Definitions (rr)

<sup>201</sup> Alberta Standards s.1.2(b)(ii)f, i

<sup>202</sup> Alberta Standards s.1.3(i)

<sup>203</sup> Alberta Standards s.3.3

<sup>204</sup> Alberta Standards s.5.3, s.5.4

<sup>205</sup> OMRR s.26(3)

<sup>206</sup> Alberta Code s.7(4)

<sup>207</sup> Alberta Code s.6(1)(d)

For larger facilities, the *EWMC Approval* requires that the leachate be treated at an approved wastewater treatment facility unless it can be utilized in the compost process or evaporated.<sup>208</sup>

The *Alberta Standard* requires that process water (which includes leachate) shall only be disposed of in the following manner:<sup>209</sup>

- a) at an Alberta Environment approved wastewater treatment facility;
- b) by irrigation in accordance with the safe limits “Guidelines for Municipal Wastewater Irrigation” published by Alberta Environment, as amended; or
- c) as otherwise authorized in writing by the Director

### 3.3.6 Groundwater Monitoring

Groundwater plays an important role in the hydrologic system and can be an important source of water for humans and the environment. However, it is often overlooked when evaluating the impact of an aboveground activity such as a compost facility. The following recommendation addresses the ongoing monitoring of groundwater in order to protect this important resource.

**ISSUE:** The requirements for land application in *Code of Agricultural Practice for Waste Management*,<sup>210</sup> and the requirements for composting materials in the *DCS Zoning Bylaw*,<sup>211</sup> both seek to prevent the pollution of groundwater. However, these are the only references to groundwater in the BC compost regulatory scheme. Although the new BC Water Sustainability Act (currently enacted but not in force) mentions groundwater to a limited degree, given that compost facilities deal with large, concentrated volumes of waste materials, the real risk of pollution to groundwater should be addressed directly in the compost regime.

**RECOMMENDATION 16:** That the OMRR require the implementation of a groundwater monitoring program and groundwater monitoring system for all facilities, regardless of their production capacity. The parameters of this requirement should be tailored to the production capacity of the facility and the environmental sensitivity of the surrounding hydrological system to ensure that the cost of groundwater monitoring program/system is tailored to the risk of harm that the facility poses.

**BEST PRACTICE:** For smaller facilities, the *Alberta Code* permits the Director to require the construction and maintenance of a groundwater monitoring system (GWMS) depending on the type and location of the facility, the volume of feedstock, and vicinity of the water table.<sup>212</sup> The requirements for the GMWS

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<sup>208</sup> Alberta Approval s.4.4.13

<sup>209</sup> Alberta Standards s.5.3

<sup>210</sup> *Agricultural Waste Control Regulation*, s.13

<sup>211</sup> DCS Land Use Bylaw s.25.A (3)(c) and (d)

<sup>212</sup> Alberta Code s.6(3)

and the groundwater quality performance standards are set out in s.8 of the Code.

For larger facilities, the terms and conditions attached to the *EWMC Approval* include a section on groundwater.<sup>213</sup> This section requires the approval holder to operate a groundwater monitoring system (GWMS), the collection and analysis of groundwater samples, and the implementation of remediation or risk management plans based on specific standards. The section describes how the GWMS should be operated and what sampling information should be recorded, and requires the compilation of an Annual Groundwater Monitoring Program Summary Report that must include specified information. The facility operator must submit the Report to the Director annually.

The *Alberta Standards* requires a registration holder to implement and maintain a groundwater monitoring system and a groundwater monitoring program. The provisions for the monitoring system outline the number of monitoring wells required up and down-gradient to the facility.<sup>214</sup> The provisions for the monitoring program require the determination of the background groundwater quality before compost operations start, a detailed program for sample collection and analysis of specific water parameters, requirements for care of the monitoring wells, provisions in the event of groundwater contamination, and groundwater quality standards through operation and closure.<sup>215</sup>

### 3.3.7 Reporting

Transparency and accountability are important characteristics of a successful and compliant compost facility. The following recommendation ensures that government officials and the public have adequate and timely information concerning the activities of a compost facility. This will allow decision-makers to make informed decisions about the facilities in their communities and to hold facility operators accountable for their actions.

#### *Record Keeping*

**ISSUE:** Schedule 6 of the OMRR requires that the registered owner or facility operator retain temperature and retention time records, and results of analysis, land application plan and sampling reports for at least 36 months that can be made available or sent upon request to the Director or other authority. However, there is still a considerable amount of information that should be recorded and retained at the facility and shared with the Director and other relevant persons.

**RECOMMENDATION 17:** That the OMRR require the registered owner or facility operator to establish and maintain a more comprehensive set of records that captures the entire extent of operations and activities that take place in the facility to provide for improved transparency and accountability between the facility,

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<sup>213</sup> EWMC Approval s.4.5

<sup>214</sup> Alberta Standards s.3.4

<sup>215</sup> Alberta Standards s.1.5 and s.5.2

government, and community.

**BEST PRACTICE:** The *Alberta Standards* requires that the registration holder establish and maintain a number of comprehensive records including:

- Operating Record,
- Monitoring Records,
- Tonnage Report,
- Annual Report,
- Final Closure Report (upon closure)

The *Alberta Standards* outlines the minimum and comprehensive list of information that each record or report should contain, the length of time they should be maintained, and the frequency with which they should be provided to the Director.

### *Public Availability of Documents and Records*

**ISSUE:** The OMRR requires that the facility owner or operator submit, or make available upon request, a number of documents to the Director (or other authorities). These include the environmental impact study, facility design plans and specifications, land application plan, notice of land application of managed organic material, daily sampling reports of temperature and retention times, and results of analyses. However, there is no requirement that these documents be made available to the public or the local governments, both being parties who may have a strong interest in having access to the information contained in these documents in order to understand the impact of the facility on their community.

**RECOMMENDATION 18:** That the OMRR require that all documents, reports and results relating to the design and operation of the compost facility be submitted to the local government or be made available at the request of the local government so they are available for review and comment by the municipal or regional government waste manager as well as available to the public. This will improve government's decision-making ability with respect to compost operations and the public understanding of the impact that the facility may have on their community.

### *Self-Reporting, Offences & Penalties*

**ISSUE:** The OMRR lists a number of offences and penalties to which a person may be subject if they contravene a provision of the regulation. This creates an adversarial relationship between the compost facilities and the Ministry of Environment in which there is an expectation that violations will be punished, if the responsible person is caught. Where there are limited resources and capacity for investigation and monitoring by the Ministry of Environment, there may be circumstances under which a cooperative relationship between the compost facilities and the Ministry can result in better compliance and thus environmental health.

**RECOMMENDATION 19:** That the OMRR adopt a mandatory “self-reporting” scheme as found in the Alberta regulatory scheme. While the threat of a financial penalty is an effective deterrent to bad behaviour, this should be used as a last resort if the facility has not reported a contravention, is a repeat offender, or refuses to implement changes to their operations when contraventions have occurred. Emphasis should be placed on engaging the compost facility owners and operators to ensure that they follow best practices and are willing to work through operational problems with the Ministry of Environment or local governments.

This self-reporting scheme must be supported by improved monitoring, record keeping and reporting to the Ministry and local governments, (as per Recommendations 16, 17 and 18), improved community involvement (Recommendation 20) and regular inspections of compost facilities by the Ministry and/or local government. In order to ensure that operators do not take advantage of this scheme, the Ministry must create a regulatory environment where self-reporting of a contravention is met with effective assistance to remedy the problem, while any failure to self-report is penalized in a manner that sends a clear message to facility operators regarding the importance of their cooperation with the Ministry.

**BEST PRACTICE:** The *Alberta Code* requires that the “person responsible” shall immediately report any contraventions of the Code to the Director of Pollution Control Division.<sup>216</sup> The *EWMC Approval* includes a similar provision.<sup>217</sup>

The *Alberta Standards* expand on this requirement and provides for a list of items that must be included in a written report submitted to the Director within 7 days of the contravention.<sup>218</sup>

### 3.3.8 Community Involvement

Given the potential impacts of a compost facility on the surrounding community, it is important that a facility secures and maintains the “social licence” to operate in the community. This recommendation seeks to ensure that the community has an appropriate level of involvement in the decision to construct and operate a facility in the community, and that the community is actively involved in efforts to monitor the impact of the facility on the community and environment.

**ISSUE:** There is no requirement in the OMRR that a prospective compost facility owner consult with the public when a facility is first proposed, or engage with the community during the operation of the facility to ensure that the facility is operating in compliance with regulations, bylaws and community norms, and that that the community understands the facilities operations and its regulation. The *OMRR Part 5 Guidelines* do stress the importance of public participation in selecting a site, but again, these guidelines

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<sup>216</sup> Alberta Code s.12

<sup>217</sup> Alberta Approval 2.1.1

<sup>218</sup> Alberta Standard 6.4

are not legally binding.<sup>219</sup>

**RECOMMENDATION 20:** That the OMRR require a public consultation process before a facility can be constructed in a community. This will allow the public to provide comment on the location, design and operations of the facility and provide the owner with relevant information concerning the environmental, social and economic impacts of the facility. It is also recommended that the OMRR require that the facility operator engage with the community during the operation of the facility in order to manage ongoing issues and potential nuisances such as odour and noise.

#### **BEST PRACTICES:**

##### ***Public Consultation***

The Alberta *Approvals and Registrations Procedure Regulation* (ARPR) requires that applications for an approval or registration (required for Class I and Class II compost facilities, respectively), must include “a description of the public consultation undertaken or proposed by the applicant”.<sup>220</sup> This provision allows the Director to determine the appropriate level of community consultation required for a particular activity. For activities like composting that can have a significant impact on nearby communities and the surrounding environment, the public consultation process is an important way to gauge the sentiment of the community and receive their input regarding the location and operation of the facility.

##### ***Odour Management***

The Edmonton Waste Management Centre (EWMC) has a number of programs and operational strategies in place to reduce odour at their compost facility.<sup>221</sup> They have developed an Odour Control Matrix that outlines activities at the EWMC that may be potential sources of odour, when these activities take place, the means used to assess the presence of meteorological conditions that create high or low potential for odour, and an outline of how these activities will take place in high and low potential odour conditions.<sup>222</sup> This matrix provides the community with an understanding of how and when odours may be created and how the facility will operate in high and low odour potential conditions.

The City of Edmonton has established a Community Liaison Committee to identify and address odours emanating from the EWMC. This is not required by law, but has been developed due to the size

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<sup>219</sup> *OMRR Part 5 Guidelines*, pg 4-3

<sup>220</sup> ARPR s.3(1)(q)

<sup>221</sup> The City of Edmonton (2014) *Odour Control at the Edmonton Waste Management Centre*. Accessed 6 April 2015 online: <[http://www.edmonton.ca/programs\\_services/garbage\\_waste/odour-control.aspx](http://www.edmonton.ca/programs_services/garbage_waste/odour-control.aspx)>

<sup>222</sup> The City of Edmonton (2014) *Odour Control Matrix*. Accessed 6 April 2015 online: <[http://www.edmonton.ca/programs\\_services/documents/PDF/EWMC\\_Odour\\_Matrix.pdf](http://www.edmonton.ca/programs_services/documents/PDF/EWMC_Odour_Matrix.pdf)>



of the facility and volume of material, as well as the need to gain the acceptance of the community to operate the facility. The committee consists of citizen volunteers who live in northeast Edmonton (in the vicinity of the facility) and who meet regularly with City staff to share information about the impacts of odours in their neighbourhoods and learn about operation activities at the EWMC that are addressing odours. The City offers Nasal Ranger training to committee members to teach them how to identify and monitor odours. The City also offers a 24 hour Odour Hotline to report concerns about odours from the EWMC. More than one call from an area within a day will require a consultant to visit the neighbourhood and the EWMC to investigate and log information on the odour, wind and weather conditions.

### 3.3.9 Community Collaboration

No government regulation works in isolation and it is important that a regime that involves multiple levels of government and numerous stakeholders also involves a healthy working relationship between these parties in order to achieve a coordinated and consistent regulatory regime.

**ISSUE:** In discussing the topic of compost regulation in BC with citizens who are dealing with issues with compost facilities, there is an apparent (or perceived) jurisdictional void between the different levels of government and the relevant authorities. This includes the provincial bodies such as the Ministry of Environment (MOE), the Agricultural Land Commission (ALC), and the Farm Industry Review Board (FIRB), regional district governments, and municipal governments. There appears to be a lack of understanding as to the responsibilities of each level of government and how, and in what order, these bodies should act.

**RECOMMENDATION 21:** That there is the development of a working relationship between the local and provincial governments in each region to streamline the compost regime and clarify the roles of each entity. In particular, there should be collaboration in the enforcement process so that local governments can understand what is required in specific permits and to create harmony between municipal licensing conditions and provincial requirements. This could take the form of a regional working group with periodic meetings to review broad issues and specific facilities in each region.

**ISSUE:** In addition to local and provincial governments and government agencies, there are a number of other parties who have an interest regarding compost operations in BC. These parties include local landowners, community organizations, and the compost industry. Unfortunately, there is currently no forum for all parties to meet and discuss the issues that may arise with specific compost operations and the implementation of the compost regime.

**RECOMMENDATION 22:** That there be the formation of a provincial or regional composting advisory committees composed of local and provincial governments, industry, community organizations, and local landowners to address issues that arise

at compost facilities and regarding the implementation of the compost regime. Such committees will permit relevant discussion between parties, delineate the role of each party in the compost regime, and avoid impacts to environmental and social well-being that may arise from compost operations.

### 3.4 Local Government Implementation

In the absence of amendments to the OMRR, local governments can still implement many of these recommendations through bylaws, licencing, and land use regulation.

#### Regional District Bylaws

As discussed in section 1.3.1, regional district governments can impose bylaws to implement approved waste management plans and regulate the management of recyclable materials such as compost. This permits the enactment of bylaws regulating, prohibiting or respecting the handling of compost, the management of compost sites (ie. facilities), requirements that a facility operator hold a recycler licence, comply with a code of practice, or provide security or insurance, the enforcement of bylaws, and the provision of penalties.<sup>223</sup> These bylaws can impose requirements that are additional to, and more stringent than, those contained in the provincial enactments like the EMA, OMRR, ALCA, providing that these bylaws are not inconsistent or in conflict with the provincial enactments.<sup>224</sup>

The Capital Regional District (CRD) has implemented the *Composting Facilities Regulation Bylaw* that requires a person to obtain a recycler licence before they can operate a compost facility in the region. The licence imposes certain terms and conditions on the licence holder that are additional to the requirements in the provincial enactments. These terms and conditions already contain requirements for the operation of the facility, odour and leachate management plans, qualified professionals, storage, and offences, penalties and enforcement - the areas of the BC regime for which reforms are recommended in this report. Without amendments to the OMRR, the CRD could consider amending the terms and conditions of existing licences to include the above recommendations.

#### Municipal Government Bylaws

As discussed in section 1.3.2, municipal governments can also regulate compost facilities through various bylaws. These bylaws fall within existing municipal jurisdiction to regulate nuisances,<sup>225</sup> business licences,<sup>226</sup> or land use.<sup>227</sup> As with regional district bylaws, municipalities can impose requirements that are additional to, and more stringent than, those contained in the provincial enactments like the EMA,

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<sup>223</sup> EMA s.25(3)

<sup>224</sup> EMA s.37(5), ALCA s.46(6)

<sup>225</sup> *Community Charter* s.8

<sup>226</sup> *Community Charter* s.8(3)

<sup>227</sup> LGA s.903 and s.919.1

OMRR, ALCA, providing that these bylaws are not inconsistent or in conflict with the provincial enactments.<sup>228</sup>

A municipality could use their authority under the *Local Government Act* to implement a Development Permit Area (DPA) in order to impose conditions on activities that take place in discrete areas of land within their jurisdiction.<sup>229</sup> The DPA might be designed in such a way that outlines where a facility can be located so as to avoid conflicts with other land uses, such as residences or the environment. This could be a way for the municipality to mandate the siting considerations suggested in the *OMRR Part 5 Guidelines* or the *Ontario Guideline*.

A municipality could also use their zoning/land use bylaws to regulate a compost operation. As outlined in the Appendix, the District of Central Saanich (DCS) *Land Use Bylaw* permits agricultural composting on certain zones and commercial composting in other zones. The bylaw imposes conditions for facility siting and design, the appropriate technologies, facility operations, storage of feedstock, and leachate and odour management. There is also a requirement that leachate is collected to avoid the contamination of groundwater. Given that these conditions already touch upon the areas that this report recommends for law reform, bylaws could be amended to reflect the recommendations.

The DCS *Business Licencing Bylaw*, also in the Appendix, also imposes certain requirements on compost facilities including the imposition of covenant by which the facility owner promises (subject to a fine) that odours generated in the composting or curing process are not detectable by humans off the premises. This reflects the concern that the municipality has for odours, and demonstrates that the municipality can go further than the provincial enactments in regulating compost operations.

### 3.5 Summary

While all levels of government can implement these recommendations, it is important that the regulations imposed at each level are not only compliant with the provincial enactments and their enabling legal authority, but also work together to provide a clearly defined and harmonious regulatory regime. The different parts of the regime must work together to cover all aspects of a compost operation while avoiding unnecessary overlap.

It is also important that all actors in compost industry: the operators and facility owners, government officials, entities such as the ALC and FIRB, and local citizens have a clear and consistent understanding of the regime and their role within it.

This speaks to the importance of Recommendations 20 and 21, that there is the development of an on-going working relationship between the different levels of government, the compost industry and

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<sup>228</sup> EMA s.37(5), ALCA s.46(6)

<sup>229</sup> LGA 919.1 and 920

the community. It this relationship is particularly important in the design, monitoring, and enforcement aspects of the compost operations. As good as a compost regime, the regulations are rendered ineffective if compost operations are not designed appropriately, monitored regularly, and held to high standards.

Ultimately the aim of this report, containing an outline of the BC compost regime and law reform recommendations, is to contribute to the development of a comprehensive and effective compost regime that achieves the waste management goals of communities in B.C. while promoting an economically viable compost industry, ensuring environmental protection, and maintaining community wellness.

## APPENDIX

Table 1

MATERIAL		PATHOGEN REDUCTION PROCESSES	VECTOR ATTRACTION REDUCTION	PATHOGEN REDUCTION LIMITS	QUALITY CRITERIA	SAMPLING & ANALYSIS	RECORD KEEPING	LAND APPLICATION & DISTRIBUTION
Class A Biosolid (CAB)		Sch 1: identifies PR methods or processes that must be used in production, and	Sch 2: identifies VAR methods that must be used in the production	Sch 3: specifies the fecal coliform levels particular to each type of matter, outlines sampling protocol.	Section 3 of Sch 4 no [elements] above those specified in Trade Memo T-4-93, Stds for Metals in Fertilizers & Supplements	Sch 5 Req'd analysis carried out every 1000T dry weight or 1/year (whichever is 1 <sup>st</sup> ). Director may increase frequency of sampling	Sch 6 Temp & retention times: recorded Mon-Fri during production. Results of analysis. Both kept at facility for ≤ 36mo, available on request to specified persons.	App to land – Ss.2 App of >5m <sup>3</sup> /year per parcel req's LAP for CAB and soil [sub] in sch 9&10 Dist – ss.4 Restrictions on dist: ≤5m <sup>3</sup> /vehicle per day, sealed bag of ≤5m <sup>3</sup> for retail, >5m <sup>3</sup> to CFs or BGMFs
Class B Biosolid (CBB)		Sch 1	Sch 2	Sch 3	Column 3 of Sch 4: highest allowable levels of substances (heavy metals)	Sch 5	Sch 6	LAP for CBB Sch 8 Soil [sub] in sch 9&10 Distrib to CF – no vol restriction No vol restriction in distrib to BGMF if meet CAB PR and VA req's No land app in watershed used as permitted water supply under DWPR
Biosolid Growing Medium (Biosolids that meet the criteria to the left & Sch 11)		Derived from CAB or CBB that meet CAB req's in Sch 1	Derived from CAB or CBB that meet CAB req's in Sch 2	Derived from CAB or CBB that meet CAB req's in Sch 3	Column 2 of Sch 4: lowest allowable levels of heavy metal substances	Sch 5	Sch 6	Distribution with no volume restriction Sch 11: specifies TKN, C:N >15:1, organic matter content <15% dw
Class A Compost (CAC) organic matter only	Yard waste &/or untreated & unprocessed wood residuals	Sch 1	Sch 2		Column 1 of Sch 4 Low allowable levels of heavy metal substance	No analysis req'd	No record keeping required	Distributed with no volume restriction Biosolids used as feedstock must not exceed stds for CBB in Col. 3 of Sch 4 No land application provisions- why??
	Not solely from above	Sch 1	Sch 2	Sch 3	Column 1 of Sch 4	Sch 5	Sch 6	
Class B Compost (CBC) organic matter only		Sch 1	Sch 2	Sch 3	Col 3 of Sch 4: highest allowable levels of substances (heavy metals)	Sch 5	Sch 6	Application LAP for CBC req'd See sch 8 Soil [sub] in sch 9 & 10 No app to land in watershed used as permitted water supply under DWPR

## Regional District Bylaws

### Capital Region District Bylaw No. 2736: Compost Facilities Regulation

#### Definitions

The bylaw provides a list of definitions relating to compost activities, but also incorporates the definitions listed in the EMA and OMRR.

The definitions of particular classes of composting facilities are particularly important because they determine what feedstock type of technology can be used in a facility. The class of compost facility also determines what Recycler Licences is appropriate for an operator. The feedstock materials are derived from the list of “organic matter for use in composting” in Schedule 12 of the OMRR and are divided into three classes.

- **Class 1 composting facility** means a facility composting general organic matter on an impermeable surface or in-vessel.<sup>230</sup> Feedstock materials that comprise “general organic matter” include: animal bedding, brewery & winery waste, Class A food waste, manure, plant matter derived from processing plants, untreated and unprocessed wood residuals, yard waste, and whey.<sup>231</sup> A person operating a Class 1 facility does not need a Class 1 Recycler Licence unless they have contravened the bylaw.
- **Class 2 composting facility** means a facility composting biosolids with general organic matter on an impermeable surface or in-vessel.<sup>232</sup> Feedstock materials that comprise “biosolids with general organic matter” include: biosolids and the materials listed under “General Organic Matter”, above.<sup>233</sup> A person operating a Class 2 facility requires a Class 2 recycler licence.
- **Class 3 composting facility** means a facility composting restricted organic matter with either or both general organic matter or biosolids with general organic matter and using in-vessel technology.<sup>234</sup> Feedstock materials that comprise “restricted organic matter” include: Class B food waste, fish wastes, hatchery waste, milk processing waste, poultry carcasses, sewage sludge, domestic septic tank sludge, and whey.<sup>235</sup> (Sewage sludge can only be composted with written authorization from the Ministry of Environment). A person operating a Class 3 facility requires a Class 3 recycler licence.

It is also important to highlight the required technology specified for each class of compost facility.

- **"impermeable surface"** means a surface which:
  - a) has a permeability rating of no greater than  $1 \times 10^{-7}$  cm per second; and
  - b) has been designed and sealed by a professional engineer to ensure that there is no onsite discharge of leachate to the environment.

<sup>230</sup> Capital Regional District Bylaw No. 2736: A Bylaw to Regulate the Operation of Composting Facilities in the Capital Regional District (“CRD Bylaw No. 2736”) s.1.2

<sup>231</sup> CRD Bylaw No. 2736 Schedule E Table 1

<sup>232</sup> CRD Bylaw No. 2736 s.1.2

<sup>233</sup> CRD Bylaw No. 2736 Schedule F Table 2

<sup>234</sup> CRD Bylaw No. 2736 s.1.2

<sup>235</sup> CRD Bylaw No. 2736 Schedule G Table 3

- **"in-vessel,"** in relation to composting, means any composting method where composting materials are contained in a closed reactor or vessel:
  - a) in which conditions such as moisture, temperature and oxygen levels can be closely monitored and controlled; and
  - b) which has been designed and sealed by a professional engineer to ensure that there is no discharge of leachate to the environment or nuisance created.

There are a variety of persons named in the bylaw who are responsible for the regulation and operation of the compost facility. It is important to understand to whom these terms refer in a practical sense in order that the appropriate people understand their roles and can be held accountable.

A "licensee" is a person who holds a recycler licence. A "discharger" is the owner or operator of the compost facility, or a licensee. The "licensee" and a "discharger" could refer to the same person, but they could also refer to different people.

The "solid waste manager" is the person who administrates the management of solid waste, and therefore, the compost regulations at CRD office. The solid waste manager is appointed by the general manager of the CRD Environmental Services department. The bylaw also refers to the "solid waste officer" (an officer appointed by the general manager) and the "bylaw enforcement officer" who have more limited roles, described below. This person is separate from the "director" who is specified in the OMRR as the person to whom various applications, plans, specifications, and reports should be sent. The "director" is a person working at the Ministry of Environment,<sup>236</sup> usually at a regional office.

### **Application and Exemption**

The bylaw regulates the operation of all composting facilities within the Capital Region unless otherwise exempted by the bylaw or another enactment. Similar to the OMRR, the bylaw does not apply to agricultural waste composting, backyard composting, topsoil producers, or the composting of organic matter that originates at the site of the composting operation. For example, this final exemption applies to composting of agricultural wastes on farms where the waste originates or where the waste will be used, as described in a below in section 2.1.1.

### **Recycler Licence**

Any person who operates a compost facility needs a recycler licence that corresponds to the appropriate class of facility. However, there is an exemption for an owner or operator of a Class 1 facility who does not need a Class 1 recycler licence unless the discharger of the facility has been convicted of an offence under the bylaw.<sup>237</sup>

The solid waste manager will only issue the recycler licence for a compost facility that complies with the bylaw, local applicable land use, zoning and other bylaws or Federal and Provincial enactments (including the EMA, OMRR, ALCA, and ALRUSPR) applicable to the operation of the composting facility.<sup>238</sup> The solid waste manager will refuse to issue a licence if the facility does not comply with the above enactments.<sup>239</sup> The solid waste manager will suspend or cancel a

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<sup>236</sup> EMA s.1 **director**" means a person employed by the government and designated in writing by the minister as a director of waste management or as an acting, deputy or assistant director of waste management

<sup>237</sup> CRD Bylaw No. 2736 s.6.3

<sup>238</sup> CRD Bylaw No 2736 s.4.3

<sup>239</sup> CRD Bylaw No 2736 s.4.3

recycler licence for any violation of, or non-compliance with, the terms and conditions of the recycler licence, the bylaw, or any other applicable enactments.<sup>240</sup> The issuance of a recycler licence by the CRD does not provide any guarantee that the composting facility is in compliance with the bylaw or any other enactment or that the discharger will not cause harm to the environment.<sup>241</sup>

Upon the initial licence application, certain information must be provided to the solid waste manager, including:<sup>242</sup>

- the types and quantities of organic matter to be composted each year;
- an odour management plan;
- a leachate management plan;
- a vector, litter and dust management plan;
- the maximum tonnage of feedstock and compost to be stored at any one time; and
- municipal/electoral area approval.

This information is set out in Schedule A to the bylaw. The application fee for any type of recycler licence is \$1000.<sup>243</sup>

Any applicants who want to use something other than proven technology<sup>244</sup> must apply for a provisional licence and must supply the information listed above.<sup>245</sup> The term of a provisional licence is one year, after which (though prior to the expiry of the licence) the provisional recycler licensee may apply for a one-time, one-year renewal.<sup>246</sup> The fees for a provisional licence are the same as the other classes of recycler licence, except for the annual administration/monitoring fee, which is \$2000.<sup>247</sup>

Before any operational changes can be made to the compost facility the licensee must apply for, and obtain, an amendment to the recycler licence using the form and required information in Schedule A of the bylaw. The licence amendment fee for all types of licence is \$500. Operational changes include any change to:<sup>248</sup>

- Method of composting (change in class of licence);
- Odour management plan;
- Leachate management plan;
- Vector, litter, and dust management plan;
- Method of receiving and storing [organic materials];
- Estimated quantities of feedstock materials per year;
- Maximum quantity of feedstock and compost to be stored at any one time;
- A site plan and layout of facilities; and

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<sup>240</sup> CRD Bylaw No 2736 s.4.4

<sup>241</sup> CRD Bylaw No 2736 s.4.6

<sup>242</sup> CRD Bylaw No 2736 s.3.4

<sup>243</sup> CRD Bylaw No 2736 Schedule C Column 2

<sup>244</sup> The term “proven technology” is defined in the bylaw as “any in-vessel composting technology in use at an appropriate scale for at least two years which is capable of meeting the requirements of this bylaw.”

<sup>245</sup> CRD Bylaw No 2736 s.3.5

<sup>246</sup> CRD Bylaw No 2736 s.4.2.4

<sup>247</sup> CRD Bylaw No 2736 Schedule C Table

<sup>248</sup> CRD Bylaw No 2736 Schedule C s.1.3



- Municipal/electoral area approval.

The term of the recycler licence is five years from the date of issuance, after which the licensee must apply to the solid waste manager to renew the licence if they want to continue operating a compost facility.<sup>249</sup> If a Class 1 discharger who violated the bylaw and had to obtain a Class 1 recycler licence is not convicted of another offence under the bylaw for five years after obtaining the licence, they will not be required to renew the recycler licence.<sup>250</sup> The renewal fee for all types of recycler licences is \$500.

Licence application, renewal, and amendment fees are payable on submission of a completed application form (as provided in Schedule A of the bylaw) to the solid waste manager, must be paid before the application can be processed, and are non-refundable regardless of the actions of the solid waste manager in response the application.<sup>251</sup>

A licensee must also pay an annual administration/monitoring fee, the first of which must be paid upon the issuance of the recycler licence. Subsequent administration/monitoring fees will be invoiced on the anniversary date of the issuance of the licence. This must be paid within 60 days of the anniversary date or the CRD may suspend or cancel the licence. The administration/monitoring fee for Class 1, 2 and 3 licences is \$1000. The fee for a provisional licence is \$2000.

A recycler licence may not be transferred or assigned without the solid waste manager's written consent. This consent may be withheld if there is an on-going violation of the bylaw or any applicable enactment.

## Management Plans

The leachate management plan must indicate how any and all leachate from the composting process will be minimized, managed, treated and disposed of.<sup>252</sup> The odour management plan must show how the facility intends to prevent the generation of odours that can be detected beyond the boundary of the property on which the facility is located.<sup>253</sup> There is no description of how or by whom odours will be monitored or detected and to what limit odours will be tolerated, though this is usually based on complaints from the neighbourhood.

Both plans must be prepared and sealed by a qualified professional who has experience with the appropriate (leachate or odour) management system. The definition of qualified professional used in the bylaw is the same as in the OMR, with the added requirement that the professional have experience with the appropriate management system. There is no explanation of what constitutes "experience" and no proof of experience is required.

The applicant must also provide vector, litter and dust (VLD) management plan to show how they will control vectors,<sup>254</sup> keep the site free of litter and garbage, and prevent the emission of dust from the site.<sup>255</sup> A qualified professional is not required to prepare or give their seal to the VLD management plan.

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<sup>249</sup> CRD Bylaw No 2736 s.4.2,

<sup>250</sup> CRD Bylaw No 2736 s.6.4

<sup>251</sup> CRD Bylaw No 2736 Schedule C s.1.1, s.1.2, s.1.3, s.1.5

<sup>252</sup> CRD Bylaw No. 2736 s.3.7

<sup>253</sup> CRD Bylaw No. 2736 s.3.8

<sup>254</sup> CRD Bylaw No. 2736 s.1.2 "**vector**" means a rodent, bird, fly or mosquito or other animal or insect carrier that ingests or conveys garbage, odour, micro-organisms and/or pathogens from one location to another.

<sup>255</sup> CRD Bylaw No. 2736 s.3.9

The solid waste manager may require additional information respecting management plans that they consider necessary for the protection of human health and the environment, and may specify particular concerns or questions that the management plans must address.

### **Security<sup>256</sup>**

When an application is filed, the applicant must provide security, an amount of money that is promised via either an irrevocable letter of credit, or a combination of an irrevocable letter of credit and surety bond, that can be used by the CRD in case the licensee fails to comply with the terms of their licence or the bylaw or in the event of the closure of the facility. The amount of security is calculated in Schedule B of the bylaw. The security is subject to certain requirements, and the failure of the licensee to comply with these requirements could result in the suspension or cancellation of the recycler licence.

Security, again in the form of an irrevocable letter of credit and surety bond, is also required for the storage of compostable materials. This security may be used by the CRD if the discharger fails to comply with the bylaw or the recycler licence, has not commenced processing, has stored the materials for longer than the specified time limits, the feedstock is stored contrary to the bylaw, or the facility is abandoned.<sup>257</sup> The amount required is calculated per tonne of stored material and based on the estimated costs to clean up, remove and process the material as determined by the solid waste manager.

### **Storage Regulations**

Compostable feedstock materials for use in a compost facility may only be stored in accordance with Schedule B of this bylaw. This schedule sets maximum limits, defined by tonnage, volume, and time, for which the different types of compostable material can be stored.<sup>258</sup> These limits are:

- General Organic Matter: up to a maximum of 500 tonnes (1000m<sup>3</sup>) may be stored for up to 2 weeks;
- Biosolids: up to a maximum of 50 tonnes (75m<sup>3</sup>) may be stored for up to 36 hours;
- Restricted Organic Matter: up to a maximum of 50 tonnes (75m<sup>3</sup>) may be stored for up to 36 hours.

Feedstock material shall not be stored in excess of these maximum limits. However, these materials can be stored past the maximum limits if the storage is carried out in self-contained unit that does not allow the escape of organic matter, odours, leachate, or attracts vectors.<sup>259</sup> The bylaw does not specify what constitutes an appropriate self-contained unit. The total amount of feedstock and compost in a facility at any time must not exceed the amount provided by the licensee in the information contained in their licence application to the CRD.<sup>260</sup>

### **Composting Regulations**

A licensee must operate a compost facility in accordance with the terms and conditions of the recycler licence, the regulations set out in Schedule D of the bylaw, and with the leachate, odour, and VLD management plans submitted to

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<sup>256</sup> CRD Bylaw No. 2736 s.3.11

<sup>257</sup> CRD Bylaw No 2736 Schedule B s.2

<sup>258</sup> CRD Bylaw No. 2736 Schedule B

<sup>259</sup> CRD Bylaw No. 2763 Schedule B s.1

<sup>260</sup> CRD Bylaw No. 2763 Schedule D s.2

the solid waste manager.<sup>261</sup> If any provision of these plans conflicts with Schedule D, that provision of the plan does not apply.

A licensee shall not receive any materials other than those set out in the licence.

Restricted organic matter is treated differently than the other compostable materials. Phase 1 of the process (receiving and blending, grinding, mixing and initial rapid phase composting) of all restricted organic matter must be conducted “in-vessel”. Phase 2 (curing for a minimum of 21 days) of restricted organic matter compost must be conducted in-vessel or on an impermeable surface.<sup>262</sup>

The receiving and blending, grinding, mixing, composting and storage of general organic matter and biosolids), must at least be conducted on an impermeable surface, though it can occur in-vessel. There is no reference to Phase 2 composting for general organic matter and biosolids.

With respect to disturbances, a discharger may not operate any class of facility in a manner than causes litter, dust, odours, or vectors to pose a risk to public health or the environment, or constitute a public nuisance. This implies that the facility may cause some litter, dust, odours or vectors, so long as they do not pose a risk to public health or environment or cause a public nuisance. This is a subjective standard that may require proof and adjudication before a court, board or tribunal.

With respect to leachate, a discharger may not operate any class of facility in a manner that causes the discharge of leachate. The bylaw implies zero tolerance for the discharge of leachate, regardless of whether the discharge causes any risk to public health or the environment, or an impermeable surface. This is an objective standard that only requires proof of the discharge.

The licensee must give notice in writing to the solid waste manager at least 90 days before beginning the operation of a composting facility. The notification must include the composting facility location and design capacity, name of a contact person, type of waste received, intended distribution of compost, and a copy of a personnel training program plan that addresses the specific training needed to operate the composting facility in compliance with the bylaw.<sup>263</sup> There is no prescription in the bylaw (or in other enactments) of what should be included in a personnel training program.

## Enforcement

The general manager, the solid waste manager, a solid waste officer, or a bylaw enforcement officer may enforce the provisions of the bylaw. Any of these enforcement agents, with the exception of the general manager, may enter the premises of a compost facility to determine if the terms of a recycler licence are being complied with or if the regulations of the bylaw are being observed.<sup>264</sup> This includes compliance with the OMRR and EMA, and where applicable, the ALCA, and ALRUSPR. Since compliance with all applicable provincial enactments is a condition of holding a licence, to operate in violation of these enactments could result in the cancellation or suspension of the recycler licence or a fine.<sup>265</sup> The entry

<sup>261</sup> CRD Bylaw No 2736 s.6.5 and s.5.2

<sup>262</sup> Both “in-vessel” and “impermeable surface” have been defined in this bylaw, and are reproduced in this section (1.3.1), above. However, there is wide latitude as to what may constitute “in-vessel”; not all “in-vessel” operations are made equal.

<sup>263</sup> CRD Bylaw No 2736 Schedule D s.3

<sup>264</sup> CRD Bylaw No 2736 s.7.2

<sup>265</sup> CRD Bylaw No 2736 s.4.4 and s.9.2

of these enforcement agents onto the facility premises may occur at any reasonable time, without prior notice, and with the presentation of proof of their identity. No person shall hinder or prevent these enforcement agents from entering the premises and carrying out their duties with respect to the administration of the bylaw.<sup>266</sup>

Where the regional district has the authority to direct a person to take a certain action, and if the person fails to take the required action, the action shall be done at the expense of the person under LGA s.269(1).<sup>267</sup> The Board may recover the expense from the person. If the Board/staff of the regional district were required to remedy inaction in default.<sup>268</sup> This means that where a licensee fails to remedy a problem with the compost facility the regional district may remedy the problem and charge the licensee for the cost of remedying the problem.

### **Offences and Penalties<sup>269</sup>**

A person who violates the terms and conditions of the bylaw is guilty of an offence and is liable to a fine up to a maximum of \$200000. If the violation extends over multiple days, the person will be considered to have committed a separate offence upon each day the violation occurs or continues. The fine is in addition to any other penalty imposed by the bylaw, or another statute, law or regulation. This means that a person could be fined both under the bylaw and under the OMRR. The CRD may also pursue other remedies available to it at law, such as criminal conviction (if appropriate).

### **Appeal<sup>270</sup>**

A person affected by a decision of the solid waste manager may write to the general manager to appeal the decision. The written notice of appeal must advise the general manager of the order or requirement being appealed from, set out the reason for the appeal, and include any relevant documents. This notice must be delivered to the general manager within 30 days of the decision from which the appeal is made.

The general manager will review the matter under appeal and will confirm, reverse or vary the decision under appeal and may make any decision that they consider appropriate. An appeal does not stay or suspend the operation of the decision under review unless the general manager orders otherwise.

### **Schedules**

The schedules set out at the end of the bylaw detail the specific information required by certain provisions of the bylaw. In summary, these schedules are:

- A. Recycler Licence Application:** dictates the form required to be submitted to the solid waste manager for licence applications, renewals, and amendments.
- B. Regulations Regarding Storage of Feedstock Materials, Calculation and Use of Security:** prescribes the requirements for storage of compostable materials and the determination of security for the different types

<sup>266</sup> CRD Bylaw No 2736 s.11.1

<sup>267</sup> LGA s.269 (1) The authority of a board under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the regional district may a) fulfill the requirement at the expense of the person, and (b) recover the costs incurred from that person as a debt.

<sup>268</sup> CRD Bylaw No 2736 s.11.2

<sup>269</sup> CRD Bylaw No 2736 s.9

<sup>270</sup> CRD Bylaw No 2736 s.10

of compostable materials.

- C. **Fees:** sets out a table and requirements outlining the fees required for licence application, renewal, amendment, and administration and monitoring.
- D. **Composting Regulations:** prescribes how compostable materials should be received, handled, processed, composted, and stored. Prescribes the requirement for notification of a new compost facility.
- E. **Table 1. Feedstock Processing: General Organic Material:** Sets out a list and description of feedstock materials that may be composted on an impermeable surface or in-vessel and will not require a licence unless the operation contravenes subsection 6.3 of this bylaw.
- F. **Table 2. Feedstock Processing: Biosolids with General Organic Matter:** Sets out a list and description of feedstock materials that may be composted on an impermeable surface or in-vessel and will require a Class 2 recycler licence
- G. **Table 3. Feedstock Processing: Restricted Organic Matter:** Sets out a list and description of feedstock materials that may be composted in-vessel only and will require a Class 3 recycler licence.

## Municipal Bylaws

### Zoning/ Land Use Bylaw

#### District of Central Saanich Land Use Bylaw no. 1309

Zoning bylaws prescribe what types of activities can take place on land within a municipality.<sup>271</sup> The Central Saanich Land Use bylaw has a specific section that addresses compost.

In the District of Central Saanich, composting is permitted only in A1, I-1 and I-2 zones. Backyard composting is permitted in every zone in which residential uses are permitted, but it may not be sold from the premises or produced as a home occupation. The bylaw distinguishes between agricultural composting in the A1 zone and commercial composting in the I-1 and I-2 zones. As it happens, the vast majority of the land in the Central Saanich that has been set aside as ALR land is also designated as the A1 zone although there small areas of A1 land outside the ALR and some ALR lands that are not zoned as A1.<sup>272</sup> I-1 and I-2 refer to Light Industrial and Extraction Industrial, respectively. In Central Saanich any land designated I-1 or I-2 is found outside the ALR. As such, it is a relatively straightforward process to

#### ***Agricultural Composting***

Agricultural composting is permitted in the A1 zone as long as it is part of and used for the purposes of the farm operation on the same lot. It is defined in the bylaw as the “production and storage of compost from agricultural wastes produced on the farm for farm purposes in accordance with the *Agricultural Waste Control Regulation* or the production and storage of Class A compost in compliance with the *Organic Matter Recycling Regulation*”.<sup>273</sup> Composting in the A1 is subject to the following requirements:

1. The compost process must not occur within 30m of any parcel boundary or domestic water supply intake, or within 15m of any natural watercourse or constructed ditch. Where a farm business comprises more than one parcel, the

<sup>271</sup> LGA s.903

<sup>272</sup> A map of zoning designations and the ALR in Central Saanich may be found at <<http://www.centralsaanich.ca/Assets/Central+Saanich/Maps/Zoning+and+ALR.pdf>>. Accessed on Dec 20, 2013

<sup>273</sup> DCS Land Use Bylaw No 1309 s.1

siting requirement does not apply in relation to any interior parcel boundary. This subsection does not prohibit the application of finished compost to land.<sup>274</sup>

2. Compost that is prepared in the agricultural zone must be applied to land in the same farm business as the land on which the composting occurs. The compost may not be sold or removed from the premises on which it is produced. Bagged manure may still be sold from farm roadside stands.<sup>275</sup> This provision requires that all compost must be used on the same property on which it is produced, regardless of the feedstock material.

3. Certain feedstock materials must undergo initial decomposition contained in a closed reactor or vessel in which conditions such as moisture, temperature and oxygen levels can be closely monitored and controlled, and from which odours detectable by humans cannot escape.<sup>276</sup> When these feedstock materials undergo secondary curing or are stored before initial decomposition, they must be stored on an impermeable surface. Any leachate must be collected, so that there is no contamination of groundwater.<sup>277</sup> This provision refines the regulation of odours to the extent that the bylaw is violated if a person can smell odours from these materials outside of the reactor or vessel.

### **Commercial Composting**

Commercial composting is permitted as a principal use in the I-1 and I-2 zones. There are no I-1 or I-2 zones in the ALR in Central Saanich. Commercial composting is subject to the following regulations:<sup>278</sup>

1. Composting materials undergoing initial decomposition must be contained in a closed reactor or vessel in which conditions such as moisture, temperature and oxygen levels can be closely monitored and controlled, and from which odours detectable by humans cannot escape.

2. Composting materials undergoing secondary curing or being stored prior to initial decomposition must be stored on an impermeable surface and any leachate must be collected, so that contaminants leaching from the materials cannot enter the groundwater table.

3. Processing equipment may be operated only between the hours of 8 a.m. and 5 p.m. Monday to Saturday, excluding statutory holidays.

4. Equipment for the shredding or grinding of materials must be located within a structure having solid walls and a roof so that any noise generated by the equipment is attenuated.

5. Every composting operation permitted by this Bylaw must comply with the Organic Matter Recycling Regulation under the *Waste Management Act* and any Bylaw of the Capital Regional District dealing with the operation of composting facilities.

6. Nothing in s.25A of this Bylaw restricts the nature of compost or other materials that may be applied to land in

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<sup>274</sup> DCS Land Use Bylaw No. 1309 s.25.A (3)(a)

<sup>275</sup> DCS Land Use Bylaw No. 1309 s.25.A s 3(b)

<sup>276</sup> These feedstock materials include food waste, sludge, septage, fats, oils and grease, brewery waste, plant matter derived from processing plants, hatchery waste, poultry carcasses, fish wastes, whey, milk processing waste and contaminated fibres

<sup>277</sup> DCS Land Use Bylaw s.25.A (3)(c) and (d)

<sup>278</sup> DCS Land Use Bylaws No.1309 s.25.(4)

the Agricultural Land Reserve as a soil conditioner.

### **Business Licencing Bylaw (DCS Business Licence Bylaw no. 1610)**

The regulation of business through licencing is a power exercised regularly by municipal governments as granted by the *Community Charter*.<sup>279</sup> Generally, a business licencing bylaw imposes certain terms and conditions upon businesses as a requirement of holding a licence and operating a business. The bylaw can also impose requirements on businesses in general, or on specific businesses if it falls within the power of the municipality to do so.<sup>280</sup>

The Central Saanich bylaw determines who requires a business licence, the regulations that a business must satisfy to obtain a licence, the reasons for which the licence may be revoked, suspended or cancelled, the enforcement of provisions in the bylaw, and the fees for certain types of business licences. Similar to the CRD bylaw, the Central Saanich bylaw permits a licence inspector to only grant a licence when satisfied that the applicant has complied with the municipality's bylaws that regulate business, building, zoning and land use, and applicable federal, provincial and regional legislation.<sup>281</sup> This means that in order to be a valid licence-holder, a compost operator must comply with the requirements of the OMRR, ALCA, ALRUSPR and CRD Bylaw No. 2736.

This bylaw, although applying to businesses in general, also specifically addresses compost operations and imposes certain requirements on compost operators who wish to hold a licence.

Similar to the DCS Land Use Bylaw, above, this bylaw distinguishes between an "agricultural composting operation" and a "commercial compost operation". These requirements include:

- a) That a person conducting an agricultural composting operation must not allow the wheels of transport vehicles used in the operation to deposit soil onto District highways, and if this does happen, to remove the soil from the highway (and not into the ditch).
- b) Before a licence is granted, a person conducting a commercial compost operation must grant a covenant to the District by which the owner of the land on which the operation is located promises that odours generated in the composting or curing process are not detectable by humans off the premises. If this covenant is breached, the owner of the land must pay \$1000 per day to the District.
- c) Processing equipment in a commercial compost operation may be operated only between the hours of 8am to 5pm Monday to Saturday. The use of this equipment cannot occur on Sundays or on statutory holidays.
- d) A requirement that the operator compensate the District for costs incurred to repair District highways damaged by commercial or farm vehicle traffic associated with the compost operation. This is a condition of the licence that may be imposed by the licence inspector at his discretion on agricultural compost operations or commercial compost operations. The cost is estimated by the District Engineer and the licence is breached if the cost is not paid within 30 days of mailing of the District's account for the repairs.

### **Noise Bylaw (DCS Noise Bylaw No.933)**

This bylaw generally prohibits the production of any noise or sound in the municipality that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity. It also holds that,

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<sup>279</sup> Community Charter s.8(3)

<sup>280</sup> Community Charter s.8(3)

<sup>281</sup> DCS Bylaw No. 1610 s.7

between the hours of 9:00pm to 7:00am, no person shall make any continuous, persistent or constantly repeated sound that disturbs the neighbourhood or persons in the vicinity. No person shall carry on an industrial operation located within the Light Industrial Zone (I-1) in such a manner that emits any continuous, persistent or constantly repeating sounds in excess of 60 decibels.<sup>282</sup> These prohibitions apply to persons who own or occupy property and who make noise or sound on that property.

The bylaw exempts certain activities from the noise prohibition. Those relevant to composting include:

- (h) Any delivery or collection services between the hours of 6:00am and 9:00pm on each day except Sunday and any Statutory Holiday in any commercial industrial and public utility district, as defined in the Zoning Bylaws of the Municipality and between the hours of 7:00am and 8:00pm on any day except Sunday and any Statutory Holiday in all other districts in the Zoning Bylaw
- (j) Any sound or noise caused by a farming activity carried out in a reasonable manner on farmland between the hours of 10:00pm and 6:00am if:
  - i) In the circumstances it is essential that the activity take place during such hours or
  - ii) The activity must, in accordance with sound farming practice, take place between such hours

The noise exemptions for farm activities are provided in this bylaw to ensure compliance with the *Farm Practices Protection (Right to Farm) Act* (FPPA) which protects farmers from liability for nuisance claims arising from disturbances, such as noise, arising from a farm operation. This protection is explained in section 2.1.1 above.

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<sup>282</sup> A map of zoning designations and the ALR in Central Saanich may be found at <<http://www.centrialsaanich.ca/Assets/Central+Saanich/Maps/Zoning+and+ALR.pdf>>. Accessed on Dec 20, 2013



### TCEQ - Odor Complaint Investigation Procedures: FIDO Chart<sup>283</sup>

#### ODORS CHARACTERIZED AS **HIGHLY OFFENSIVE**

		FREQUENCY				
		Single Occurrence	Quarterly	Monthly	Weekly	Daily
D U R A T I O	1 minute	NA	NA	VS	S	M
	10 minutes	NA	VS	S	M	L
	1 hour	VS	S	M	L	VL
	4 hours	S	M	L	VL	VL
	12 hours+	M	L	VL	VL	VL

#### ODORS CHARACTERIZED AS **OFFENSIVE**

		FREQUENCY				
		Single Occurrence	Quarterly	Monthly	Weekly	Daily
D U R A T I O	1 minute	NA	NA	NA	VS	S
	10 minutes	NA	NA	VS	S	M
	1 hour	NA	VS	S	M	L
	4 hours	VS	S	M	L	VL
	12 hours+	S	M	L	VL	VL

#### ODORS CHARACTERIZED AS **UNPLEASANT**

		FREQUENCY				
		Single Occurrence	Quarterly	Monthly	Weekly	Daily
D U R A T I O	1 minute	NA	NA	NA	NA	VS
	10 minutes	NA	NA	NA	VS	S
	1 hour	NA	NA	VS	S	M
	4 hours	NA	VS	S	M	L
	12 hours+	VS	S	M	L	VL

#### ODORS CHARACTERIZED AS **NOT UNPLEASANT**

		FREQUENCY				
		Single Occurrence	Quarterly	Monthly	Weekly	Daily
D U R A T I O	1 minute	NA	NA	NA	NA	NA
	10 minutes	NA	NA	NA	NA	NA
	1 hour	NA	NA	NA	NA	VS
	4 hours	NA	NA	NA	VS	S
	12 hours+	NA	NA	VS	S	M

INTENSITY
LEGEND
VS
Very Strong
S
M
Moderate
L
Light
VL
Very Light



September 2007

<sup>283</sup> This chart and related information is part of a larger TCEQ document concerning odour complaints procedures found at: <[http://www.tceq.state.tx.us/complaints/protocols/odor\\_protodpdf.html](http://www.tceq.state.tx.us/complaints/protocols/odor_protodpdf.html)>

## *Odor Characterization Examples*

The character of an odor is a unique, innate quality of an odor that does not vary with intensity. Under normal circumstances the following types/sources/processes may be characterized as indicated below, however, these examples should only be used as a guide; characterization should be based on the investigator's experience and training.

<u>Highly Offensive</u>	<u>Offensive</u>	<u>Unpleasant</u>	<u>Not Unpleasant</u>
<ul style="list-style-type: none"> <li>* Blood drying operations</li> <li>* Sewage treatment primary sludge</li> <li>* Putrefying animals/fish</li> <li>* Hide processing</li> <li>* Rancid grease</li> <li>* H<sub>2</sub>S (Landfill gas, leachate, paper mill black liquor, etc.)</li> <li>* Mercaptans (natural gas odorant)</li> </ul>	<ul style="list-style-type: none"> <li>* Landfill garbage/waste</li> <li>* Cattle lagoon cleanout</li> <li>* Confined hog/poultry operations under best management practices</li> <li>* Decaying silage/composting</li> <li>* Unprocessed rendering plant material and wastewater</li> <li>* Typical grease trap odor</li> <li>* Waste burning (rubber, plastic, tires, other non- wood materials)</li> <li>* Failing or improperly operated septic systems</li> <li>* Organic products like auto-body paint &amp; styrene (fiber-glass, cultured marble mfg)<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>* Well digested or chemically-treated sludge</li> <li>* Cattle operation under best management practices</li> <li>* Waste-activated sludge processes</li> <li>* Water-based painting</li> <li>* Gasoline, diesel fuel</li> <li>* Diesel exhaust</li> <li>* Asphalt odors</li> <li>* Burned coffee/food</li> <li>* Brush/wood burning</li> <li>* Ammonia</li> <li>* Chlorine</li> </ul>	<ul style="list-style-type: none"> <li>* Ketones, esters, alcohols</li> <li>* Fresh-cut grass or hay</li> <li>* Normal coffee roasting</li> <li>* Normal food preparation</li> <li>* Bakery</li> <li>* Perfume</li> <li>* Spice packaging</li> <li>* Winery</li> </ul>

<sup>1</sup>At low concentrations, organic products such as autobody paint and styrene used in fiberglass and cultured marble operations would not normally be considered to have offensive odors. However, because of a person's potential physical response to these products at higher concentrations (where most complaints concerning these products occur), we generally consider them to have offensive characteristics.

## *Determining Frequency/Duration*

You are attempting to determine the frequency and duration that the complainant experiences over time. The frequency and duration observed during a single investigation may not accurately represent what the complainant is experiencing. You may have to use information gathered from multiple investigations (investigator observations as well as any information gathered on plant processes, weather, terrain, or complainant information) to make this determination. Consider the following:

### Plant Processes

- \* Constant, seasonal, intermittent processes/activities (e.g., reactor top opened)
- \* Upset conditions, maintenance, startup & shutdown, etc.
- \* Plant records, sampling data, CEM data, etc.

### Weather

- \* Wind rose from source to receptor
- \* Temperature or other meteorological data that could affect intensity or duration.
- \* Wind speed day, night, summer, winter
- \* CAMS Station/NWS data

### Terrain

- \* Low areas/channels/valleys where odors can funnel
- \* Changes that could affect local wind patterns

### Complainant Information

- \* Statements as to frequency and duration
- \* Logs - time, effects, source operations, weather conditions
- \* Knowledge of source operations - times, processes
- \* Neighbor and/or visitor corroboration

*How to use the FIDO Chart*

Each of the four tables on this FIDO Chart represents a different level of offensiveness (Highly Offensive, Offensive, Unpleasant, and Not Unpleasant). The intensity of the observed odor is documented using the legend on the right side of the chart--with “VS” for Very Strong odors, “S” for Strong, “M” for Moderate, “L” for Light, and “VL” for Very Light. Once the overall frequency and duration have been determined (based on one or more investigations), they are then plotted on the horizontal and vertical axes of the appropriate table. If the odor situation is at least as intense as the colored block in which it is plotted for the corresponding duration and frequency, it is considered a nuisance odor. If the plot falls outside the colored area of the table (NA), the odor does not represent a nuisance.

To summarize, you should analyze the information obtained from all investigations and document the following information in the FIDO Odor Log:

*FIDO Odor Log*

- 1 Characterize the odor to determine which **O**ffensiveness table to use (Not Unpleasant to Highly Offensive)
- 2 Assess the **I**ntensity of odor (Very Light to Very Strong)
- 3 Determine the total **D**uration of the odor(s) (1 minute to 24 hours)
- 4 Evaluate the **F**requency of odor occurrence (Single Occurrence to Daily)
- 5 Identify the block on the chart that corresponds to the information from Steps 1-4 and determine if a nuisance condition exists.

Date	Time(s)	How long did the odor last?	Was the odor intermittent? (Y/N)	Weather Conditions			Odor Intensity					Odor Characteristics				Effects/Comments/Concerns	
				Wind direction	Rain (Y/N)	Temperature (EF)	Very Light	Light	Moderate	Strong	Very Strong	Not Unpleasant	Unpleasant	Offensive	Highly Offensive		





Report Date: September 17th, 2024

File: 104962

Report Number: 229229

Spa Hills Farm Inc.  
2223 Yankee Flats Road,  
Salmon Arm, BC

Dear Spa Hills Farm Inc.,

**Re: Warning Letter**

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On July 16th, 2024, Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Rebecca Benham (Ministry Staff) conducted an on-site inspection of the composting facility operated by Spa Hills Farm Inc. (Spa Hills), located at 2223 Yankee Flats Road Southwest, Salmon Arm, BC (Facility). The purpose of the inspection was to verify compliance with the Organic Matter Recycling Regulation (OMRR), under which Spa Hills is registered with authorization 104962 (Authorization), as well as to follow-up on complaints regarding the processing and storage of compost. The Authorization was first issued on June 29th, 2010, and last amended on February 2nd, 2016.

Present during the inspection were Josh Mitchell (Co-Owner, Spa Hills) and Caleb Mitchell (Operator, Spa Hills). Further supplementary information was provided after the inspection from Josh Mitchell and John Paul, Ph.D, (Professional Agrologist, Transform Compost Systems Ltd.).

Contravention of the requirements set out in the *Organic Matter Recycling Regulation* (OMRR) is an offence under the Environmental Management Act (EMA). Section 120(13) of EMA states as follows:

*120 (13) A person who contravenes a requirement of a regulation that specifies the quantity or characteristics of waste that may be introduced into the environment commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both*

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Spa Hills Farm Inc.. The Administrative Penalties Regulation (EMA) (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the EMA as well as that of specified regulations under which administrative penalties can be assigned. Section 32 of the APR states as follows: APR state(s) as follows:

*32 (1) A person who contravenes section 26 (2) or (3) or 29 of the Organic Matter Recycling Regulation is liable to an administrative penalty not exceeding \$40 000*

The Ministry requests that Spa Hills immediately implement the necessary changes or modifications to correct the non-compliance(s) listed below. Further, the Ministry requests that Spa Hills notify this office in writing, by email or letter within 30 days of the receipt of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

Please submit the response to the Ministry's Compliance Mailbox at: [EnvironmentalCompliance@gov.bc.ca](mailto:EnvironmentalCompliance@gov.bc.ca).

As a result of this Warning, this authorization will be prioritized for follow-up inspection. The corrective measures will be reviewed by Ministry Stadd as part of the next inspection.

Finally, if you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Spa Hills and will be taken into account in the event of future violations.

**Inspection Details:**

The inspection assessed compliance for the period from January 4th, 2024 to July 16th, 2024 (Inspection Period) and included a review of the following documents:

- "Authorization 104962 Spa Hills" email provided and prepared by John Paul, Ph.D on June 7th, 2024.
- Email provided by Spa Hills Farm Inc. prepared by Josh Mitchell on July 30th, 2024 (Information Response Email);
- Temperature and Retention data from January 3rd, 2024 to July 17th, 2024, prepared and provided by Jos Mitchell on July 30th, 2024 (2024 Temperature Data);
- Spa Hills Farm Inc. 2024 Analytical Analysis, prepared by CARO Analytical Services on June 21st, 2024 (2024 Sample Results);
- Spa Hills Composting Facility Operating Plan, prepared by J. Paul, Professional Agrologist on February 3rd, 2023 updated on January 22nd, 2024, provided by Josh Mitchell on January 24th, 2024 (2024 Operational Plan).

Based on the information reviewed, this report documents the non-compliances identified during this inspection.

## Compliance Assessment

Below are the requirements that were assessed for non-compliance during this inspection, as well as the associated details/findings and any actions required.

### Requirement Description:

#### Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)

2 (1): For the purposes of the Act, compostable materials and recyclable materials continue to be a waste until dealt with in accordance with this regulation.

### Details/Findings:

Ministry Staff reviewed temperature and retention data and sampling results provided by Spa Hills. The Facility met OMRR Class A compost requirements for pathogen reduction and metals but failed to meet the carbon to nitrogen ratio requirements. The waste is stored at the storage area, on dirt, situated at the north of the property. The Facility screens the waste at the storage area to produce Class A compost before land applying the Class A compost at the Facility and transporting off site. Spa Hills failed to meet the carbon to nitrogen (C:N) ratio requirements of being greater than or equal to 15:1 and less than or equal to 35:1 as stipulated in Schedule 2, Section 2 of OMRR. Therefore, the managed waste continues to be a waste until all requirements for Class A compost in OMRR are met.

### Compliance:

Out

### Actions to be taken:

Compostable materials and recyclable materials continue to be a waste until dealt with in accordance with OMRR. Any compost that fails to meet Class A compost must be managed as a waste until it meets the requirements of OMRR Schedule 2, Vector Attraction Reduction.

Ensure that any waste which fails to meet the requirements of the OMRR is either reprocessed or disposed of in accordance with the Environmental Management Act.

### Requirement Description:

#### Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)

12 (3)(a): Compost that is not solely produced from yard waste or from untreated and unprocessed wood residuals and that meets the requirements of all of the following is Class A compost: (a) the requirements of subsection (2) (a) to (c);

### Details/Findings:

Ministry Staff were informed by the Co-Owner that the feedstock for the Class A Compost produced at the Facility includes, but is not limited to; red meat, food waste and hatchery waste. Ministry Staff reviewed the 2024 Temperature Data and determined that the compost produced by the Facility met the requirements for Class A compost identified in Section 2 (a) and (c) for the Inspection Period.

During the on-site inspection, Ministry Staff observed six enclosed and confined vessels, involved in mechanical aeration, of organic matter, in which is considered "Phase I" of the operation as per the operations plan. The Co-Owner informed Ministry Staff that "Phase I" follows the Pathogen Reduction Processes as described in Schedule 1 of OMRR. As part of Phase I, the incoming organic waste is composted for a minimum of 10 days in one of the six aerated bunkers. Ministry Staff reviewed temperature data for all batches during the Inspection Period and determined that all batches reviewed maintained temperatures above 55 Celsius for more than 3 days review of the 2024 Sample Results determined that the finished compost met the requirements within Column 1 in Schedule 4 of OMRR during the Inspection Period.

Ministry Staff observed another six enclosed and confined vessels, involving mechanical aeration, of organic matter which is considered "Phase II". The Co-Owner informed Ministry Staff Phase II follows the Vector Attraction Reduction Processes as described in Schedule 2 of OMRR. As part of "Phase II", the organic material is removed from the aerated bunker used in Phase I and further composted for a minimum of 20 days in an aerated windrow.

Ministry Staff reviewed the 2024 Temperature Data and confirmed that the temperature of the compost was higher than 45 Celsius during Phase II during the Inspection Period. However, as stated in Schedule 2 Vector Attraction Reduction: Class A compost must be treated in an aerobic process for 14 days or longer. During that time, the temperature of the compost must be higher than 45 Celsius. After the vector attraction reduction process is completed "the carbon to nitrogen ratio of the compost must be greater than or equal to 15:1 and less than or equal to 35:1". A review of the 2024 Sample Results determined that the nitrogen ration was 10.9:1. Therefore, Spa Hills is out of compliance for Section 12 (3)(a).

### Compliance:

Out

### Actions to be taken:

Compostable materials and recyclable materials continue to be a waste until dealt with in accordance with OMRR. Any compost that fails to meet Class A compost must be managed as a waste until it meets the requirements of OMRR.

Ensure that any waste which fails to meet the requirements of the OMRR is either reprocessed or disposed of in accordance with the Environmental Management Act.

### Requirement Description:

#### Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)

12 (3)(b): Compost that is not solely produced from yard waste or from untreated and unprocessed wood residuals and that meets the requirements of all of the following is Class A compost: (b) Schedule 3, Pathogen Reduction Limits;

### Details/Findings:

Ministry Staff reviewed the 2024 Sample Results and determined that the compost produced by the Facility, within the Inspection Period, met the pathogen reduction requirements set out in Schedule 3, Pathogen Reduction limits for Class A compost.

### Compliance:

In

### Requirement Description:

#### Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)

12 (3)(c): Compost that is not solely produced from yard waste or from untreated and unprocessed wood residuals and that meets the requirements of all of the following is Class A compost: (c) Schedule 5, Sampling and Analyses - Protocols and Frequency;

### Details/Findings:

Ministry Staff reviewed the Information Response Email and determined that the Facility met the requirements of this section. Spa Hills carried out sampling and analyses at least once a year or every 1000 dry tonnes produced, which meets the frequency requirement for this Inspection Period.

### Compliance:

In



**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

26 (2)(a): The receiving, storage, processing and curing areas of a composting facility must comply with all of the following: (a) be located on asphalt, concrete or another similar impermeable surface that is capable of withstanding wear and tear from normal operations and that will prevent the release of leachate into the environment;

**Details/Findings:**

During the on-site inspection, Ministry Staff observed that the receiving, processing and curing areas of the composting facility were located on concrete (Photos 1, 2 and 3). However, Ministry Staff observed that the compost storage area at the Facility was not located on an impermeable surface and did not prevent the release of leachate into the environment.

**Compliance:**

Out

**Actions to be taken:**

Ensure that the receiving, storage, processing and curing areas are located on an impermeable surface that is capable of withstanding wear and tear from normal operations and that will prevent the release of leachate into the environment.

**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

26 (2)(b)(i): The receiving, storage, processing and curing areas of a composting facility must comply with all of the following: (b) have a roof or cover, or a prepared surface, designed to prevent (i) the surface collection of water around the base of organic matter and compost, and

**Details/Findings:**

Ministry Staff observed that the receiving, processing and curing areas of the composting facility were covered and sloped to prevent water from collecting around the organic matter and compost. However, the storage area at the Facility did not have a roof, cover or a prepared surface designed to prevent the surface collection of water around the base of organic matter (Photo 3).

**Compliance:**

Out

**Actions to be taken:**

Ensure Spa Hills has a roof, cover or a prepared surface designed to prevent the surface collection of water around the base of organic matter and compost within the storage area.

---

**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

26 (2)(b)(ii): The receiving, storage, processing and curing areas of a composting facility must comply with all of the following: (b) have a roof or cover, or a prepared surface, designed to prevent (ii) run-off water from entering the receiving, storage, processing and curing areas;

**Details/Findings:**

Ministry Staff observed that the receiving, processing and curing areas of the composting facility were covered and on a prepared surface to prevent run-off from entering the areas. However, the storage area at the Facility was not covered or on a prepared surface (Photo 3).

**Compliance:**

Out

**Actions to be taken:**

Ensure Spa Hills has a roof, cover or a prepared surface designed to prevent run-off water from entering the storage area.

---

**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

26 (2)(c): The receiving, storage, processing and curing areas of a composting facility must comply with all of the following: (c) have a leachate collection system designed, constructed, maintained and operated to reuse leachate, or to remove leachate, from the receiving, storage, processing and curing areas.

**Details/Findings:**

The Co-Owner informed Ministry Staff that all composting and storage areas were located on a sloped surface. During the on-site inspection, Ministry Staff observed that the receiving, processing and curing areas have a sloped area where leachate drains into a 4500L collection system and the Facility recycles the leachate back into the composting process (Photos 1,2 and 4).

During the on-site inspection, Ministry Staff did not observe a leachate collection system for the Facility's storage area, this was confirmed by the Co-Owner. It should be noted that, Spa Hills is constructing a lined leachate collection pond to collect leachate from the storage area and recycle back into the composting process (Photo 5). However, this has not been constructed yet, therefore Spa Hills is out of compliance with Section 26 (2)(c) of OMRR.

**Compliance:**

Out

**Actions to be taken:**

Ensure Spa Hills has a leachate collection system designed to reuse or remove leachate from the storage area.

**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

26 (3): Leachate that is not collected and reused in the composting process must not be discharged into the environment unless authorized under the Act.

**Details/Findings:**

During the on-site inspection, Ministry Staff observed that the Facility is situated on concrete, has a cover and a prepared leachate collection system for the Facility's processing, receiving and curing areas. However, Ministry Staff also observed that leachate is not collected and reused, at the storage area at the Facility, and is directly discharged to the ground.

**Compliance:**

Out

**Actions to be taken:**

Immediately cease the discharge of leachate into the environment and ensure that the storage area is managed in a way which prevents the discharge of leachate into the environment.

**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

28: At least half of the compost stored at a composting facility must be removed annually from the facility beginning in the third year after facility start-up.

**Details/Findings:**

The Co-Owner informed Ministry Staff in the Information Response Email that at least 50% of the compost stored at the Facility is used annually in the agricultural operation that takes place at this site.

**Compliance:**

In

**Requirement Description:****Environmental Management Act, Organic Matter Recycling Regulation (18/2002) (EMA)**

29 (1)(a): Residuals from the composting process must (a) be stored so as to prevent vector attraction, and

**Details/Findings:**

During the on-site inspection, Ministry Staff observed residuals from the composting operation out in the open. No actions or measures to prevent vector attraction were observed.

**Compliance:**

Out

**Actions to be taken:**

Ensure residuals from the composting process are stored in a manner that prevents vector attraction.

**Compliance History:**

**2024-03-27 IR 219132 Advisory:** Organic Matter Recycling Regulation (18/2002) (EMA) 12 (3)(b); 24 (3)(a)(i); 24 (3)(a)(ii); 24 (3)(d); 26 (2)(a); 26 (2)(b)(i); 26 (2)(b)(ii); 26 (2)(c); 26 (3); 29 (1)(a); 29 (2)

**2021-02-16 IR 164695 Notice**

**2020-07-16 IR 145833 Notice**

**2019-06-26 IR 123745 Notice**

The Ministry of Environment Compliance and Enforcement Policy and Procedure (C&E Policy) prescribes common requirements and procedures for all Ministry staff to ensure consistent and risk-based assessment and response to non-compliance. Using the Non-Compliance Decision Matrix, the compliance determination for this inspection has been assessed as **Level 2, Category B, Warning Codes and Regs.**

More information about Environmental Compliance, the Non-Compliance Decision Matrix, and reporting and data submission requirements can be found at the links below:

General compliance information:

[www.gov.bc.ca/environmentalcompliance](http://www.gov.bc.ca/environmentalcompliance)

Non-Compliance Decision Matrix information:

[www.gov.bc.ca/environment/how-compliance-is-assessed](http://www.gov.bc.ca/environment/how-compliance-is-assessed)

Reporting and data submission requirements (to be sent to [EnvAuthorizationsReporting@gov.bc.ca](mailto:EnvAuthorizationsReporting@gov.bc.ca)):

<https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/comply>

Please be advised that this inspection report may be published on the provincial government website within 7 days.

Below are attachments related to this inspection.

If you have any questions about this warning, please contact the undersigned.

Yours truly,

Rebecca Benham  
Environmental Protection Officer

**Attachments:**

- 1) Photo 1. Processing and curing areas of the composting facility, located on concrete and covered with a leachate collection system.
- 2) Photo 2. Receiving, processing and curing areas of the composting facility are located on concrete and covered.
- 3) Photo 3. Compostable and recyclable materials, that have gone through Schedule 2 and 3 of OMRR, storage area.
- 4) Photo 4. 4500L leachate collection system Facility recycles the leachate back into the composting process.
- 5) Photo 5. The storage area at the Facility did not have a roof, cover or a prepared surface designed to prevent the surface collection of water around the base of organic matter.
- 6) Photo 6. Residual piles, located north of the Facility exceeding 15 cubic metres.

**Deliver via:**

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Registered Mail:  Hand Delivery:

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**Ministry of Environment  
and Climate Change  
Strategy**

Compliance and  
Environmental  
Enforcement Branch

Mailing Address:  
102 Industrial Pl  
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Telephone: 250 490 8200  
Facsimile: 250 490 2231  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

**DISCLAIMER:**

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit  
<http://www.bclaws.ca>

If you require a copy of the original permit, please contact the inspector noted on this inspection record.

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.



Photo 1. Processing and curing areas of the composting facility, located on concrete and covered with a leachate collection system.



Photo 2. Receiving, processing and curing areas of the composting facility are located on concrete and covered.



Photo 3. Compostable and recyclable materials, that have gone through Schedule 2 and 3 of OMRR, storage area.



Photo 4. 4500L leachate collection system Facility recycles the leachate back into the composting process.



Photo 5. The storage area at the Facility did not have a roof, cover or a prepared surface designed to prevent the surface collection of water around the base of organic matter.



Photo 6. Residual piles, located north of the Facility exceeding 15 cubic metres.



**CAPITAL REGIONAL DISTRICT  
BYLAW NO. 2736**

\*\*\*\*\*

**A BYLAW TO REGULATE THE OPERATION OF COMPOSTING FACILITIES  
IN THE CAPITAL REGIONAL DISTRICT**

\*\*\*\*\*

**WHEREAS:**

- A. The Board of the Capital Regional District established a service to manage municipal solid waste and recyclable material, by Bylaw No. 2654, "Solid Waste Disposal Local Service Establishment Bylaw No. 1, 1991, Amendment Bylaw No. 1, 1999";
- B. Under Section 25 (3) of the *Environmental Management Act*, the Capital Regional District may make bylaws regulating the operation of a site, works or facility, including those identified specifically or by class in a Waste Management Plan, that is used for the management of municipal solid waste or recyclable material;
- C. The Capital Regional District has undertaken consultations with affected stakeholders, has indicated its intention to adopt this bylaw in its Waste Management Plan and has obtained the written consent of the Minister of Water, Land and Air Protection to the adoption of this bylaw;

**NOW THEREFORE** the Board of the Capital Regional District in open meeting assembled enacts as follows:

**SECTION 1 – DEFINITIONS**

- 1.1 The definitions in the *Environmental Management Act* and the Organic Matter Recycling Regulation, not already defined in the bylaw and so far as the terms defined can be applied, extend to this bylaw.
- 1.2 The following terms, words and phrases when used in this bylaw shall have the meanings set forth in this section, whether appearing in capital or lower case form.

**"agricultural waste"** means agricultural waste that is subject to the Code made under the Agricultural Waste Control Regulation, B.C. Reg. 131/92, which includes all plant- and animal-derived organic materials generated directly as a result of an agricultural activity of a farm operation, as defined in the *Farm Practices Protection Act*, but does not include:

- a) human or animal food waste that is diverted from residential, commercial or institutional sources;
- b) waste materials derived from non-agricultural operations; or
- c) wood waste derived from land clearing, construction or demolition.

**"application"** means a request for one of the following:

- a) a recycler licence (Class 1, 2 or 3 or a provisional recycler licence)
- b) to amend, add or delete a term or condition of a recycler licence
- c) to change the activity that is the subject of a recycler licence
- d) to renew a recycler licence

**"backyard composting"** means the composting of food waste or yard waste, or both, at a site where

- a) the food waste or yard waste is generated by the residents of a residential dwelling unit; and
- b) the annual production of compost does not exceed 20 cubic metres.

**"biosolids with general organic matter"** means those materials prescribed in Table 2 of Schedule F of this bylaw that may be composted on an impermeable surface (windrows or static pile) or in-vessel.

**"Board"** means the Board of the Capital Regional District.

**"bylaw enforcement officer"** means the chief bylaw enforcement officer or a bylaw enforcement officer or an assistant bylaw enforcement officer of the CRD.

**"Class 1 composting facility"** means a facility composting general organic matter on an impermeable surface or in-vessel.

**"Class 2 composting facility"** means a facility composting biosolids with general organic matter on an impermeable surface or in-vessel.

**"Class 3 composting facility"** means a facility composting restricted organic matter with either or both general organic matter or biosolids with general organic matter in-vessel.

**"Class 1 recycler licence"** means a licence to operate a Class 1 composting facility.

**"Class 2 recycler licence"** means a licence to operate a Class 2 composting facility.

**"Class 3 recycler licence"** means a licence to operate a Class 3 composting facility.

**"compost"** means a product which is:

- a) a stabilized earthy matter having the properties and structure of humus;
- b) beneficial to plant growth when used as a soil amendment;
- c) produced by composting; and
- d) only derived from organic matter.

**"compostable materials or feedstock material"** means those materials set out in Tables 1, 2 and 3 of Schedules E, F and G of this bylaw that are suitable for composting.

**"composting"** means the controlled biological decomposition through the biological oxidation of organic matter to a matured stage for a Class 1 or Class 2 composting facility or the curing stage for a Class 3 composting facility, but does not mean the application of unprocessed organic matter to the ground.

**"composting facility"** means a facility that:

- a) processes organic matter to produce compost; or
- b) receives and grinds, blends or processes organic matter prior to shipping to another site for composting.

**"CRD"** means the Capital Regional District.

**"curing"** means the further maturing of organic matter that has undergone the rapid initial stage of composting into a humus-like material.

**"discharge"** means to directly or indirectly introduce a substance into the environment by spilling, disposing of, abandoning, depositing, leaking, seeping, pouring, draining, emptying or by any other means.

**"discharger"** means the owner or operator of a composting facility or a licensee.

**"drywall"** means gypsum board or wallboard.

**"enactment"** means any applicable act, regulation, bylaw, order or authorization by a Federal, Provincial, regional or municipal government or its authorized representatives.

**"Environmental Management Act"** means the *Environmental Management Act* of the Province of British Columbia or any legislation that replaces the *Environmental Management Act*.

**"general manager"** means the general manager, or his or her deputy, of the CRD Environmental Services department.

**"general organic matter"** means those materials prescribed in Table 1 of Schedule E of this bylaw that may be composted on an impermeable surface (windrows or static pile) or in-vessel.

**"impermeable surface"** means a surface which:

- a) has a permeability rating of no greater than  $1 \times 10^{-7}$  cm per second; and
- b) has been designed and sealed by a professional engineer to ensure that there is no onsite discharge of leachate to the environment.

**"in-vessel,"** in relation to composting, means any composting method where composting materials are contained in a closed reactor or vessel:

- a) in which conditions such as moisture, temperature and oxygen levels can be closely monitored and controlled; and
- b) which has been designed and sealed by a professional engineer to ensure that there is no discharge of leachate to the environment or nuisance created.

**"leachate"** means:

- a) effluent originating from organic matter being received, processed, composted, cured or stored at a composting facility;
- b) precipitation, stormwater, equipment wash water or other water which comes into contact with the organic matter being received, processed, composted, cured or stored;
- c) precipitation, stormwater, equipment wash water or other water which mixes with leachate at a composting facility; or
- d) effluent originating from organic matter upon storage.

**"licensee"** means a person who holds a recycler licence.

**"matured,"** with respect to composting, means:

- a) the compost has passed through the mesophyllic and thermophilic composting stages; and

- b) biological decomposition of the compost has occurred to a sufficient degree that the product meets the requirements of this bylaw and has beneficial value to plant growth.

**"mesophyllic stage"** means the biological decomposition of organic matter characterized by active bacteria which are favoured by a moderate temperature range of 20°C to 45°C; and is associated with a moderate rate of decomposition and stabilization.

**"odour"** means smells which are ill-smelling, disgusting, offensive, nauseous or obnoxious.

**"order"** means an order issued by the solid waste manager.

**"organic matter"** means materials that are suitable for composting under this bylaw unless excluded by municipal, Provincial or Federal enactments or orders that prohibit or restrict composting or composting methods.

**"pathogen"** means an organism capable of causing disease in humans, plants or animals.

**"phase 1"** means the receiving and blending, grinding, mixing and initial rapid phase of composting of all restricted organic matter through the mesophyllic and thermophilic stages of composting.

**"phase 2"** means curing for a minimum of twenty-one (21) days after having completed the mesophyllic and thermophilic stages.

**"pollution"** means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.

**"premises"** means any land or building or facility or site or works or any part thereof.

**"proven technology"** means any in-vessel composting technology in use at an appropriate scale for at least two (2) years which is capable of meeting the requirements of this bylaw.

**"provisional recycler licence"** means a licence issued for one (1) year for the operation of an in-vessel composting facility not using proven technology.

**"qualified professional"** means a person who:

- a) is registered in British Columbia with his or her appropriate professional association, acts under that professional association's code of ethics and subject to disciplinary action by that professional association; and
- b) through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within his or her area of expertise.

**"recycler licence"** means a licence to operate a Class 1, Class 2 or Class 3 composting facility and includes a waste stream management licence as defined in the *Environmental Management Act*.

**"residential dwelling unit"** means a property which is used primarily for the purpose of a residence by persons on a permanent, temporary or seasonal basis.

**"restricted organic matter"** means those materials prescribed in Table 3 of Schedule G of this bylaw that must be composted in-vessel only for phase 1.

**"site"** means any premises that are used in the operation of a composting facility.

**"Solid Waste Management Plan"** means the solid waste management plan of the CRD as revised.

**"solid waste manager"** means the manager of solid waste, or his or her deputy, appointed by the general manager.

**"solid waste officer"** means an officer appointed by the general manager.

**"stabilized"** means organic matter that has completed the phase 2 process.

**"substance"** includes any solid, liquid and/or gas.

**"thermophilic stage"** means the biological decomposition of organic matter characterized by active bacteria which are favoured by a high temperature range of 45°C to 75°C; and is associated with a high rate of decomposition and stabilization.

**"vector"** means a rodent, bird, fly or mosquito or other animal or insect carrier that ingests or conveys garbage, odour, micro-organisms and/or pathogens from one location to another.

**"waste"** means any substance that is discharged or discarded, directly or indirectly, to the environment.

**"wastewater"** is any water emanating from the composting process, including process water, wash water, compost leachate and effluent.

**"watercourse"** means

- a) a river, stream, creek, waterway, lagoon, lake, spring, swamp, marsh or other natural body of water; or
- b) a canal, ditch, reservoir or other man-made surface feature, whether it contains or conveys water continuously or intermittently.

## SECTION 2 – APPLICATION AND EXEMPTION

2.1 This bylaw applies to the operation of composting facilities within the Capital Region unless otherwise exempted by this bylaw or another enactment.

2.2 Despite subsection 2.1, this bylaw does not apply to:

- a) agricultural waste composting;
- b) backyard composting;
- c) topsoil producers who handle and use straw/sawdust/animal manure mixes or other stabilized organic matter, or soil conditioners; or
- d) the composting of organic matter which originates at the site of the composting operation.

## SECTION 3 – LICENCE APPLICATION

3.1 A person who operates a composting facility as of the date this bylaw comes into effect shall obtain a recycler licence or provisional recycler licence within one (1) year of the date the bylaw comes into effect.

3.2 A person shall not commence operation of a composting facility without first obtaining a recycler licence or provisional recycler licence in accordance with this bylaw.

3.3 Despite subsections 3.1 and 3.2, a recycler licence is not required for a Class 1 composting facility unless subsection 6.3 of this bylaw applies.

3.4 Required Information

An applicant for a recycler licence shall provide to the solid waste manager, on initial licence application, the following information as outlined in Schedule A of this bylaw:

- a) the types and quantities of organic matter to be composted each year;
- b) an odour management plan;
- c) a leachate management plan;
- d) a vector, litter and dust management plan;
- e) the maximum tonnage of feedstock and compost to be stored at any one time; and
- f) municipal/electoral area approval.

3.5 Provisional Recycler Licence

Applicants wishing to use other than proven technology for in-vessel composting shall apply for a one year provisional licence using the form attached to this bylaw as Schedule A. On initial application, the following information must be provided to the solid waste manager:

- a) the types and quantities of organic matter to be composted each year;
- b) an odour management plan;
- c) a leachate management plan;
- d) a vector, litter and dust management plan;
- e) the maximum tonnage of feedstock and compost to be stored at any one time; and
- f) municipal/electoral area approval.

3.6 Licence Fee

The applicant for a recycler licence shall pay to the CRD the applicable application fee set out in Section 8.

3.7 Leachate Management Plan

A leachate management plan provided under subsection 3.4 or 3.5 shall:

- a) stipulate how leachate generated from any and all stages of the composting process will be minimized, managed, treated or disposed; and
- b) be prepared and sealed by a qualified professional who has experience with leachate control.

3.8 Odour Management

3.8.1 An odour management plan provided under subsection 3.4 or 3.5 shall:

- a) show how the generation of odours detectable beyond the boundary of the parcel on which the composting facility is located will be prevented; and
- b) be prepared and sealed by a qualified professional who has experience with odour management systems.

3.8.2 For the purposes of subsection 3.8.1, all contiguous parcels owned by the same person shall be considered to be a single parcel.

### 3.9 Vector, Litter and Dust Management

A vector, litter and dust management plan provided under subsection 3.4 or 3.5 shall show how the composting operation will be managed:

- a) to control vectors;
- b) to keep the site free of litter and garbage; and
- c) to prevent the emission of dust (spores or other particulates) from the site.

### 3.10 Additional Requirements

The solid waste manager may require additional information with respect to management plans that he or she considers necessary for the protection of human health and the environment, and may specify particular concerns or questions that the management plans must address.

### 3.11 Performance Security

3.11.1 An applicant for a recycler licence shall submit to the solid waste manager, at the time of application, security in the form of an irrevocable letter of credit, or a combination of an irrevocable letter of credit and surety bond, in an amount calculated in accordance with the amounts set out in Schedule B of this bylaw, which may be used by the CRD in accordance with Schedule B of this bylaw to provide security that:

- a) in the event that the licensee fails to comply with the terms and conditions of the recycler licence or this bylaw, the default may be corrected; and
- b) in the event of closure, the site will be cleared of any abandoned compostable materials.

3.11.2 Where the security is provided by way of a combination of a letter of credit and a surety bond, the amount of the letter of credit shall not be less than 50% of the total security required under this bylaw.

3.11.3 If, at any time, a licensee's surety bond is withdrawn or cancelled, the licensee shall immediately provide alternative financial security in accordance with Schedule B of this bylaw.

3.11.4 If, at any time, notice is provided by the surety provider that a licensee's letter of credit will be withdrawn, the CRD may draw down on the letter of credit if the licensee fails to replace it at least seven (7) days before the proposed cancellation date.

3.11.5 The solid waste manager may suspend or cancel a recycler licence if a licensee fails to comply with the requirements of this subsection.

### 3.12 Licence Amendments

3.12.1 A licensee who proposes to implement an operational change to the operation of a composting facility, as described in Section 1.3 of Schedule C of this bylaw, shall apply for an amendment to the recycler licence in the form attached to this bylaw as Schedule A, and shall provide such information, drawings and specifications as may be required under Schedule A of this bylaw.

3.12.2 A licensee must obtain the amendment to the recycler licence prior to implementing the changes referred to in subsection 3.12.1.

### 3.13 Licence Types

A person proposing to:

- a) compost general organic matter prescribed in Table 1 of Schedule E of this bylaw shall obtain a Class 1 recycler licence if subsection 6.3 of this bylaw applies;
- b) compost biosolids with general organic matter prescribed in Table 2 of Schedule F of this bylaw shall obtain a Class 2 recycler licence;
- c) compost restricted organic matter prescribed in Table 3 of Schedule G of this bylaw shall obtain a Class 3 recycler licence.

## **SECTION 4 – ISSUANCE OF A RECYCLER LICENCE**

### 4.1 Issuance

Recycler licences will be issued by the solid waste manager.

### 4.2 Term of Licence and Renewal

4.2.1 Subject to subsection 4.2.3, the term of a recycler licence is five (5) years from the date of issuance.

4.2.2 A licensee may apply to the solid waste manager for renewal of a recycler licence upon payment of the fees set out in Schedule C of this bylaw.

4.2.3 The term of a provisional recycler licence is one (1) year.

4.2.4 A provisional recycler licensee may apply for a one-time, one-year renewal. The licensee shall apply for a renewal of a provisional recycler licence prior to expiry of the licence, in accordance with the procedures set out in Schedule C of this bylaw.

### 4.3 Refusal to Issue

The solid waste manager will not issue a recycler licence for a composting facility which does not comply with this bylaw, local applicable land use, zoning and other bylaws or Federal and Provincial enactments applicable to the operation of the composting facility.

### 4.4 Cancellation or Suspension

The solid waste manager may suspend or cancel a recycler licence for any violation of, or non-compliance with, the terms and conditions of the recycler licence, or this bylaw or where the composting facility does not comply with Federal or Provincial enactments applicable to the operation of the composting facility.

### 4.5 Licence Transfer

4.5.1 A recycler licence may not be transferred or assigned without the solid waste manager's written consent.



4.5.2 The solid waste manager may withhold consent under subsection 4.5.1 where there is an ongoing violation of this bylaw or any enactment applicable to the operation of the composting facility.

#### 4.6 No Representation

The issuance of a licence under this bylaw is not a warranty or representation by the CRD that the composting facility is in compliance with this bylaw or any other enactment nor that the discharger will not cause harm to the environment.

### **SECTION 5 – STORAGE AND COMPOSTING REGULATIONS**

- 5.1 A discharger shall not store compostable materials for use in relation to a composting facility except in accordance with Schedule B of this bylaw.
- 5.2 Every discharger shall operate a composting facility in accordance with the composting regulations as set out in Schedule D of this bylaw and with the leachate management, odour management and vector, litter and dust management plans submitted in accordance with Section 3 of this bylaw. If the leachate management, odour management and vector, litter and dust management plans contain any provision that conflicts with Schedule D of this bylaw, that provision of the plan does not apply.

### **SECTION 6 – GENERAL REGULATIONS**

- 6.1 No discharger shall operate a Class 1, Class 2 or Class 3 composting facility in a manner that creates or results in litter, dust (spores or other particulates), odours or vectors so as to pose a risk to public health or the environment or constitute a public nuisance.
- 6.2 No discharger shall operate a Class 1, Class 2 or Class 3 composting facility that creates or results in the discharge of leachate.
- 6.3 Owners or operators of Class 1 composting facilities will not be required to obtain a recycler licence or a provisional recycler licence unless the discharger of the composting facility is convicted of an offence under the bylaw.
- 6.4 If a discharger required to obtain a licence under the provisions of 6.3 is not convicted of an offence under this bylaw for five (5) years after obtaining the licence, then that discharger will not be required to renew the recycler licence.
- 6.5 A licensee shall operate a composting facility in accordance with the terms and conditions of a recycler licence or a provisional recycler licence.

### **SECTION 7 – ENFORCEMENT**

- 7.1 The general manager, the solid waste manager, a solid waste officer or a bylaw enforcement officer may enforce the provisions of this bylaw.
- 7.2 The solid waste manager, a solid waste officer or a bylaw enforcement officer may, at any reasonable time and upon presentation of proof of his or her identity, enter upon premises to ascertain whether the terms of a recycler licence or provisional recycler licence have been or are being complied with or the regulations of this bylaw are being observed.

- 7.3 Nothing in this bylaw shall be interpreted as restricting the powers of a bylaw enforcement officer, a solid waste officer or the solid waste manager under the *Environmental Management Act* and its regulations.

#### **SECTION 8 – FEES AND CHARGES**

- 8.1 The Board hereby imposes the fees set out in Schedule C of this bylaw.
- 8.2 Every person who applies for or who holds a recycler licence or provisional recycler licence issued under this bylaw shall pay the applicable fee or fees set out in Schedule C of this bylaw.
- 8.3 Every person who applies for a licence renewal shall pay a licence renewal fee as set out in Schedule C of this bylaw.
- 8.4 Every person who applies for a licence amendment shall pay a licence amendment fee as set out in Schedule C of this bylaw.

#### **SECTION 9 – OFFENCES AND PENALTIES**

- 9.1 No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 9.2 A person who contravenes this bylaw is guilty of an offence and is liable to a fine up to a maximum of \$200,000.
- 9.3 The penalties imposed under subsection 9.2 hereof shall be in addition to and not in substitution for any other penalty or remedy imposed by this bylaw or any other statute, law or regulation.
- 9.4 Nothing in this bylaw shall limit the CRD from pursuing any other remedy that would otherwise be available to the CRD at law.
- 9.5 A separate offence shall be deemed to be committed upon each day during and on which the contravention occurs or continues.

#### **SECTION 10 – APPEAL**

- 10.1 A person affected by a decision of the solid waste manager under this bylaw may appeal the decision to the general manager by advising the general manager in writing of the order or requirement being appealed from and setting out the reason for the appeal and attaching any relevant documents.
- 10.2 The written notice of appeal under this section must be delivered to the general manager within thirty (30) days of the decision from which the appeal is made.
- 10.3 The matter will be reviewed by the general manager pursuant to subsection 10.4.
- 10.4 Upon considering the matter under appeal, the general manager may:
- a) confirm, reverse or vary the decision under appeal; and
  - b) make any decision that the general manager considers appropriate.

- 10.5 An appeal under this section does not operate as a stay or suspend the operation of the decision being reviewed unless the general manager orders otherwise.

## SECTION 11 – GENERAL

- 11.1 No person shall hinder or prevent the general manager, a solid waste manager, a solid waste officer or a bylaw enforcement officer from entering any premises or from carrying out his or her duties with respect to the administration of this bylaw.
- 11.2 Where the Board has authority to direct that a matter or thing be done by a person, the Board may also direct that, if the person fails to take the required action, the matter or thing shall be done at the expense of the person in default in accordance with Section 269 of the *Local Government Act*. If action in default is taken, the Board may recover the expense from the person, together with costs and interest at the rate prescribed under Section 11 (3) of the *Taxation (Rural Area) Act*, in the same manner as municipal taxes.
- 11.3 The schedules annexed to this bylaw are an integral part of this bylaw.
- 11.4 If any provision of this bylaw is found to be invalid by a court of competent jurisdiction, it may be severed from the bylaw without affecting the validity of the remainder of the bylaw.
- 11.5 The headings in this bylaw are inserted for convenience of reference only.
- 11.6 This bylaw may be cited for all purposes as "Capital Regional District Composting Facilities Regulation Bylaw No. 1, 2004."

READ A FIRST TIME THIS	10 <sup>th</sup>	day of	November	2004
READ A SECOND TIME THIS	10 <sup>th</sup>	day of	November	2004
READ A THIRD TIME THIS	8 <sup>th</sup>	day of	June	2005
APPROVED BY THE MINISTER OF ENVIRONMENT	2 <sup>nd</sup>	day of	November	2005
ADOPTED THIS	7 <sup>th</sup>	day of	December	2005

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 CHAIR

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 SECRETARY

LICENCE NO. \_\_\_\_\_

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 2736

## SCHEDULE A

## RECYCLER LICENCE APPLICATION

<b>Please ✓ relevant boxes:</b>		<input type="checkbox"/> Class 1	<input type="checkbox"/> Class 2	<input type="checkbox"/> Class 3	Page 1 of 2
<input type="checkbox"/> New Application				<input type="checkbox"/> Amendment/Renewal of Recycler Licence	
<input type="checkbox"/> Provisional Licence Application				<input type="checkbox"/> Renewal of Provisional Licence	

**APPLICANT DATA**

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

City, Province: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Applicant Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

**FACILITY DATA**

Name of Facility: \_\_\_\_\_

Legal Description of Facility Location: \_\_\_\_\_

Address of Facility: \_\_\_\_\_

Facility Mailing Address:  same as above OR \_\_\_\_\_

Facility Phone: \_\_\_\_\_ Facility Fax: \_\_\_\_\_

Registered Owner of Premises (Property): \_\_\_\_\_

Registered Owner Authorization  YES (attach documentation)  NO

Have municipal/electoral area approval?

Zoning	<input type="checkbox"/> YES (attach documentation)	<input type="checkbox"/> NO
Siting	<input type="checkbox"/> YES (attach documentation)	<input type="checkbox"/> NO
Building	<input type="checkbox"/> YES (attach documentation)	<input type="checkbox"/> NO
Other _____	<input type="checkbox"/> YES (attach documentation)	<input type="checkbox"/> NO

(specify)

Business Licence (copy) Attached  YES  NO  NOT APPLICABLE

Business Year (financial) \_\_\_\_\_ to \_\_\_\_\_

(day) (month) (day) (month)

<b>OPERATING DATA</b>		Page 2 of 2
<b>Proposed Feedstock Material</b>	<b>Maximum Quantity Expected to be Received</b>	<b>Maximum Quantity of Feedstock and Compost to be Stored at Any One Time</b>
<b>General Organic Matter</b>		
<input type="checkbox"/> Animal bedding	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Brewery waste/winery waste	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Class A food waste	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Manure	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Plant matter derived from processing plants	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Untreated and unprocessed wood residuals	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Yard waste	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Whey	_____ litres/year	_____ litres
<input type="checkbox"/> Compost	_____	_____ tonnes
<b>Biosolids</b>		
<input type="checkbox"/> Biosolids	_____ tonnes/year	_____ tonnes
<b>Restricted Organic Matter</b>		
<input type="checkbox"/> Class B food waste	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Domestic septic tank sludge	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Fish wastes	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Hatchery waste	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Milk processing waste	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Poultry carcasses	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Sewage sludge	_____ tonnes/year	_____ tonnes
<input type="checkbox"/> Whey	_____ litres/year	_____ litres
<input type="checkbox"/> Compost	_____	_____ tonnes
Odour Management Plan Attached	<input type="checkbox"/> YES	
Leachate Management Plan Attached	<input type="checkbox"/> YES	
Vector, Litter and Dust Management Plan Attached	<input type="checkbox"/> YES	
<u>Performance Security</u>		
Surety Bond Attached	<input type="checkbox"/> YES	Amount \$ _____
Letter of Credit Attached	<input type="checkbox"/> YES	Amount \$ _____
<b>APPLICANT'S SIGNATURE:</b>		
I, _____, declare that the information given on this application form is correct to the best of my knowledge.		
_____	_____	
Date	Signature of Applicant or Agent	
_____	_____	
Title	Phone Number	

The collection of this information is authorized under the Capital Regional District Composting Facilities Regulation Bylaw and Section 25 of the *Environmental Management Act* and will be used for the purpose of administration, including enforcement, of the Composting Facilities Regulation Bylaw. This information is collected under/subject to the *Freedom of Information and Protection of Privacy Act*. For further information, you may contact the freedom of information and protection of privacy coordinator for CRD Environmental Services at 360-3089.

Application should be sent to the Manager, Solid Waste, Capital Regional District, PO Box 1000, Victoria, BC V8W 2S6.

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 2736

## SCHEDULE B

REGULATIONS REGARDING THE STORAGE OF FEEDSTOCK MATERIALS  
CALCULATION AND USE OF SECURITY1. **STORAGE**

A discharger shall not store the materials listed in Column 1 below in excess of the maximum limits set out in or established under columns 2, 3 and 5, unless the storage is carried out in a self-contained unit maintained to prevent the escape of organic matter, odours, leachate and vector attraction.

2. **SECURITY**

2.1 The formula for the determination of the amount of security to be provided under subsection 3.11 of this bylaw is set out in Column 4 below. Where the applicant for a recycler licence indicates a pre-processed tonnage maximum which is less than the amount shown in Column 2 below, the amount of security to be provided under subsection 3.11 of this bylaw shall be calculated under Column 4 below using the pre-processed tonnage amount specified in the application.

2.2 The CRD may draw down on or use the security provided by the licensee under this bylaw where the discharger:

- a) fails to comply with any term or condition of this bylaw or of the recycler licence;
- b) has not commenced processing;
- c) has stored the feedstock material contrary to Section 1 of this schedule; or
- d) abandons the composting facility, as shown by discontinuance of activity related to the management of feedstock materials on the site for six (6) months, leaving materials on the site to be cleaned up, removed or disposed.

2.3 Without limiting subsection 2.2 of this schedule, the CRD may draw down or use the security provided by the licensee to clean up, remove and dispose of materials which have been stored at a composting facility in excess of the times specified in Column 5 below.

Column 1 MATERIAL	STORAGE LIMIT		Column 4 MINIMUM LETTER OF CREDIT AND SURETY BOND <sup>(2)</sup>	Column 5 STORAGE TIME LIMIT <sup>(4)</sup>
	Column 2 PRE-PROCESSED TONNAGE (tonnes) <sup>(1)</sup>	Column 3 EQUIVALENT VOLUME (m <sup>3</sup> )		
General Organic Matter	500	1,000	\$/tonne <sup>(3)</sup>	2 weeks <sup>(5)</sup>
Biosolids	50	75	\$/tonne <sup>(3)</sup>	36 hours <sup>(5)</sup>
Restricted Organic Matter	50	75	\$/tonne <sup>(3)</sup>	36 hours <sup>(5)</sup>

<sup>(1)</sup> Pre-processed tonnage includes total tonnage that would require removal, e.g., if 5 tonnes of restricted organic matter are mixed with 5 tonnes of yard waste, it is considered as 10 tonnes of restricted organic matter.

<sup>(2)</sup> Minimum 50% secured as an irrevocable letter of credit; balance in irrevocable letter of credit or surety bond. Tonnage of pre-processed feedstock and compost.

<sup>(3)</sup> The amount of the security required will be based on the estimated costs to clean up, remove and process the tonnage of pre-processed feedstock and compost, including Hartland landfill tipping fees plus clean-up and hauling fees, and these shall be verified by the solid waste manager.

<sup>(4)</sup> Notwithstanding these limits, Sections 6.1 and 6.2 of the bylaw shall govern.

<sup>(5)</sup> Whenever materials are mixed, the storage restriction which applies is the one pertaining to the most restricted material.

**CAPITAL REGIONAL DISTRICT**

**BYLAW NO. 2736**

**SCHEDULE C**

**FEES**

The application, administration and amendment fees payable to the CRD under this bylaw shall be as follows:

**Application, Amendment and Administration/Monitoring Fees**

<b>Column 1</b>	<b>Column 2 Licence Application Fee (one time only)</b>	<b>Column 3 Licence Renewal (once every 5 years)</b>	<b>Column 4 Licence Amendment Fee (per amendment)</b>	<b>Column 5 Annual Licence Administration/ Monitoring Fee</b>
Class 1 Recycler licence	\$1,000	\$500	\$500	\$1,000
Class 2 Recycler licence	\$1,000	\$500	\$500	\$1,000
Class 3 Recycler licence	\$1,000	\$500	\$500	\$1,000
Provisional recycler licence	\$1,000	\$500 (one renewal only for one year renewal term)	\$500	\$2,000

**FEES**

1. **LICENCE APPLICATION, RENEWAL, AMENDMENT AND ADMINISTRATION/MONITORING FEES**

1.1 Licence Application Fee

- a) Every person who applies for a recycler licence shall pay a licence application fee as set out in Column 2 of this schedule.
- b) The application fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A attached to this bylaw.
- c) The CRD will not process an application for a recycler licence until the application fee has been paid.
- d) The application fee is not refundable.

### 1.2 Licence Renewal Fee

- a) Every person who applies for a licence renewal shall pay a licence renewal fee as set out in Column 3 of this schedule. Licence renewal is required every five (5) years, except in the case of renewal of a provisional recycler licence which is required after one (1) year.
- b) The licence renewal fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A of this bylaw.
- c) The CRD will not process an application for a licence renewal until the renewal fee has been paid.
- d) The renewal fee will not be refunded if the solid waste manager does not re-issue a recycler licence.

### 1.3 Licence Amendment Fee

- a) Each time a request is made for an amendment to the recycler licence, the licensee shall pay a licence amendment fee as set out in Column 4 of this schedule. A licence amendment is required whenever there is a change in any of the following parts of a composting facility's operation:
  - i) method of composting (change in class of licence)
  - ii) odour management plan
  - iii) leachate management plan
  - iv) vector, litter and dust management plan
  - v) method of receiving and storing
  - vi) estimated quantities of feedstock materials per year
  - vii) maximum quantity of feedstock and compost to be stored at any one time
  - viii) a site plan and layout of facilities
  - ix) municipal/electoral area approval
- b) The licence amendment fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A of this bylaw.
- c) The CRD will not process an amendment for a recycler licence until the amendment fee has been paid.
- d) The amendment fee will not be refunded if the solid waste manager does not amend the licence.

### 1.4 Annual Licence Administration/Monitoring Fee

- a) A person to whom a Class 1, Class 2, Class 3 or provisional recycler licence is issued shall pay the corresponding annual administration/monitoring fee as set out in Column 5 of this schedule.
- b) The first administration/monitoring fee shall be paid upon issuance of the recycler licence.
- c) The annual administration/monitoring fee will be invoiced once per year on the anniversary date of the issuance of the licence.



- d) The CRD may suspend or cancel a recycler licence if the administration/monitoring fee is not paid within sixty (60) days following the anniversary date of the issuance of the licence.

1.5 Provisional Licence Application Fee

- a) Every person who applies for a provisional recycler licence shall pay a provisional licence application fee as set out in Column 2 of this schedule.
- b) The application fee is payable on submission to the solid waste manager of a completed application form as provided in Schedule A of this bylaw.
- c) The CRD will not process an application for a provisional recycler licence until the application fee has been paid.
- d) The application fee will not be refunded if the solid waste manager does not issue a provisional recycler licence.

**CAPITAL REGIONAL DISTRICT****BYLAW NO. 2736****SCHEDULE D****COMPOSTING REGULATIONS**

Every composting facility shall operate in accordance with the following regulations and requirements:

**1. RECEIVING, HANDLING, PROCESSING AND COMPOSTING OF FEEDSTOCK**

- 1.1 The receiving and blending, grinding, mixing and initial rapid phase of composting (phase 1) of all restricted organic matter must be conducted in-vessel.
- 1.2 The curing (phase 2) of restricted organic matter compost must be conducted in-vessel or on an impermeable surface.
- 1.3 The receiving and blending, grinding, mixing, composting and storage of all compostable material not covered by subsection 1.1 or 1.2 of this schedule must, as a minimum, be conducted on an impermeable surface.
- 1.4 A licensee shall not receive any materials other than those set out in the licence.

**2. STORAGE**

- 2.1 Feedstock material shall not be stored in excess of the maximum limits set out in or established under columns 2, 3 and 5 of Schedule B of this bylaw.
- 2.2 The amount of feedstock and compost in a composting facility must not at any time exceed the total provided by the licensee to the CRD under subsection 3.4 or 3.5 of this bylaw.

**3. REPORTING**

- 3.1 The licensee must, at least ninety (90) days before beginning the operation of a composting facility, give notice in writing to the solid waste manager.
- 3.2 The notification required by subsection 3.1 of this schedule must include:
  - a) the composting facility location and design capacity, name of a contact person, type of waste received and intended distribution of compost; and
  - b) a copy of a personnel training program plan that addresses the specific training needed to operate the composting facility in compliance with this regulation.

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 2736

## SCHEDULE E

**TABLE 1**  
**FEEDSTOCK PROCESSING**  
**GENERAL ORGANIC MATTER**

May be composted on an impermeable surface or in-vessel and will not require a licence unless the operation contravenes subsection 6.3 of this bylaw.

Feedstock	Constituents of Feedstock
animal bedding	animal bedding derived from straw, paper, hog fuel, wood chips, bark, shavings or sawdust
brewery waste/winery waste	used or diverted grain, malt, hop flowers, berries, fruit, leaves and twigs and yeast resulting from brewing or wine-making process
Class A food waste <sup>(1)</sup>	uncooked vegetable matter and clean paperfibre containers used to package and transfer the uncooked vegetable matter
manure	animal excreta from pets, animals in zoological facilities, fish held in commercial aquaculture or aquarium facilities, livestock, farmed game or poultry, this does not include the management of animal excreta (manure) on farms as defined as agricultural waste in BC Reg. 131/92, but does include animal excreta (manure) not included within the scope of BC Reg. 131/92
plant matter derived from processing plants	fruit, vegetable and vegetative material derived from fruit and vegetable processing plants, these are materials which have been removed from an agricultural operation and no longer fit within the definition of agricultural waste (agricultural vegetation waste) as defined in BC Reg. 131/92
untreated and unprocessed wood residuals	clean (non-contaminated and untreated) wood from lumber manufacture, e.g., shavings, sawdust, chips, hog fuel and ground mill ends, and land clearing waste which has been ground with the majority of the greenery removed and no soil present, but does not include construction and demolition debris
yard waste	clean and untreated wood waste or non-food vegetative matter resulting from gardening operations, landscaping and land clearing; yard waste does not include wood waste derived from construction or demolition. Neither human or animal food waste that is diverted from residential, commercial or institutional sources, nor manure, is yard waste
whey <sup>(1)</sup>	the serum or watery part of milk that remains after the manufacture of cheese and quantities to be imported are less than 450 litres per year

<sup>(1)</sup> Definition modified from Schedule 12 of the Organic Matter Recycling Regulation (OMRR)

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 2736

## SCHEDULE F

**TABLE 2  
FEEDSTOCK PROCESSING  
BIOSOLIDS WITH GENERAL ORGANIC MATTER**

May be composted on an impermeable surface or in-vessel and will require a Class 2 recycler licence.

Feedstock	Constituents of Feedstock
biosolids	stabilized municipal sewage sludge resulting from a municipal waste water treatment process or septage treatment process which has been sufficiently treated to reduce pathogen densities and vector attraction to allow the sludge to be beneficially recycled in accordance with the requirements of this regulation

Plus any or all of the following general organic matter:

animal bedding	animal bedding derived from straw, paper, hog fuel, wood chips, bark, shavings or sawdust
brewery waste/winery waste	used or diverted grain, malt, hop flowers, berries, fruit, leaves and twigs and yeast resulting from brewing or wine-making process
Class A food waste <sup>(1)</sup>	uncooked vegetable matter and clean paperfibre containers used to package and transfer the uncooked vegetable matter
manure	animal excreta from pets, animals in zoological facilities, fish held in commercial aquaculture or aquarium facilities, livestock, farmed game or poultry, this does not include the management of animal excreta (manure) on farms as defined as agricultural waste in BC Reg. 131/92 but does include animal excreta (manure) not included within the scope of BC Reg. 131/92
plant matter derived from processing plants	fruit, vegetable and vegetative material derived from fruit and vegetable processing plants, these are materials which have been removed from an agricultural operation and no longer fit within the definition of agricultural waste (agricultural vegetation waste) as defined in BC Reg. 131/92
untreated and unprocessed wood residuals	clean (non-contaminated and untreated) wood from lumber manufacture, e.g., shavings, sawdust, chips, hog fuel and ground mill ends, and land clearing waste which has been ground with the majority of the greenery removed and no soil present, but does not include construction and demolition debris
yard waste	clean and untreated wood waste or non-food vegetative matter resulting from gardening operations, landscaping and land clearing; yard waste does not include wood waste derived from construction or demolition. Neither human or animal food waste that is diverted from residential, commercial or institutional sources, nor manure, is yard waste
whey <sup>(1)</sup>	the serum or watery part of milk that remains after the manufacture of cheese and quantities to be imported are less than 450 litres per year

<sup>(1)</sup> Definition modified from Schedule 12 of the Organic Matter Recycling Regulation (OMRR)

## CAPITAL REGIONAL DISTRICT

## BYLAW NO. 2736

## SCHEDULE G

**TABLE 3**  
**FEEDSTOCK PROCESSING**  
**RESTRICTED ORGANIC MATTER**

In-vessel composting only and will require a Class 3 recycler licence.

Feedstock	Constituents of Feedstock
Class B food waste <sup>(1)</sup>	food waste which is not Class A food waste as prescribed on Table 1 of Schedule E of this bylaw and Table 2 of Schedule F of this bylaw, and includes recyclable food for humans that has been diverted from residential, commercial or institutional sources
fish wastes	fish carcasses and parts from harvested wild stocks, commercial aquaculture operations and fish processing facilities. This would include offal, viscera and mortalities from fish and shellfish. It would also include faeces captured from commercial aquaculture net pens
hatchery waste	broken or unhatched eggs, unhatched chicks, membranes, embryonic fluids and eggshell
milk processing waste	sludge or biomass from treatment of milk or fluid milk which has been diverted from human food consumption
poultry carcasses	carcasses of domestic fowls, such as chickens, turkeys, ducks or geese, raised for meat or eggs. This would include offal and viscera as well as mortalities from fowl which died from reported "Federally Reported Diseases."
sewage sludge <sup>(2)</sup>	sewage sludge originating from sewage treatment plants
domestic septic tank sludge	sludge removed from a septic tank used for receiving, treating and settling domestic sewage
whey <sup>(1)</sup>	the serum or watery part of milk that remains after the manufacture of cheese and quantities to be imported are greater than 450 litres per year

<sup>(1)</sup> Definition modified from Schedule 12 of the Organic Matter Recycling Regulation (OMRR)

<sup>(2)</sup> Addition to Schedule 12 of OMRR (can only be composted with written authorization from the Ministry of Water, Land and Air Protection)

**CAPITAL REGIONAL DISTRICT  
COMPOSTING FACILITY REGULATION  
BYLAW NO. 2736**

**ENFORCEMENT POLICY AND PROCEDURE**

Prepared by: Environmental Services  
Solid Waste Division

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## APPENDICES

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**CAPITAL REGIONAL DISTRICT COMPOSTING FACILITIES REGULATION  
BYLAW NO. 2736**

**ENFORCEMENT POLICY AND PROCEDURE**

**1. INTRODUCTION**

The Capital Regional District (CRD) has adopted a regulatory bylaw, providing the opportunity for the establishment of private composting facilities in the Capital Region. The components of the regulatory framework include:

- amending the CRD's Solid Waste Management Plan (SWMP); and
- preparing CRD Composting Facilities Regulation Bylaw 2736 to regulate the operation of composting facilities in the Capital Region.

The amendment to the SWMP is required to enable the CRD to use the enabling legislation of Section 25 (3) of the *Environmental Management Act* to license composting facilities in the Capital Region.

The purpose for regulating compost facilities is to meet the following CRD objectives:

- that composting operations do not contaminate ground or surface water, generate unacceptable levels of odour, vectors, litter or dust
- that the public be protected from composting operations which violate the requirements of their licence

The purpose of any compliance policy is to ensure that persons who are subject to the CRD regulations comply with the requirements set out in licences and bylaws of the CRD. Every effort should be made to encourage timely, voluntary compliance with regulatory requirements. It is expected that there will be good communication between CRD staff and persons who operate composting facilities.

As a general principle, more serious violations will result in more serious enforcement action being taken. In extreme circumstances, it may be necessary for the CRD to act quickly and decisively for the purpose of protecting public health and safety and the environment.

**2. GUIDING PRINCIPLES**

The responses specified in this policy are scaled to the severity and frequency of non-compliance events. Solid Waste staff will make reasonable efforts to resolve issues of non-compliance through cooperative measures, such as increased communication, education and monitoring, and apply enforcement action in a manner that is reasonable, fair, consistent and impartial. This policy identifies the enforcement issues and the tools available to address those issues.

Solid Waste staff will be guided by the following:

- use of a consistent approach in regulating composting facility operators
- recognition of different degrees of severity and staff identify priority enforcement issues
- identification of staff members responsible for escalating action
- addressing of enforcement issues in a timely manner
- information is provided by the CRD to composting facility operators regarding their status

This policy is not to be interpreted as creating any duty on the part of any officer or employee of the CRD to any third party, nor to prevent the CRD and its officers and employees from taking whatever enforcement action the CRD considers appropriate in the particular circumstances.



### 3. ENFORCEMENT ISSUES

An enforcement issue will arise when an operator has been found to be in violation of the bylaw. Incidents of non-compliance are likely to arise in the following areas:

- odour management
- leachate management
- vector, litter and dust management
- post-closure restoration
- failure to obtain a licence
- failure to renew licence
- failure to renew or lapse in letter of credit and/or bond
- failure to comply with the licence requirements
- failure to comply with municipal, Provincial or Federal enactments or regulations

### 4. CLASSIFICATION OF OFFENCES

Every non-compliance situation will be assessed in its own context to determine the appropriate enforcement response. All available tools may be used as appropriate to achieve compliance. The more serious the effect or potential effect, the greater the priority of the compliance response. For example, court action leading to a maximum penalty is more likely to be sought in the event of a significant adverse impact on human health and safety and the environment.

#### Adverse Effect or Potential for Adverse Effect

The following criteria will be considered:

The degree to which the contravention:

- has *actually* impacted human health, safety and well-being
- has *actually* impacted the environment
- *poses a risk* to human health, safety and well-being
- *poses a risk* to the environment

#### Sensitivity

The following criteria will be considered:

- the magnitude of the contravention
- history of non-compliance or complaints
- whether the contravention was intentional, accidental or negligent
- the efforts that the operator has made to comply
- whether the operator has been cooperative with the CRD and the host municipality in seeking compliance
- the extent to which the operator has shown due diligence

The terms "minor violations" and "major violations" are administrative classifications that will be used by CRD officers to describe the nature of unsatisfactory performance. These terms apply to all composting facility operators.

In some cases, facts may come to light that alter the way in which CRD officers view a particular contravention.

#### **4.1 Minor Violations**

Examples of minor violations:

- failure to maintain a clean and sanitary site
- failure to manage litter and garbage

Repeated events or multiple instances of a minor violation may be classified and enforced as a major violation. Furthermore, as all violations of the bylaw will be addressed on an individual basis, a minor violation may be enforced to the highest level due to the severity of the violation.

#### **4.2 Major Violations**

Examples of major violations include failure to:

- obtain a licence
- manage odour
- manage vectors
- properly manage leachate
- renew licence
- pay annual fee
- apply for licence amendment prior to making site changes
- correct measures and failure to follow written plan of action
- attend to closure or post-closure restoration issues
- renew or lapse in letter of credit and/or bond
- comply with municipal, Provincial or Federal enactments and regulations
- comply with the storage limit specified in the licence (capacity/volume and/or time)
- comply with the allowable material specified in the licence

Major violations will usually be expected to have a significant impact on the composting facility site, the receiving environment, or public health and safety. Escalated enforcement action is required for all major violations. The appropriate remedy will generally depend on its severity and the significance of the impact.

### **5. ENFORCEMENT TOOLS**

#### **5.1 Inspections**

A regular inspection protocol for licenced facilities will be implemented to encourage operators to comply with the terms and conditions of the bylaw and to ensure regular communication between the CRD and the composting facility operator. It is the CRD's intention to work with the operator to resolve operational issues. Upon initial approval of a licence, site inspections will take place on a monthly basis for the first four months. If, at the end of the first four months, the operator is found to be consistently compliant with the bylaw, site inspections will then take place on a quarterly basis. In the event of non-compliance, the CRD may resume regular monthly inspections until the site is no longer in contravention of the bylaw or has been without violation for four months. Records will be kept of all site inspections and will be used in assessing enforcement action if necessary.

At a regular inspection of licenced facilities, an inspector will check that operators of:

*Class 1 and Class 2 composting facilities:*

- receive and blend, grind, mix, compost and store all compostable material on an impermeable surface or in-vessel
- do not receive any materials other than those set out in the licence
- do not discharge leachate into the environment
- do not create nuisance odours
- do not exceed storage limits
- maintain a clean and tidy site

*Class 3 composting facilities:*

- receive, blend, grind, mix and compost all restricted organic matter in-vessel
- cure restricted organic matter compost in-vessel or on an impermeable surface
- do not receive any materials other than those set out in the licence
- do not discharge leachate into the environment
- do not create nuisance odours
- do not exceed storage limits
- maintain a clean and tidy site

*Class 1, 2 and 3 composting facilities:*

- maintain the facility in a clean, sanitary, quiet and orderly manner at all times and in compliance with all applicable local, Provincial and Federal regulations
- do not receive any materials other than those set out in the licence
- do not permit the escape of any nuisance odour which is detectable at the site boundary on which the composting facility is situated
- do not discharge or permit the discharge of leachate to the environment
- do not deposit or permit the deposit of litter, garbage or other materials at the site or adjacent to the site
- do not exceed storage limits

It is acknowledged that no system of inspections will always be able to catch all violations, and the CRD is not intending by its system of inspections to make any representations to that effect to any other person.

Inspection of non-licenced operations will be based on complaint by residents or host municipality/electoral area staff.

## **5.2 Investigation**

An investigation is intended to determine whether an alleged or apparent situation or instance of non-compliance is, in fact, a contravention of the bylaw, based on the evidence gathered during the course of the investigation. The strength of the evidence indicates what further actions may be appropriate, such as issuing a verbal warning, a written warning or a violation ticket. Complaints from the public will be routed as outlined in Appendix B.

**5.3 Verbal Warning**

Verbal warning involves providing verbal direction to the operator to rectify contraventions of the bylaw.

**5.4 Written Warning**

Written warning involves sending a notice by registered mail to an operator indicating that the operator has contravened the regulation. The notice advises the operator to comply with the regulation or risk legal action. It also provides the operator and the CRD with official documentation of the offence. Written notice requires the same standard of proof as legal action by way of injunction.

**5.5 Violation Tickets**

A Municipal Ticket Information (MTI) violation ticket imposes an immediate monetary penalty for contravening the regulation. It is normally reserved for less serious incidents of non-compliance. Ticketable offence provisions are specified in the Violation Ticket Administration and Fine Regulation of the *Offence Act*. This regulation designates specific offences, maximum fines up to \$1,000 and the enforcement officials who can issue tickets. A violation ticket is a legal notice that invokes the power of the court.

Operators of Class 1 composting facilities will be required to be licenced if the operator of the facility is convicted of an offence under the bylaw.

**5.6 Prosecution**

Long form prosecution through the courts is to be considered when the available evidence indicates a substantial likelihood of conviction and when other compliance options are inappropriate or ineffective. Fines may be greater than \$1,000 allowed for an MTI.

**5.7 Injunctions**

The CRD can seek to enforce Bylaw No. 2736 by way of application to the court for injunctive relief pursuant to its authority under the *Local Government Act* by applying to the court to restrain a breach of its bylaws. The Province would have to initiate court action to enforce a breach of the Organic Matter Recycling Regulation (OMRR) by injunction.

Injunctions are court orders issued by the Supreme Court directing a person to do, or not do, a specific act. Injunctions should be used where there is an immediate serious problem or continued ignoring of the bylaw by the operator. Use of injunctions may be appropriate for major violations.

This power provides greater incentive for compliance than the power to levy a series of small fines, which may be written off as the price of doing business. However, the *Environmental Management Act* does provide the option of fines.

There are three different ways in which a matter may be brought before the civil courts:

5.7.1 Extreme Cases - In the most extreme cases, it is possible to make an application to the court for an order "ex parte" without notice to the other side for an

immediate interim order that someone cease a certain activity. This can only be done in urgent circumstances where harm to the public or the environment can be demonstrated. In such circumstances, an order may be obtained on the same day or the following day. The order will almost invariably contain a provision allowing the defendant to apply to the court on two days' notice to have the order set aside. This allows for the court to hear argument from the other side.

In most circumstances, however, an application to the court for injunctive relief requires at least two days clear notice to the defendant where a legal action has already been commenced. Two "clear" days usually means, in practical terms, four or five calendar days.

Where an action has not been commenced, the required notice periods are somewhat longer, although there is provision in the Supreme Court rules for making an application to shorten the length of time required for notice. Again, this requires circumstances where there is urgency and a real threat to the public.

The overriding principle which guides the courts is that both parties must be heard before a judicial decision is made.

- 5.7.2 No Pressing Harm - In situations where the violation does not create any pressing harm to the public or the environment, and where there are legal issues in question and some doubt as to the position of the CRD as plaintiff or the credibility of witnesses is an issue, the matter may have to be set down for a trial. The trial process is extremely lengthy and expensive.
- 5.7.3 In between, there are circumstances where the preparation and notice period for an application for an interlocutory judgement, pending trial, takes several weeks or a month or two. These are situations where the CRD's position is usually quite clear cut, where the evidence can be easily gathered and placed into affidavit form and where the defendant is also interested in a speedy and less expensive determination of the position of the parties.

Before proceeding to legal action in an unresolved dispute with respect to a violation or alleged violation of this bylaw, the solid waste manager or designate may ask the parties to agree to a third party dispute resolution, which can be convened quickly and at minimal expense compared to recourse at the courts.

## **6. ESCALATING ENFORCEMENT ACTION**

This policy defines a stepped approach to escalating enforcement actions. A flow chart of this path is provided in Charts 1 and 2. It is expected that enforcement action will escalate at each step along this path.

It should be noted that this pathway will be followed for all normal unsatisfactory performance issues. There are some instances, such as more serious cases of repeated or deliberate non-compliance, negligence, infrastructure damage or environmental damage, where legal action, cost recovery or licence suspension or cancellation may be initiated, regardless of the step that the composting facility operator is at on this path.

Nothing in the above is to be considered as preventing the CRD from taking whatever enforcement measures it considers appropriate in any particular case.

The criterion for repeat occurrences within one year refers to one calendar year from the date of the first occurrence. At each step of escalating enforcement action, an investigation of the alleged violation will take place prior to the enforcement action.

#### **6.1 Step One**

- first minor violation

Step One is intended to alert CRD officers and the composting facility operator to a single minor violation. At this stage, the officer will have a discussion with the composting facility operator and attempt to determine if there is an obvious explanation for the occurrence, which can be readily addressed. A verbal warning is the primary enforcement tool that the officer may use at this step.

#### **6.2 Step Two**

One or more of the following:

- second minor violation same type within one year
- two minor violations different type within one year
- first major violation

##### For Licenced Facilities (Chart 1)

In addition to notifying the composting facility operator of this occurrence, the officer will send the composting facility operator a registered letter notifying him/her of the occurrence.

##### For Non-licenced Facilities (Chart 2)

An MTI will be issued and, if the facility operator is convicted of the offence, the facility operator must apply and obtain a licence. All subsequent steps of enforcement will apply.

If the facility operator is not convicted of an offence under this bylaw for five (5) consecutive years after obtaining the licence, then that facility operator will not be required to renew the recycler licence and the facility will revert to a non-licenced facility.

#### **6.3 Step Three**

One or more of the following:

- third minor violation same type within one year
- three minor violations different type within one year
- second major violation within one year

In addition to the increased communication outlined under Step Two, the officer may use suspension of a licence or prosecution as an enforcement tool at this step. Consideration may be given to drawing upon the Letter of Credit or bond where appropriate.

#### **6.4 Step Four**

Any or one of the following:

- fourth minor violation same type within one year
- four minor violations different type within one year
- third major violation within one year

A significant escalation in enforcement occurs at this step. The occurrence of a Step Four incident must be discussed initially with the solid waste manager. In all cases, the composting facility operator will be notified by registered letter of the seriousness of this occurrence. Except in cases where a telephone discussion and letter can resolve the issue to the satisfaction of the CRD, a meeting will be arranged to discuss possible remedial measures. The officer will confirm the commitments and requirements of the composting facility operator in a follow-up letter.

In addition to the enforcement procedures outlined under Step Three, the officer may cancel the licence.

#### 6.5 Step Five

Any or one of the following:

- fifth minor violation same type within one year
- five minor violations different type within one year
- fourth major violation within one year

At this point, CRD staff will recommend legal action to use one of the options in Sections 5.6 or 5.7 of this policy.

### 7. APPEAL PROCESS

As per Section 10 of the bylaw, a person affected by a decision of the solid waste manager under this bylaw, may appeal the decision to the general manager by advising the general manager in writing of the order or requirement being appealed from and setting out the reason for the appeal and attaching any relevant documents.

The written notice of appeal must be delivered to the general manager within thirty (30) days of the decision being appealed.

The general manager may confirm, reverse or vary the decision under appeal and make any decision that the general manager considers appropriate.

An appeal does not operate as a stay or suspend the operation of the decision being reviewed unless the general manager orders otherwise.

### 8. DEFINITIONS

The following is an excerpt of definitions which form part of the Composting Facility Regulation Bylaw No. 2736.

**"bylaw enforcement officer"** means the chief bylaw enforcement officer or a bylaw enforcement officer or an assistant bylaw enforcement officer of the CRD.

**"Class 1 composting facility"** means a facility composting general organic matter on an impermeable surface or in-vessel.

**"Class 2 composting facility"** means a facility composting biosolids with general organic matter on an impermeable surface or in-vessel.

**"Class 3 composting facility"** means a facility composting restricted organic matter, general organic matter or biosolids with general organic matter in-vessel.

**"Class 1 recycler licence"** means a licence to operate a Class 1 composting facility.

**"Class 2 recycler licence"** means a licence to operate a Class 2 composting facility.

**"Class 3 recycler licence"** means a licence to operate a Class 3 composting facility.

**"CRD"** means the Capital Regional District.

**"general manager"** means the general manager, or his or her deputy, of the CRD Environmental Services department.

**"solid waste manager"** means the manager of solid waste, or his or her deputy, appointed by the general manager.

**"solid waste officer"** means an officer appointed by the general manager.



CHART 1

**FLOW CHART OF ESCALATING ENFORCEMENT ACTION  
LICENCED FACILITIES**

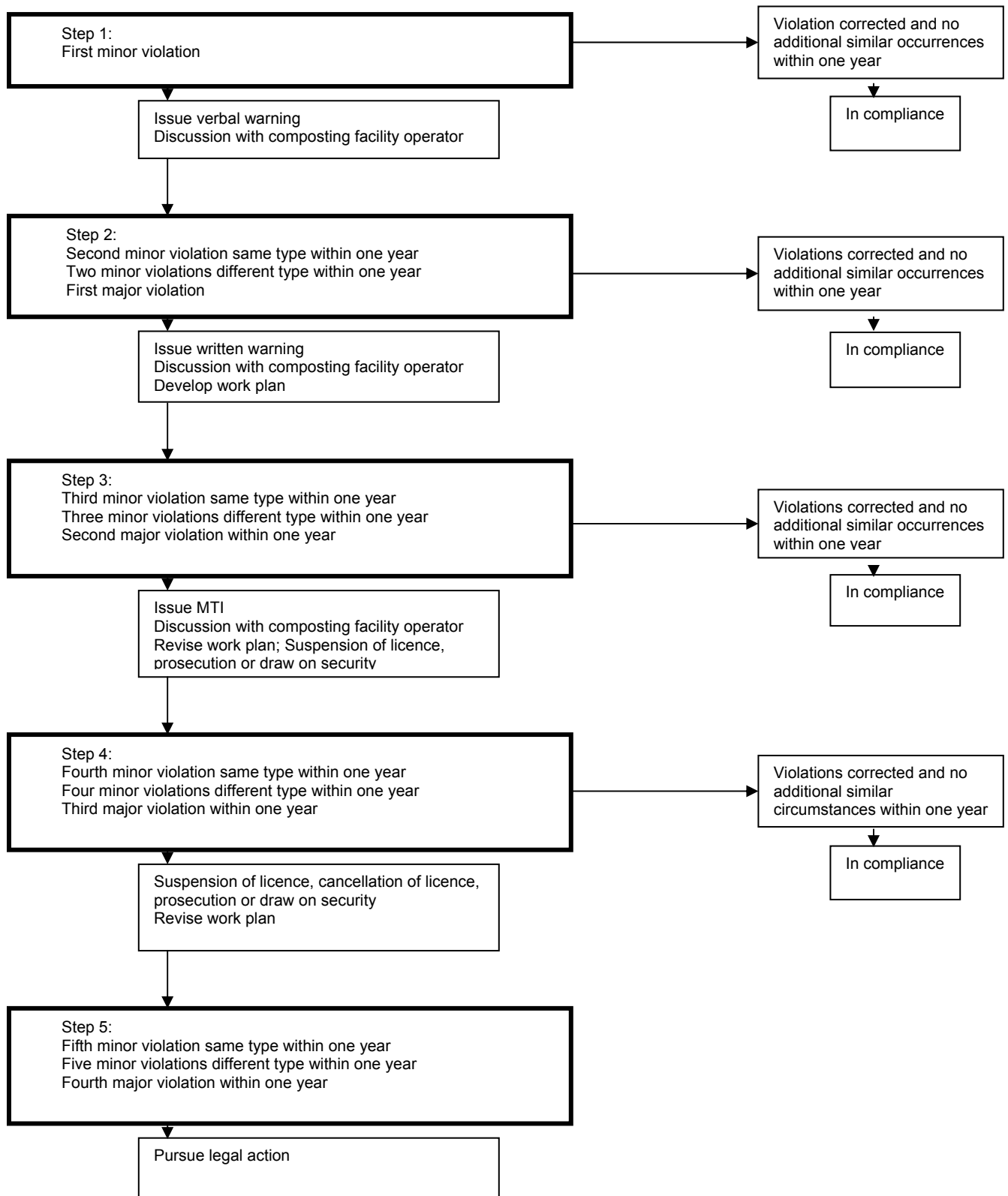
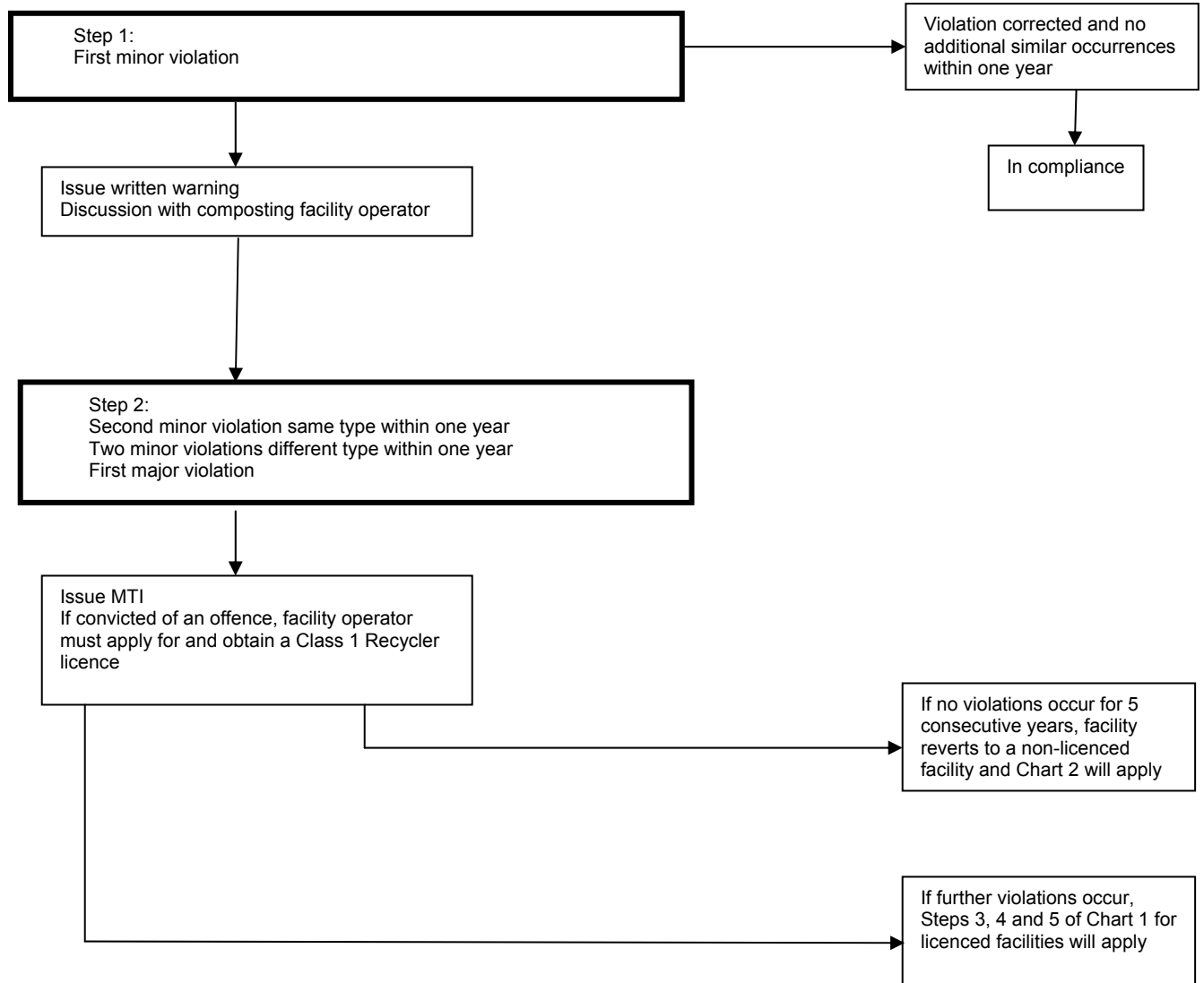


CHART 2

FLOW CHART OF ESCALATING ENFORCEMENT ACTION  
NON-LICENCED FACILITIES



## APPENDIX A

CAPITAL REGIONAL DISTRICT COMPOSTING FACILITY  
REGULATION BYLAW NO. 2736

## COMPLAINT FORM

ID #: \_\_\_\_\_  
(assigned by CRD Communications Clerk)**PART I (please print)**

Date Received: \_\_\_\_\_ Time Received: \_\_\_\_\_  a.m.  p.m.

Received by: \_\_\_\_\_  In Person  Telephone  Mail/Fax

Complainant's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: (home) \_\_\_\_\_ (work) \_\_\_\_\_

Type of complaint:  Odour  Leachate  Vector  Litter  Dust  Noise  
 Land Use  Other (please describe) \_\_\_\_\_

Location of facility where it originated: \_\_\_\_\_

When it was first noticed: \_\_\_\_\_ Was operator notified?  Yes  No

Duration: \_\_\_\_\_ Frequency: \_\_\_\_\_

Weather conditions: \_\_\_\_\_

Time: \_\_\_\_\_  a.m.  p.m. IMMEDIATE ATTENTION REQUIRED?  Yes  No

**PART II (please print)**

Facility: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Operator Licence No.: \_\_\_\_\_  
Name of Licensee: \_\_\_\_\_

Investigator Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Date Investigated: \_\_\_\_\_

Action Taken: \_\_\_\_\_  
(continue on separate sheet if necessary)

Recommendations: \_\_\_\_\_  
(continue on separate sheet if necessary)

Investigator's Signature \_\_\_\_\_

Date \_\_\_\_\_

Solid Waste Manager's Signature \_\_\_\_\_

Date \_\_\_\_\_

Distribution: Original (Main File) Copies (CRD Communications Clerk, Solid Waste Manager, Solid Waste Assistant Manager, Composting Facility Operator, Licensee)

## APPENDIX B

### CAPITAL REGIONAL DISTRICT COMPOSTING FACILITY REGULATION BYLAW NO. 2736

#### COMPLAINT PROCEDURE

#### HOST MUNICIPALITY

##### Staff Member Receiving Complaint

- Advise complainant to telephone CRD at (250) 474-3351, 8:30 a.m. – 4:30 p.m., Monday to Friday, and leave a message outside of work hours.

#### CAPITAL REGIONAL DISTRICT

##### CRD Bylaw

- If receiving complaint directly from complainant, obtain all necessary information and complete Part I of the Complaint Form.
- Give each complaint an identification number and enter into database.
- Forward copy of complaint to the Assistant Manager, Solid Waste.
- Keep information on file regarding all complaints for both the host municipality and the CRD.

##### Investigator of Complaint (CRD Bylaw)

- Complete Part II of the Complaint Form.
- All complaints and enforcement issues will be directed to Bylaw Enforcement office at (250) 474-3351 or 1-800-665-7899.
- For all complaints, Bylaw No. 2736 Enforcement Policy and Procedure, Complaint Form, Appendix A, will be completed and forwarded to senior bylaw officer.
- A bylaw officer will investigate each incident/complaint, within a reasonable response time. The response time goal will be to respond within five (5) working days (less time for major incidents such as leachate discharge).
- Bylaw No. 2736 Enforcement Policy and Procedure, Record of Non-Compliance form (Appendix C) and Inspection Report (Appendix D) and are to be used by the investigating bylaw officer.
- Bylaw Enforcement to forward copies of appendices A, C and D forms to assistant manager, Solid Waste division.
- Solid Waste staff and Bylaw Enforcement staff will discuss or meet (when required) to review the findings, agree on a response and an appropriate course of action.
- Bylaw Enforcement will notify the complainant, either verbally or in writing, of findings and proposed course of action.
- Bylaw Enforcement will notify the operator, in writing, of the finding and the remedial action that is required, including completion dates.
- An operator's failure to comply would initiate the enforcement steps outlined in the Enforcement Policy and Procedures for Bylaw 2736.
- Copies of all correspondence, documentation, etc. will be forwarded to the assistant manager, Solid Waste division.
- Fax the completed forms to the CRD communications clerk at 360-3079 for filing and faxing to host municipality.

## APPENDIX C

CAPITAL REGIONAL DISTRICT COMPOSTING FACILITY  
REGULATION BYLAW NO. 2736

## RECORD OF NON-COMPLIANCE

**PART I – FACILITY INFORMATION**

**FACILITY:** Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Operator Licence No.: \_\_\_\_\_  
 Name of Licensee: \_\_\_\_\_

**PART II – INVESTIGATOR INFORMATION**

**INVESTIGATOR:** Name: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Date Investigated: \_\_\_\_\_

**PART III – VIOLATION INFORMATION**

**TYPE:** Odour  Leachate  Vector  Litter  Dust   
 Noise  Land Use  Other (please describe) \_\_\_\_\_

**VIOLATION:** Minor  Major

**OCCURRENCE:** 1<sup>st</sup>  2<sup>nd</sup>  3<sup>rd</sup>  4<sup>th</sup>  5<sup>th</sup>

**DETAILS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**ENFORCEMENT ACTION:** Verbal Warning  Written Warning  MTI

Draw on Line of Credit/Bond  Suspend Licence  Cancel Licence

Recommend Legal Action

Investigator's Signature \_\_\_\_\_

Date \_\_\_\_\_

Solid Waste Manager's Signature \_\_\_\_\_

Date \_\_\_\_\_

Distribution: Original (Main File) Copies (CRD Communications Clerk, Solid Waste Manager, Assistant Manager Solid Waste, Composting Facility Operator, Licensee)

## APPENDIX D

CAPITAL REGIONAL DISTRICT COMPOSTING FACILITY  
REGULATION BYLAW NO. 2736

## INSPECTION REPORT

**PART I – FACILITY INFORMATION**

**FACILITY:** Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Operator Licence No.: \_\_\_\_\_  
 Name of Licensee: \_\_\_\_\_

**PART II – INSPECTOR INFORMATION**

**INVESTIGATOR:** Name: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Date Inspected: \_\_\_\_\_

**PART III – INSPECTION INFORMATION**

Odour  Comments: \_\_\_\_\_  
 Leachate  Comments: \_\_\_\_\_  
 Vector  Comments: \_\_\_\_\_  
 Litter  Comments: \_\_\_\_\_  
 Dust  Comments: \_\_\_\_\_  
 Noise  Comments: \_\_\_\_\_  
 Land Use  Comments: \_\_\_\_\_  
 Other  Comments: \_\_\_\_\_

**RECOMMENDATIONS:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Inspector's Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Solid Waste Manager's Signature\_\_\_\_\_  
Date

Distribution: Original (Main File) Copies (CRD Communications Clerk, Solid Waste Manager, Assistant Manager Solid Waste, Composting Facility Operator, Licensee)

**SUPPORTING INFORMATION FOR THE OPERATION OF  
COMPOSTING FACILITIES IN  
THE CAPITAL REGIONAL DISTRICT**

This document provides supportive information to Capital Regional District  
Bylaw No. 2736

## **BACKGROUND**

### ***What is the purpose of these guidelines?***

These guidelines have been prepared as supportive documentation to Capital Regional District (CRD) Bylaw 2736, a Bylaw to Regulate the Operation of Composting Facilities in the Capital Region. These guidelines are intended to clarify the requirements of the bylaw for existing or potential composting facility operators, municipal staff and other stakeholders.

### ***What is the composting strategy of the CRD?***

The CRD has adopted a regulatory role, providing the opportunity for composting to be done by private and/or municipal operators. The components of this regulatory framework include:

- amending the CRD's Solid Waste Management Plan (SWMP); and
- preparing CRD Composting Facilities Regulation Bylaw 2736 to regulate the operation of composting facilities in the Capital Region.

The amendment to the SWMP is required to enable the CRD to use the enabling legislation of Section 25 (3) of the *Environmental Management Act* to license composting facilities in the Capital Region.

### ***What are the objectives of the composting bylaw?***

The key component of this regulatory framework is Bylaw 2736 which requires every composting facility operator to comply with the requirements of the bylaw. The bylaw applies to both existing facilities and proposed facilities. The purpose for regulating composting facilities is to meet the following objectives:

1. that composting operations do not contaminate ground or surface water, or generate unacceptable levels of nuisance odour, vectors, litter or dust; and
2. that the public is protected from composting operations which violate the requirements of the bylaw.

The CRD's role is that of a regulator. Facilities would be operated by the private sector or municipalities.

## **RECYCLER LICENCE**

### ***Who needs to apply?***

The requirements of the bylaw will apply to all composting operations in the Capital Region, except for:

- a) agricultural waste composting;
- b) backyard composting;
- c) topsoil producers who handle and use straw/sawdust/animal manure mixes or other stabilized organic matter or soil conditioners; or
- d) the composting of general organic matter which originates at the site of the composting operation.

Only those facilities composting biosolids with general organic matter, Table 2 of bylaw (on an impermeable surface or in-vessel), or composting restricted organic matter, Table 3 of bylaw (in-vessel only), will require licensing. However, operations composting general organic matter, Table 1 of bylaw (on an impermeable surface or in-vessel), that generate leachate or create nuisance odours, vectors, litter or dust will be brought into the bylaw licensing system and will be required to apply for and obtain a licence in order to continue to operate.



## **LICENCE APPLICATION**

### ***How do I apply?***

Review the information sheet and complete the application form attached as Schedule A to the composting bylaw. Send your application and application fee to:

Solid Waste Manager  
Capital Regional District  
Environmental Services Department  
625 Fisgard Street  
PO Box 1000  
Victoria, British Columbia V8W 2S6

### ***How often must I renew my licence?***

A licensee must renew a recycler licence every five years by completing the application form attached as Schedule A in the composting bylaw and submitting it to the solid waste manager with the renewal fee. (Refer to Schedule C in the composting bylaw for application fees.) Provisional licences, which are issued for one year, may be renewed one time only by completing the application form attached in Schedule A and submitting it to the solid waste manager with the renewal fee. (Refer to Schedule C in the composting bylaw for application fees.)

### ***Who determines if an application is approved and a licence is issued?***

Licence applications will be reviewed by CRD staff with input from host municipal staff. CRD staff will issue or decline to issue licences.

## **LICENCE FEE**

### ***What are the fees to obtain a licence?***

Refer to Schedule C of the composting bylaw for a schedule of application, administration/monitoring and amendment licence fees. The intent of this variable fee schedule is to provide operators with flexibility regarding the type of facility and feedstock they use, while still providing the public and the environment protection against operations which violate the requirements of the CRD composting bylaw.

The administration/monitoring fees vary according to the class of licence, which in turn depends on the type of feedstock being composted and the type of technology being used.

If the plan includes innovative technology which is unproven, a provisional recycler licence may be issued by the CRD. This provision allows an opportunity for innovative operations with minimal risk to the community.

## **FACILITY SITING**

### ***Is the CRD providing or assisting in any way with the siting of future composting facilities?***

The CRD is not providing a site(s) for future composting facilities at this time. It is ultimately the responsibility of each potential facility operator to secure a site which complies with the requirements of the proposed host municipality.

## Supporting Information for the Operation of Composting Facilities in the Capital Regional District

Page 3

The following points are provided to assist potential operators with facility siting:

- Potential facility operators are responsible for compliance with the requirements of the proposed host municipality for the siting of a composting facility.
- Logically, the facility would be sited in the best available location within the "feedstock catchment area."
- The siting of a composting operation may require rezoning; rezonings must go to public hearing.
- The public, municipal council and especially the near neighbours, must be satisfied that the facility would be compatible with the community and the planning and land use objectives of the local government having jurisdiction.
- Ideally, neighbours should be assured that the facility would be an asset in the community (e.g., environmentally sound, provide tax revenue, form a basis for an eco-industrial park, be a local source of compost).
- The CRD composting bylaw has been designed to facilitate rezoning because it provides comfort and security for neighbours (i.e., regulations can be enforced in a timely manner and, if necessary, the licence can be suspended or revoked without significant delay).
- CRD regulations promote a level playing field so that all operators comply with the same regulations.
- CRD regulations will ensure protection of the environment.

The Capital Region is currently comprised of 13 municipalities and three electoral areas (see map attached). Each municipality has a separate planning function so must be contacted individually. This is the responsibility of the potential facility operator, not the CRD. A list of contact persons for planning to initiate the siting process is provided in Attachment 1.

### ***What classes of licence are there?***

The following classes of licence are available:

- |             |   |   |
|-------------|---|---|
| Class 1     | - | Recycler licence for operations composting general organic matter (Table 1 of bylaw) on an impermeable surface or in-vessel that have been brought into the licensing system for contravening the bylaw pertaining to leachate or nuisance odour, vectors, litter or dust |
| Class 2     | - | Recycler licence for operations composting biosolids with general organic matter (Table 2 of bylaw) on an impermeable surface or in-vessel  |
| Class 3     | - | Recycler licence for in-vessel operations composting restricted organic matter (Table 3 of bylaw)   |
| Provisional | - | Provisional recycler licence for operations not using proven technology to compost restricted organic matter (Table 3 of bylaw)   |

### **ODOUR MANAGEMENT**

#### ***How will composting odours be addressed?***

First, odours detectable beyond the boundary of the parcel on which the composting facility is situated would constitute a violation of this bylaw. Second, enforcement procedures, including fines, will be in place which will ensure a rapid response to any odour violations. Third, the operator will have a powerful incentive to treat any odour problems quickly as a condition of maintaining a valid licence.

The enforcement section of this document explains how facilities which violate the requirements of the composting bylaw will be required to comply.

### **LEACHATE MANAGEMENT**

#### ***Why does the composting bylaw say that there can be no discharge of leachate to the environment?***

The Solid Waste Advisory committee (SWAC) believes that composting operations should not contaminate on-site or off-site ground or surface water. To ensure the environment is protected, the bylaw prohibits discharge of leachate to the environment.

The goal of SWAC is to encourage "low tech" leachate reduction initiatives rather than new on-site treatment. If, in the future, new economically feasible technology is developed, a proponent could apply to the CRD to have the bylaw changed or to obtain a provisional licence.

The receiving and blending, grinding, mixing, composting and storage of all compostable material not covered by Schedule D of Bylaw 2736 must, as a minimum, be conducted on an impermeable surface, unless a qualified professional can demonstrate that the environment will be protected through the use of alternative leachate management processes.

- a) The receiving and blending, grinding, mixing and initial rapid phase of composting (phase 1) of all restricted organic matter must be conducted in-vessel.
- b) The curing (phase 2) of restricted organic matter compost must be conducted in-vessel or on an impermeable surface.

Facilities which generate leachate have the following options:

- a) containment or reuse within the composting process; or
- b) collection and disposal at an approved septage facility or sanitary sewer in accordance with either the CRD Septage Disposal Bylaw or the CRD Sewer Use Bylaw respectively.

### **VECTOR, LITTER AND DUST MANAGEMENT**

#### ***How will the potential for nuisances such as vector attraction, litter and dust be addressed?***

SWAC believes that composting operations should be managed such that they control and eliminate insects, birds, rodents, dogs, blowing papers, garbage, dust (spores or other particulates) and all other potential pests on and around the composting site.

The enforcement section of this document explains how facilities which violate the requirements of the composting bylaw will be required to comply.

### **POST CLOSURE RESTORATION – PERFORMANCE SECURITY**

***If organics are banned from the landfill, what happens when a composting facility is shut down due to a bylaw violation and there are no other licensed composting facilities available to accept the material?***

When the CRD Hartland landfill bylaw is revised to include a ban of organics, the bylaw will include a condition stating that organics may be accepted at Hartland landfill in the event that there is no available composting alternative.

#### ***What happens to abandoned organic materials?***

Every licensee, at the time of application, will be required to provide an irrevocable letter of credit, or a 50/50 combination of irrevocable letter of credit and surety bond, to the CRD, which may be drawn down in the event that the operator:

- a) fails to comply with the terms and conditions of this bylaw or of the recycler licence; or
- b) has not commenced processing, or has not stored the feedstock within a contained unit within the time frame set out in the table below; or
- c) abandons the composting operation, as shown by discontinuance of activity related to the management of feedstock materials or compost on the site for six months, leaving materials on the site to be cleaned up, removed or disposed.

The amount of the letter of credit, or combined letter of credit and surety bond, is based on a formula which is the maximum pre-processed tonnage of feedstock and compost recommended to be on the site at any one time multiplied by the cost per tonne to remove and process the material.

To establish guidelines and requirements concerning the abandonment of materials, Schedule B of the composting bylaw provides some indication of how long and in what quantities organics may reasonably be stored on site.

### **LICENCE AMENDMENTS**

#### ***What if I make changes to my operation after I receive a licence?***

A licensee must provide to the CRD notice of any substantial operational changes. An application to amend the licence must be filed with the CRD prior to implementing any of the proposed changes. Substantial changes include:

- a change in the class of licence required
- changes made to leachate, odour, vector, litter and dust management plans
- a change in the quantity of feedstock or the finished product

### **COMPOSTING REGULATIONS**

***Are there any limitations on the type of feedstock material an operator may accept?***

Yes, there are limitations:

- a) Only those materials listed in Table 1, Table 2 and Table 3 may be accepted.
- b) No gypsum drywall may be included or mixed with compostable materials.

***Will the CRD guarantee feedstock quantities to operators?***

No, securing feedstock material will be the responsibility of composting facility operators. To assist potential operators in securing feedstock material, Attachment 2 provides a summary of municipal solid waste tonnages, collectors and contacts in the Capital Region.

***What about biosolids?***

Biosolids are stabilized septage and sewage sludge which have been sufficiently treated to reduce pathogen densities and vector attraction and meet all ministry standards as listed in the Organic Matter Recycling Regulation (OMRR), B.C. Reg. 18/2002 and do not require composting. Proponents wishing to compost biosolids may compost on an impermeable surface or in-vessel. A licence is required for both options.

Sludge, an unstabilized, semisolid by-product of wastewater treatment and septage, a combination of both liquid and solid wastes and/or settled solids normally collected in a septic tank or accumulated in wastewater lines and appurtenances, may be treated by in-vessel composting. Hence, both sludge and septage are included in the definition of "restricted organic matter." However, authorization from the Minister of Water, Land and Air Protection is required.

***What size of buffer zones will be required around a composting operation?***

Buffer zones must comply with applicable municipal zoning requirements.

***What finished compost quality standards must an operator meet?***

The intent is that all compost must meet the standards for unrestricted distribution specified in OMRR. The use of lower quality compost will require additional site specific management criteria as specified by provincial regulation.

***What degree of source separation will be required of organic waste generators?***

The degree of source separation required will be determined by the receiving facilities. In general, the higher the degree of source separation, the easier it is to achieve compost approved for unrestricted distribution.

***Are there other regulations/legislation I need to comply with in operating a composting facility?***

Yes, all composting facilities must comply with the BC Organic Matter Recycling Regulation, BC Agriculture Waste Control Regulation, the host municipality's bylaws, Workers' Compensation Board regulations and federal regulations.

Operators also need to be aware that the Canadian Food Inspection Agency (CFIA) has a regulation prohibiting and restricting the transportation and movement of any plant or other matter that is likely to result in the spread of the golden nematode. This "golden nematode order" affects the land districts of Esquimalt,

## Supporting Information for the Operation of Composting Facilities in the Capital Regional District

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Goldstream, Highland, Lake, Malahat, Metchosin, North Saanich, Otter, Sooke and Victoria, including that portion of the South Saanich Land District not included in the municipality of Central Saanich and all that portion of the Municipality of Central Saanich east of West Saanich Road. Operators locating or accepting feedstock material from these areas should contact the CFIA for further information.

The disposal of leachate must be conducted in accordance with applicable CRD bylaws (see Leachate Management section of these guidelines).

### **COMPLIANCE**

#### ***Introduction***

The purpose of any compliance policy is to ensure that persons who are subject to the regulations of the CRD comply with the requirements set out in licences and bylaws of the CRD.

Every effort should be made to encourage timely, voluntary compliance with regulatory requirements. It is expected that there will be good communication between CRD staff and persons who hold recycler licences.

As a general principle, more serious violations shall result in more serious enforcement action being taken. In extreme circumstances, it may be necessary for the CRD to act quickly and decisively for the purpose of protecting public health and safety.

Non-compliance issues will be dealt with efficiently and promptly.

#### ***What are the compliance priorities?***

Every non-compliance situation will be assessed in its own context to determine the appropriate enforcement response. All available tools may be used as appropriate to achieve compliance.

The more serious the effect or potential effect, the greater the priority of the compliance response. For example, court action leading to a maximum penalty is more likely to be sought in the event of a significant adverse impact on human health and the environment.

#### **Adverse Effect or Potential for Adverse Effect**

The following criteria will be considered regarding the degree to which the contravention:

- has *actually* impacted human health
- has *actually* impacted the environment
- *poses a risk* to human health
- *poses a risk* to the environment

#### **Sensitivity**

The following criteria will be considered:

- the magnitude of the contravention
- history of non-compliance or complaints
- whether the contravention was intentional, accidental or negligent
- the efforts that the operator has made to comply
- whether the operator has been cooperative with the CRD and the local municipality in seeking compliance

- the extent to which due diligence has been exercised

#### Noise and Other Requirements

The facility operator must adhere to all municipal bylaws, including noise levels and abatement.

### **ENFORCEMENT TOOLS**

#### ***Introduction***

A regular inspection protocol will be implemented to encourage operators to comply with the terms and conditions of the bylaw. It is the CRD's intention to work with the operator to resolve operational issues. In the event of non-compliance, enforcement will be carried out on a progressive basis as follows:

#### Investigation

An investigation entails identifying the non-compliance and gathering evidence on reasonable grounds that the regulation has been contravened. It seeks to prove the truth or falsity of alleged non-compliance based on the evidence it yields. The strength of the evidence indicates what further actions may be appropriate, such as issuing a verbal warning, a written warning or a violation ticket.

#### Verbal Warning

Verbal warning involves providing verbal direction to the operator to rectify contraventions of the bylaw.

#### Written Warning

Written warning involves sending a notice by registered mail to an operator indicating that the operator has contravened the regulation. The notice advises the operator to comply with the regulation or risk legal action. It also provides the operator and the CRD with official documentation of the offence. Written notice requires the same standard of proof as formal prosecution.

#### Violation Ticket (MTI – Municipal Ticket Information)

An MTI violation ticket imposes an immediate monetary penalty for contravening the regulation. It is normally reserved for less serious incidents of non-compliance. Ticketable offence provisions are specified in the Violation Ticket Administration and Fine Regulation of the *Offence Act*. This regulation designates specific offences, maximum fines up to \$1,000 and the enforcement officials who can issue tickets. A violation ticket is a legal notice that invokes the power of the court.

Operators of Class 1 composting facilities will be required to obtain a licence if the operator of the facility is convicted of an offence under the bylaw.

#### Court Action/Prosecution

Prosecution through the courts is the final enforcement tool. It is considered when the available evidence indicates a substantial likelihood of conviction and when other compliance options are inappropriate or ineffective.

A person who contravenes this bylaw, a recycler licence or provisional recycler licence issued under this bylaw, or other requirement made or imposed under this bylaw, is guilty of an offence and is liable to a fine up to a maximum of \$200,000.

The CRD can seek to enforce the bylaw by way of application to the court for injunctive relief pursuant to its authority under the *Local Government Act* by applying to the court to restrain a breach of its bylaws.

This power provides greater incentive for compliance than the power to levy a series of small fines which may be written off as the price of doing business. However, Section 25 (3) of the *Environmental Management Act* does provide the option of fines.

There are three different ways in which a matter may be brought before the civil courts:

1. **Extreme Cases** - In the most extreme cases, it is possible to make an application to the court for an order "ex parte" without notice to the other side for an immediate interim order that someone cease a certain activity. This can only be done in urgent circumstances where harm to the public can be demonstrated. In such circumstances, an order may be obtained on the same day or the following day. The order will almost invariably contain a provision allowing the defendant to apply to the court on two days' notice to have the order set aside. This allows for the court to hear argument from the other side.

In most circumstances, however, an application to the court for injunctive relief requires at least two days clear notice to the defendant where a legal action has already been commenced. Two "clear" days usually means, in practical terms, four or five calendar days.

Where an action has not been commenced, the required notice periods are somewhat longer, although there is provision in the Supreme Court rules for making an application to shorten the length of time required for notice. Again, this requires circumstances where there is urgency and a real threat to the public.

The overriding principle which guides the courts is that both parties must be heard before a judicial decision is made.

2. **No Pressing Harm** - In situations where the violation does not create any pressing harm to the public, and where there are legal issues in question and some doubt as to the position of the CRD as plaintiff or the credibility of witnesses is an issue, the matter may have to be set down for a trial. The trial process is extremely lengthy and expensive.
3. **In between**, there are circumstances where the preparation and notice period for an application for an interlocutory judgment, pending trial, takes several weeks or a month or two. These are situations where the CRD's position is usually quite clear cut, where the evidence can be easily gathered and placed into affidavit form and where the defendant is also interested in a speedy and less expensive determination of the position of the parties.

**Third Party Dispute Resolution** - Before proceeding to legal action in an unresolved dispute with respect to a violation or alleged violation of this bylaw, the solid waste manager or designate may ask the parties to agree to a third party dispute resolution which can be convened quickly and at minimal expense compared to recourse at the courts.

### ***Will the CRD suspend or cancel a licence?***

Yes, the *Environmental Management Act* gives the CRD specific authority to provide for the suspension or cancellation of a licence. This has been provided for in Section 4.4 of the bylaw which gives the solid waste manager the power to cancel or suspend a recycler licence for failure to comply with the terms and conditions of the licence, or for failure to comply with the bylaw or any enactment applicable to the operation of a composting facility.



Generally, this remedy would only be exercised after the issuance of a warning to the operator. The length of time given for correction of the infraction would depend upon the nature of the infraction and the length of time reasonably required for correction by an operator acting expeditiously.

A temporary suspension of a licence may also act as a first step in a progressive series of enforcement actions which could result in longer suspensions, culminating in revocation of the licence.

Repeated failure to remedy a relatively minor violation or a failure to remedy a major violation of a regulation applicable to the operation of the composting facility may result in revocation of the licence.

Suspension and/or revocation of a licence would be serious, since it would be illegal to operate a composting facility without a valid licence.

***What can complainants do?***

The CRD has developed a complaints form which neighbours or others are encouraged to complete in their own words. This will assist the CRD in deciding what action to take against the operator.

***What else can complainants do to speed up the process?***

The CRD may convene an appeal panel of five people to look into the alleged violation and to suggest a remedy. The CRD will also work with municipal councils to determine how to adopt a common approach to complaints.

**ATTACHMENT 1****PLANNING CONTACTS**

Ms Hope Burns  
 Director, Planning & Building Services  
 District of Central Saanich  
 1903 Mt. Newton X Road  
 Saanichton, BC V8M 2A9  
 Phone: 544-4214 Fax: 652-4737

Mr. Simon Lawrence  
 Municipal Planner  
 City of Colwood  
 3300 Wishart Road  
 Victoria, BC V9C 1R1  
 Phone: 478-5541 Fax: 478-7516

Mr. Mike Dillistone  
 Director of Development and Engineering Services  
 Township of Esquimalt  
 1229 Esquimalt Road  
 Victoria, BC V9A 3P1  
 Phone: 414-7108 Fax: 414-7160

District of Highlands  
 1564 Millstream Road  
 Victoria, BC V9E 1G6  
 Phone: 474-1773 Fax: 474-3677

Mr. Rob Buchan  
 City Planner  
 District of Langford  
 2805 Carlow Road  
 Victoria, BC V9B 5V9  
 Phone: 478-7882 Fax: 391-3436

Mr. Jay Bradley  
 Planner  
 District of Metchosin  
 4450 Happy Valley Road  
 Victoria, BC V9C 3Z3  
 Phone: 474-3167 Fax: 474-6298

Mr. Jack Parry  
 Municipal Engineer  
 District of North Saanich  
 1620 Mills Road  
 North Saanich, BC V8L 5S9  
 Phone: 656-0781 Fax: 656-3155

Mr. Brian Anderson  
 Director of Building and Planning  
 District of Oak Bay  
 2167 Oak Bay Avenue  
 Victoria, BC V8R 1G2  
 Phone: 598-3311 (Ext 224) Fax: 598-9108

Mr. Russ Fuoco  
 Director of Planning  
 District of Saanich  
 770 Vernon Avenue  
 Victoria, BC V8X 2W7  
 Phone: 475-1775 Fax: 475-5430

Mr. Al Cameron  
 Director of Development Services  
 Town of Sidney  
 2440 Sidney Avenue  
 Sidney, BC V8L 1Y7  
 Phone: 655-5418 Fax: 655-4508

Mr. Frank Limshue  
 Director of Planning  
 District of Sooke  
 2205 Otter Point Road  
 Sooke, BC V0S 1N0  
 Phone: 642-1634 Fax: 642-0541

Mr. Doug Koch  
 Manager, Planning Division  
 City of Victoria  
 #1 Centennial Square  
 Victoria, BC V8W 1P6  
 Phone: 361-0282 Fax: 361-0386

Mr. Alan Haldenby  
 Director of Planning  
 Town of View Royal  
 45 View Royal Avenue  
 Victoria, BC V9B 1A6  
 Phone: 479-6800 Fax: 727-9551

Juan de Fuca Electoral Area  
 c/o Mr. Ken Cossey  
 Capital Regional District  
 PO Box 1000  
 524 Yates Street  
 Victoria, BC V8W 2S6  
 Phone: 642-1620 Fax: 642-5274

Salt Spring Island Electoral Area and  
 Southern Gulf Islands Electoral Area  
 c/o Ms. Leslie Clark, Islands Trust  
 115 Fulford-Ganges Road  
 Salt Spring Island, BC V8K 2T9  
 Phone: (250) 538-5603 Fax: (250) 537-9116

**ATTACHMENT 2****FEEDSTOCK MATERIAL SUPPLY**

- Potential facility operators have the responsibility of securing their supply of feedstock material.
- The role of the CRD is to regulate and license composting facilities.
- The CRD does not plan to use enabling legislation to allocate feedstock material.
- The core municipalities of Victoria, Saanich, Oak Bay and Esquimalt collect municipal solid waste (MSW) from single family residences using municipal crews. The towns of Sidney and View Royal contract out the work. MSW from multi-family dwellings (apartments) and all other areas are primarily collected by commercial private haulers.
- The core municipalities, View Royal, Sidney and the private haulers control the feedstock material and how it is collected (source-separated or not).
- At present, MSW is disposed of at the CRD landfill at \$79 per tonne (increasing to \$82 in 2005 and to \$85 in 2006).
- Hartland yard and garden drop-off is available to all residents and commercial services in the Capital Region. Drop off fees are currently \$55 per tonne.
- At present, MSW is not source-separated for compostable organic materials, with the exception of yard and garden waste. Some municipalities compost this material as a municipal function. Some yard and garden waste is composted at the CRD landfill site, but this operation has diminished by means of fee increases and will be closed down.
- Operators must obtain feedstock material by negotiation (or partnership) with municipalities and private haulers.
- Refer to CRD Recycling Directory for full listing of local waste haulers.

The attached Table 1 provides a summary of estimated municipal solid waste tonnages, collectors and contacts.

**Table 1 Estimated Municipal Solid Waste Tonnages, Collectors and Contacts in the Capital Regional District**

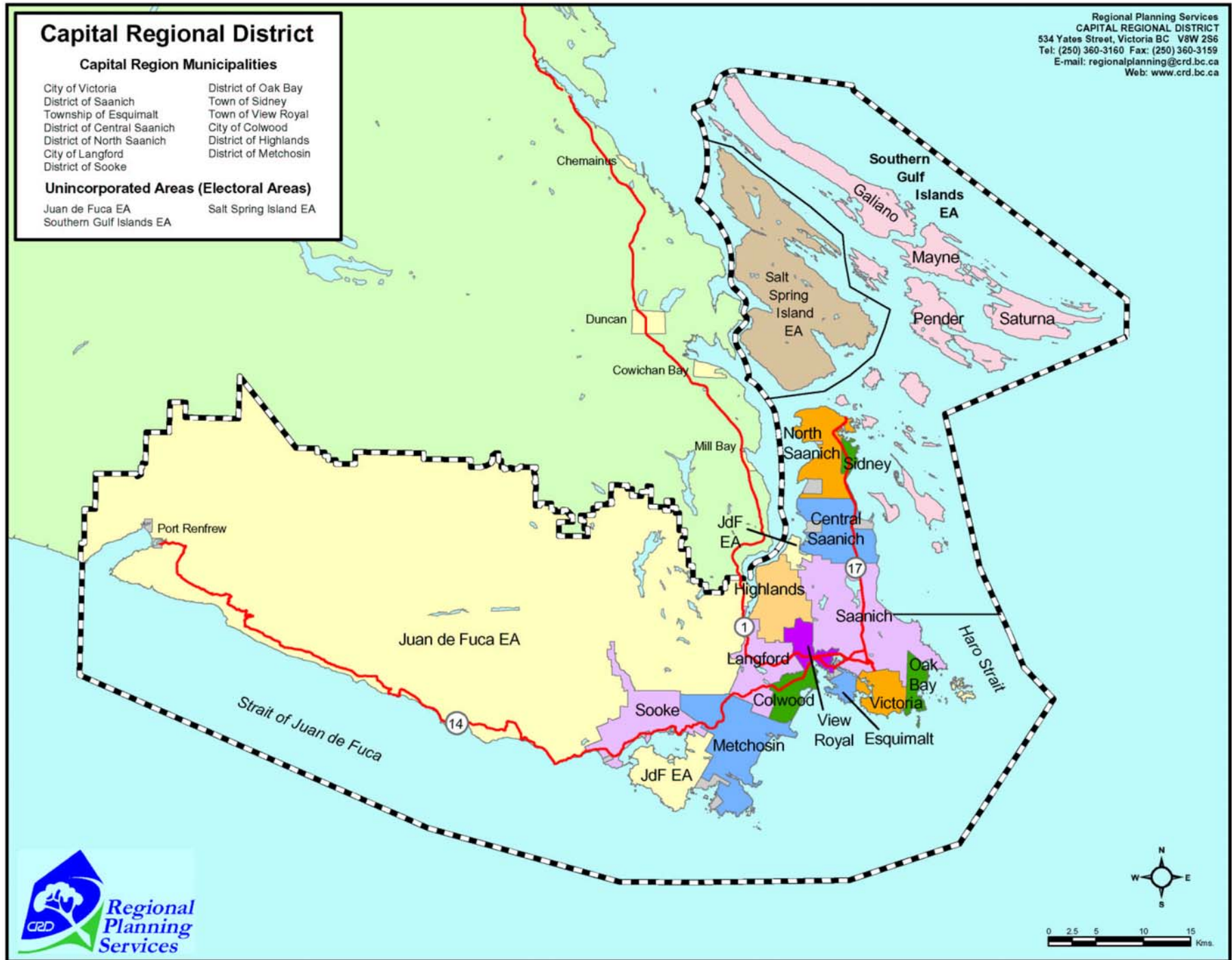
<b>Area</b>	<b>Reported Annual Landfilled Tonnage (tonnes) (2003 data) <sup>(1)</sup></b>	<b>Annual Yard Waste Diverted from Landfill (tonnes) (2003 data) <sup>(2)</sup></b>	<b>Garbage Collection/Contact</b>	<b>Yard Waste Collection/Contact</b>
Saanich	39,595	1,260	Municipal Crews Dave McAra 744-5394	Saanich Municipal Yard Dave McAra 744-5394
Victoria	56,002	243	Municipal Crews John Burrows 361-0417	Victoria Municipal Yard John Burrows 361-0417
Esquimalt	6,030	9	Municipal Crews Mike Dillistone 414-7108	Esquimalt Municipal Yard Mike Dillistone 414-7108
Oak Bay	3,605	28	Municipal Crews Stuart Pitt 598-3311	Oak Bay Municipal Yard Doug Bury 598-4501
Sidney	5,391	115	Alpine Disposal Dave Lindley 474-5145	Alpine Disposal Dave Lindley
Peninsula	9,695	450	Waste Management Jim Duncan 544-2330  Ron's Disposal Al Gardner 652-6242	Ron's Disposal Al Gardner
View Royal, Colwood, Langford, Metchosin, Sooke, Highlands	19,186	65	BFI Canada Mike Tripp 652-4414  Alpine Disposal Dave Lindley 474-5145  Sooke Disposal 642-3646	

Table 1 (continued)

Area	Reported Annual Landfilled Tonnage (tonnes) (2003 data) <sup>(1)</sup>	Annual Yard Waste Diverted from Landfill (tonnes) (2003 data) <sup>(2)</sup>	Garbage Collection/Contact	Yard Waste Collection/Contact
Southern Gulf Islands	753	2.0	Rick Dodds (Mayne Island) (250) 539-3708  Nadia Krebs (Galiano Island) (250) 539-3174  Geno Carpentier (Saturna Island) (250) 539-3185  Jon Spalding (Pender Island) (250) 629-3544  Pete Williams (Pender Island) (250) 629-3683	
Salt Spring Island	3,250	1.0	Salt Spring Garbage Service John Ellacott (250) 537-2167  Ladah Holdings Laurie Hedger (250) 653-9279  Island Garbage Express (RDI) Chris North (250) 537-9898 Rick Van 652-6242	

## Notes:

- <sup>(1)</sup> Source of waste as reported by drivers at Hartland landfill (includes both residential and commercial waste).
- <sup>(2)</sup> Yard waste recorded at Hartland yard and garden area only. Source of yard and garden waste as reported by drivers. Additional diversion achieved through non-CRD composting facilities and home composting.





# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** 2024 Community Emergency Preparedness Fund Grant Application

**DESCRIPTION:** Report from Sean Coubrough, Manager, Protective Services (Regional Fire Chief), dated November 7, 2024. A grant application for fire department equipment.

**RECOMMENDATION:** THAT: The Board empower the authorized signatories to submit an application to the 2024 Community Emergency Preparedness Fund for Volunteer and Composite Fire Departments Equipment and Training grant for up to \$520,000 for firefighting equipment for the CSRDs thirteen fire departments.

*Corporate Vote Unweighted Majority*

## SUMMARY:

The Community and Emergency Preparedness Fund (CEPF) administered by UBCM for Volunteer and Composite Fire Departments Equipment and Training grant provides up to \$40,000 per fire department to assist small rural fire departments meet the constantly evolving training and equipment needs. The grant application was submitted prior to the October 18, 2024 deadline, however a resolution from the Board supporting the project and overall grant management is required as part of the application submission.

## BACKGROUND:

The Columbia Shuswap Regional District (CSRD) currently oversees thirteen volunteer/paid-on-call (POC) fire departments in our rural areas funded through eight individual budgets. All CSRD fire departments are declared level of service of Interior Operations as per the requirements of the BC Office of the Fire Commissioner.

The intent of this grant funding stream is to build the resiliency of volunteer (POC) and composite fire departments in preparing for and responding to emergencies through the purchase of new equipment and to facilitate the delivery of training. Ongoing operational costs and the purchase of major fire apparatus are not eligible for this grant.

The CSRD has developed a regional fire service where all thirteen departments are integrated with the same training program, operational guidelines, response criteria and equipment. A single application for this grant allows us to continue to ensure interoperability and uniformity amongst the departments and may provide additional benefits in purchasing power resulting from a decrease in costs for the quantity we require. The primary focus of the grant funding will be on the health and safety of our firefighters.

### Purchase and install turnout gear extractors

Our fire departments are currently using consumer-grade residential washing machines to wash soiled and contaminated turnout gear. This does not meet National Fire Protection Association (NFPA) guidelines for the cleaning of turnout gear. Turnout gear extractors are designed to remove most

contaminants from turnout gear, reducing our firefighter's exposure increasing the protection to the health and safety of our firefighters.

#### Purchase multi-gas detectors and calibration stations

Our current gas detectors are old, outdated, cannot be calibrated in-house and in many cases provide inaccurate readings.

#### Purchase wildland firefighting personal protective equipment (PPE)

The 2022 CEPF grant funding CSRD Fire Services received was used in part to purchase wildland firefighting shirts, pants and boots for roughly 350 firefighters. The purchase of additional PPE is required to outfit new members and to replace damaged and worn-out gear.

#### Purchase of handheld portable radios

Each fire hall currently has a limited number of handheld radios. Many are damaged, and some have limited radio frequency storage capabilities. The new radios will include additional storage for frequencies required for interoperability during multi-agency responses including wildfires and will supplement each hall with enough radios for all members operating at an emergency scene.

### **POLICY:**

The conditions for the grant application requires a resolution from the Board indicating support of the project and overall grant management. [CSRD Delegation Bylaw 5877, 2024](#) requires Board approval for grant applications in excess of \$500,000. All equipment will be purchased in accordance with [Policy F-32, CSRD Procurement of Goods and Services](#).

### **FINANCIAL:**

The CEPF program grant provides 100% program funding for eligible costs. The CSRD is prepared to provide in-house staff contributions to manage the grant if successful.

### **COMMUNICATIONS:**

A copy of the Board resolution will be provided to UBCM to be included with the CSRDs Community and Emergency Preparedness Fund Grant application.

### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*



**Report Approval Details**

Document Title:	2024-11-21_Board_CPS_2024_Community_Emergency_Preparedness_Fund_Grant_Application.docx
Attachments:	
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Derek Sutherland was completed by assistant Crystal Robichaud**

Derek Sutherland

**No Signature - Task assigned to Jodi Pierce was completed by delegate Sheena Haines**

Jodi Pierce

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Household Hazardous Waste Collection Contract Award

**DESCRIPTION:** Report from Ben Van Nostrand, General Manager, Environmental and Utility Services, dated November 6, 2024. A report seeking Board authorization for awarding the Household Hazardous Waste Collection contract.

**RECOMMENDATION#1:** THAT: the Board endorse the authorized signatories to enter into an agreement, for servicing the CSR D's Hazardous Waste Depots, with GFL Environmental Services Inc. for a three-year term, including the two, one-year options to renew, in the amount of approximately \$750,000 plus applicable taxes and annual CPI adjustments over the term of the agreement.

*Corporate Vote Weighted Majority*

## SUMMARY:

The contract for the collection and treatment of household hazardous waste, from the Columbia Shuswap Regional District (CSR D) Golden, Revelstoke and Salmon Arm landfill hazardous waste depots has expired. The purpose of this Board report is to outline the results of the procurement process and the associated recommendation to award a three-year contract, plus two, one-year options to renew, to GFL Environmental Services Inc. (See Attached)

## BACKGROUND:

In the summer of 2024, in preparation for the expiry of the Household Hazardous Waste Collection contract (five-year agreement) the CSR D put out a call for written quotations, whereby bidders were required to submit proposals that outlined their experience, operations methodology and pricing for a three-year contract, plus two, one year options to renew.

## POLICY:

[Policy F-32](#), the CSR D Procurement of Goods and Services Policy, states any agreement with a value greater than \$500,000 requires Board approval. Although the value of the contract varies from year to year, depending on the volume of materials received and processed, given the historical annual costs (approximately \$150,000) associated with the service, staff anticipate that the value of the contract will be over the Policy threshold, hence the recommendation for Board approval.

## FINANCIAL:

The estimated annual contract value, given the history of this service, is approximately \$150,000. GFL Environmental Services Inc.'s submission detailed minimal increases over the expiring contract and the value of the agreement is accounted for in the Recycling (218) budget.

**KEY ISSUES/CONCEPTS:**

The procurement process for soliciting and evaluating bids, via a request for written quotes, allowed staff to consider best value to the CSRD. Staff are confident that the successful proponent, as they have done for the past five years, will continue to provide the CSRD with effective and efficient servicing of the CSRD's hazardous waste depots.

**IMPLEMENTATION:**

Based on the Board's endorsement of the recommendation contained in this report, staff will conduct meetings with the successful proponent to ensure that the requirements of the contract are clearly understood.

**COMMUNICATIONS:**

All bidders will be informed of the results of the procurement process.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation(s).

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_EUS_Household_Hazardous_Waste_Collection_Contract_Award.docx
Attachments:	- Household Hazardous Waste Collection - Evaluation Summary Final.docx
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:



Jodi Pierce

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean



## Contract Award Recommendation Summary

On August 22, 2024 Columbia Shuswap Regional District (“CSRD”) issued a Request for Written Quotes by email to receive quotes for Household Hazardous Waste Collection. This posting closed on September 20, 2024.

CSRD received three compliant Quotes which were reviewed by two evaluators from CSRD Environmental and Utilities Department. The evaluation was facilitated by the Procurement Department.

As stated in the request for written quotes the evaluation criteria was weighted based on the lowest cost submission.

Through the evaluation process the following ranking was established:

Proponent	Ranking
GFL Environmental Services Inc.	1
Clean Harbors Canada Inc.	2
Environmental 360 Solutions Ltd.	2

The result of the evaluation process demonstrated that GFL Environmental Ltd. was deemed the first ranked quote.

GFL Environmental Ltd. quote provided commodity costs that remained constant over the three-year contract and provided for a significantly lower per site servicing price, which includes fuel and environmental surcharges.



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Electoral Area B & Revelstoke: EOF Application – Revelstoke/Area B – Community Economic Development Initiatives

**DESCRIPTION:** Report from Jodi Pierce, General Manager, Financial Services, dated November 7, 2024. Funding requests for consideration.

**RECOMMENDATION:** THAT: with the concurrence of the City of Revelstoke and the Electoral Area B Director, the Board approve the following amount from the Revelstoke and Area B Economic Opportunity Fund:

\$12,500 to the City of Revelstoke to support the Government of BC's Rural Economic Development & Infrastructure Program (REDIP) grant for investment attraction that includes a land use Feasibility Study for the Westside Lands, which are subject to Section 17 of the BC Land Act.

*Corporate Vote Weighted*

## SUMMARY:

Information relating to this Economic Opportunity Fund (EOF) request is attached and is supported by the Electoral Area B Director. The City of Revelstoke Community provides community economic development services in the Revelstoke and Area B. The attached Council Report provided by the Director of Community Economic Development for the City of Revelstoke identifies how the funding will provide an ongoing economic benefit.

## BACKGROUND:

N/A

## POLICY:

This request meets the criteria for support in relation to [CSR D Policy F-29, BC Hydro Payments -in-Lieu of Taxes](#) funding assistance to stimulate economic development within the Revelstoke/Area B area.

## FINANCIAL:

The approximate balance of the Revelstoke/Area B EOF (less commitments) as of September 30, 2024 was \$210,000. The total 2024 distribution of \$568,592 is included in the approximate balance.

## KEY ISSUES/CONCEPTS:

N/A

## IMPLEMENTATION:

Upon Board and City of Revelstoke approval, EOF funds will be made available as required by the City of Revelstoke.

**COMMUNICATIONS:**

The City of Revelstoke and the Director of Community Economic Development for the City will be advised of the Board's decision.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation(s).

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_FIN Revelstoke Area B EOF Request.docx
Attachments:	- CORP-COR_CSRD EOF REDIP Recommendation 2024-10-22.pdf
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean





# City of Revelstoke

P.O. Box 170, Revelstoke, British Columbia V0E 2S0  
revelstoke.ca

October 25, 2024

0110-01

Jodi Pierce, Director of Finance  
Columbia Shuswap Regional District  
Box 978  
SALMON ARM, BC V1E 4P1

**Email: [jpierce@csrd.bc.ca](mailto:jpierce@csrd.bc.ca)**

Dear Ms. Pierce:

**Re: City of Revelstoke – Economic Opportunity Fund Application**

During the Regular Council Meeting held October 22, 2024, Revelstoke City Council passed the following resolution to support the allocation of Columbia Shuswap Regional District Economic Opportunity Fund as follows:

THAT a recommendation be made to the Columbia Shuswap Regional District Board (CSRD) to allocate \$12,500 to support the Government of BC's Rural Economic Development & Infrastructure Program (REDIP) grant for investment attraction that includes a land use Feasibility Study for the Westside Lands, which are subject to Section 17 of the *BC Land Act*.

Please find attached, the Director of Community Economic Development's Council Report dated October 22, 2024 for your information.

Should you have any questions please contact Ryan Watmough, Director of Community Economic Development, at 250-805-2000.

Sincerely,

Cindy Floyd  
Corporate Officer

:jd  
Enc.

cc: J. Sham, Corporate Officer  
J. MacLean, CSRD Chief Administrative Officer  
Ryan Watmough, Director of Community Economic Development

DEVELOPMENT  
SERVICES

(250) 837-3637  
[development@revelstoke.ca](mailto:development@revelstoke.ca)

PUBLIC WORKS

(250) 837-2001  
[works@revelstoke.ca](mailto:works@revelstoke.ca)

FINANCE

(250) 837-2161  
[finance@revelstoke.ca](mailto:finance@revelstoke.ca)

FIRE RESCUE  
SERVICES

(250) 837-2884  
[fire@revelstoke.ca](mailto:fire@revelstoke.ca)

PARKS, RECREATION  
& CULTURE

(250) 837-9351  
[prc@revelstoke.ca](mailto:prc@revelstoke.ca)

CORPORATE  
ADMINISTRATION

(250) 837-2911  
[admin@revelstoke.ca](mailto:admin@revelstoke.ca)

COMMUNITY  
ECONOMIC DEVELOPMENT

(250) 837-5345  
[ced@revelstoke.ca](mailto:ced@revelstoke.ca)



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Electoral Areas A and E: Grant-in-Aids

**DESCRIPTION:** Report from Jodi Pierce, General Manager, Financial Services, dated November 8, 2024. Funding requests for consideration.

**RECOMMENDATION:** THAT: the Board approve the following allocations from the 2024 Electoral Area Grant-in-Aids:

Area A

\$1390 Golden Kicking Horse Alpine Team (coaching)

Area E

\$14,000 Eagle Valley Community Support Society (social and crisis supports)

*Stakeholder Vote Weighted – Electoral Area Directors*

**BACKGROUND:**

N/A

**POLICY:**

These requests meet the requirements of [Policy F-30](#) Electoral Area Grant-in-Aid Funding, and have been supported by the respective Area Directors. The required source documentation for the applications have been received.

**FINANCIAL:**

These requests are within the Electoral Area's Grant-in-Aid budget from the [2024-2028 Five Year Financial Plan](#).

**KEY ISSUES/CONCEPTS:**

N/A

**IMPLEMENTATION:**

The respective Electoral Director will advise each organization of the Board's decision. The successful organization will be sent a cheque accompanied by a congratulatory letter.

**COMMUNICATIONS:**

Information on Grant-in-Aid is included within the [CSR D Annual Report](#).

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation(s).

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_FIN Electoral Area Grant in Aids.docx
Attachments:	
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean



# BOARD REPORT

**TO:** Chair and Directors

**SUBJECT:** Electoral Area C : Development Variance Permit No. 701-139

**DESCRIPTION:** Report from Hayley Johnson, Planner I, dated October 28, 2024.  
4183 Galligan Road, Eagle Bay

**RECOMMENDATION:** THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 701-139 for Lot A Sections 4, 5, 8, and 9 Township 23 Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 11743, varying the South Shuswap Zoning Bylaw No. 701, as amended, as follows:

1. Section 7.2.4 the maximum height be increased from 11.5 m to 16.7 m only for the proposed single detached dwelling
2. Section 7.2.7 the maximum floor area, gross be increased from 250 m<sup>2</sup> to 256 m<sup>2</sup> only for the proposed accessory building

Be approved this 21<sup>st</sup> day of November 2024

*Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

The subject property is located at 4183 Galligan Road in Eagle Bay in Electoral Area C and is waterfront to Shuswap Lake. The property is subject to the Electoral Area C Official Community Plan Bylaw No. 725, as amended (Bylaw No. 725) and the South Shuswap Zoning Bylaw No. 701, as amended (Bylaw No. 701). The applicant is proposing to construct a new single detached dwelling, and an accessory building. The proposed single detached dwelling is over the maximum permitted height, and the proposed accessory building is over the maximum permitted floor area, gross that is permitted in Bylaw No. 701.

The applicant has made this Development Variance Permit application to seek approval to increase the maximum permitted height for a single detached dwelling from 11.5 meters to 16.7 meters and to vary the maximum floor area, gross of the proposed accessory building from 250 m<sup>2</sup> to 256 m<sup>2</sup>.

## BACKGROUND:

ELECTORAL AREA:  
C (Eagle Bay)

## LEGAL DESCRIPTION:

Lot A Sections 4, 5, 8, and 9 Township 23 Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 11743

PID:  
004-980-115

CIVIC ADDRESS:  
4183 Galligan Road

**SURROUNDING LAND USE PATTERN:**

North = Shuswap Lake

South = Agriculture

East = Residential/Galligan Road

West = Residential/Cluster Housing

**CURRENT USE:**

Boathouse with suite (secondary dwelling unit)

**PROPOSED USE:**

New single detached dwelling with a floor area gross of 1150 m<sup>2</sup> and detached accessory building (garage) with a floor area gross of 256 m<sup>2</sup>

**PARCEL SIZE:**

1.8 ha (4.38 acres)

**DESIGNATION:**

[Electoral Area C Official Community Plan No. 725](#)

RR - Rural Residential

**ZONE:**

[South Shuswap Zoning Bylaw No. 701](#)

RR1-Rural Residential (0.4 ha)

[Lakes Zoning No. 900](#)

FR1-Residential

**SITE COMMENTS:**

The property is waterfront to Shuswap Lake, which is to the northeast. The southern section of the property is dominated by steep bedrock slopes. The proposed single detached dwelling and accessory building are proposed to be built into the slopes on the subject property. The property is located at the end of Galligan Road.

**BYLAW ENFORCEMENT:**

There is no bylaw enforcement related to this file.

**POLICY:**

[South Shuswap Zoning Bylaw No. 701](#)

**Section 1 Definitions**

ACCESSORY BUILDING or STRUCTURE is a detached building or structure located on the same parcel as the principal building and the use of which is customarily ancillary to that of the principal use.

ACCESSORY USE is the use of land, buildings, or structures in conjunction with and ancillary to an established principal use.

DWELLING OR DWELLING UNIT is a use of one (1) or more rooms in a detached building with self-contained eating, living, sleeping and sanitary facilities and not more than one kitchen, used or intended to be used as a residence for no more than one (1) household;

FINISHED GROUND ELEVATION means either a natural or altered ground level but shall not include areas artificially raised through the use of retaining structures unless the retaining structure provides a level ground area that is a minimum of 1.2 m wide measured from the face of the building; or earth piled against the building with a slope of greater than 2:1 (horizontal to vertical).

FLOOR AREA, GROSS is the total area of all storeys in a building and attached decks and balconies, whether at, above, or below established grade, measured to the outside face of the exterior walls, windows, roof or floor as applicable, or the area in a portion of a building as applicable. For structures or portions of structures without walls, floor area, gross is measured from the outside edges of posts. Where a roof extends more than 1.3 m beyond a wall or post floor area, gross is measured to the outermost edge of the roof or eave. For buildings, structures or portions thereof without a roof floor area, gross is measured from the exterior face of a wall, post or edge of floor. Floor area, gross includes balconies, decks and parking areas but does not include unenclosed exterior stairs.

HEIGHT is the vertical distance between the highest point of a building or structure and the lowest point of a building or structure where the finished ground elevation and the building meet, excluding localized depressions such as vehicle and pedestrian entrances to a maximum width of 6 m (19.69 ft.).

PRINCIPAL BUILDING means the building which contains the principal use of the parcel and shall include attached garages and carports, but does not include an accessory building.

SECONDARY DWELLING UNIT is an additional, self-contained, dwelling unit that is accessory to the single detached dwelling on a parcel. For clarity, duplexes, multiple-dwellings, townhouses boarding rooms and rooming houses are excluded from the definition of secondary dwelling unit;

SINGLE DETACHED DWELLING means a detached building containing only one (1) principal dwelling unit and, where permitted by this Bylaw, one (1) secondary dwelling unit. For the purposes of this Bylaw, a manufactured home is considered a single detached dwelling;

### Section 3 General Regulations

#### Height Exceptions

##### 3.4.1 Chimneys

#### Section 7 RR1- Rural Residential Zone (4000m<sup>2</sup>)

- .1 single detached dwelling;
- .2 secondary dwelling unit;
- .3 bed and breakfast;
- .4 home business;
- .5 accessory use.

.4 Maximum height for:

- Principal buildings and structures 11.5 m (37.73 ft.)
- Accessory buildings containing a dwelling unit 10 m (32.81 ft)
- All other Accessory buildings 8.5 m (27.89 ft)

.7 Maximum floor area, gross of an accessory building

- On a parcel equal to or greater than 0.4 ha and less than 2.0 ha 250 m<sup>2</sup> (2690.98 ft)

### **FINANCIAL:**

There are no financial implications to the CSRD as a result of this application.

### **KEY ISSUES/CONCEPTS:**

#### Background

The property is zoned RR1-Rural Residential Zone in Bylaw No. 701. The property had previously been developed with a single detached dwelling and 7 outbuildings, all of which have been removed from the property, except for a boathouse with a suite (secondary dwelling unit) The existing boathouse with a suite (secondary dwelling unit) that has a floor area, gross of 153 m<sup>2</sup> and is the only existing structure on the property currently. The applicant is proposing to construct a new 1150 m<sup>2</sup> (12,386 square feet) single detached dwelling, and a 256 m<sup>2</sup> (2,755 square feet) detached accessory building. The single detached dwelling will feature two floors, and a loft above, with an attached deck and garage. The proposed accessory building is a four bay garage with attached indoor pavilion space, which will have a bathroom and seating area, and will not be used as a dwelling unit.

The applicant has included a letter of rationale with their application, and it is attached to the Board package (See DVP701-139\_Applicant\_Letter\_2024\_10\_25\_redacted.pdf).

Calculations provided in the application for the proposed height for the single detached dwelling is 16.63 m in height and the floor area, gross for the proposed accessory building is 255.6 m<sup>2</sup>. Staff are recommending a small buffer for each requested variance in case the height and/or floor area, gross ends up slightly larger post construction. Therefore, the proposal is to vary the maximum permitted height for the proposed single detached dwelling from 11.5 m to 16.7 m and to vary the maximum permitted floor area, gross for the proposed accessory building from 250 m<sup>2</sup> to 256 m<sup>2</sup>

Staff recently completed a planning project to update all CSRD zoning bylaws to have consistent maximum permitted floor areas and building heights for accessory buildings. The floor area and height maximum requirements that were implemented are based on a properties size and are intended to reflect the semi rural and rural nature of properties in CSRD Electoral Areas. This planning project to increase the floor area and height requirements for accessory buildings was adopted at the June 20, 2024, Board Meeting.

The size of buildings should not be so large as to exceed the residential character of a property and neighbouring properties. If maximum size of a building is set too large, properties of this size may appear to look more industrial/commercial than residential.

#### *Height*



Prior to the proposed amendments, the maximum permitted height for an accessory building was 6 m on this property. The new amendments now allow an accessory building (without a dwelling unit) to be 8.5m.

	Single detached dwelling	Accessory Building
Previous Maximum Height	11.5 m	6 m
New Maximum Height	11.5 m	8.5 m
Proposed Maximum Height	16.7 m	8.25

The proposed single detached dwelling requires a development variance permit to increase the maximum permitted height from 11.5 m to 16.7 m at its highest point. The proposed 8.25 m accessory building will now meet the new maximum permitted height, which was increased from 6 m to 8.5 m in recent amendments.

The CSRD defines height as being calculated from the highest point of a building to the lowest point, where the finished ground elevation and the building meet. The single detached dwelling does feature a chimney; however, it is not included in the total height as chimneys are exempt from height restrictions.

Many municipalities in the area such as City of Salmon Arm and City of Revelstoke measure height based on measuring the distance between the average grade and the highest point of the structure. These municipalities also implement a maximum height of 10 m for single detached dwelling in residential zones. The CSRD measures height from highest to lowest, as it is easy to explain to the public as well as easy to interpret. The CSRD has also implemented a maximum height of 11.5 m instead of 10 m to compensate for the difference between the lowest point and the average grade. With this interpretation and with the maximum permitted height of 11.5 m implemented for single detached dwellings, in the last 5 years, there have only been 3 Development Variance Permits applied for to vary the maximum permitted height for a single detached dwelling.

#### *Floor area*

There is no maximum floor area, gross implemented for single detached dwellings. The new zoning amendments allow for an accessory building to have a floor area, gross of 250 m<sup>2</sup> on a parcel less than 2 hectares. Previously Bylaw No. 701, did not include a maximum floor area for accessory buildings, as long as the proposed accessory building was subordinate (smaller than) the proposed or existing single detached dwelling on the subject property. However, the proposed accessory building is now slightly over the maximum permitted floor area, gross for the subject property, for an accessory building, which requires a variance from 250 m<sup>2</sup> to 256 m<sup>2</sup>.

Elevation plans and floor plans of the proposed single detached dwelling and accessory building have been submitted with the application, see attached "DVP701-139\_Maps\_Plans\_Photos\_redacted.pdf".

The proposed single detached dwelling and accessory building will meet the RR1 zoning regulations such as setbacks, other than exceeding the maximum height of the single detached dwelling and floor area, gross of the accessory building as noted above.

#### Analysis:

With the new planning project, the intention was to increase building size to better reflect size and use of residential, semi-rural, and rural properties in CSRD Electoral Areas. The new maximum permitted

height requirements and floor area, gross requirements are to apply generally, and a property owner may choose to apply for a Development Variance Permit to seek approval for a higher single detached dwelling and more floor area, gross for an accessory building.

*Maximum height increase variance request for SDD*

An increase in the maximum permitted height from 11.5 m to 16.7 m, is a 5.2 m or 45 % increase that seems unreasonable when considered as an increase in a numerical value. However, property owners can choose to apply for a variance and provide their rationale to explain their variance request. For all variance applications, Planning staff considers policy, bylaw regulations, the applicant's rationale, property location, property/neighbourhood features and the potential impacts to adjacent properties and the neighborhood.

The proposed single detached dwelling is 5.2 m (17 ft) higher than what is permitted on the property, which as previously noted is a 45 % increase than what is permitted by Bylaw No. 701. However, the majority of the single detached dwelling building is 13.84 meters in height, which is 2.34 m over the maximum permitted height, which is a 20% increase. It is the most northwest portion of the decks attached to the single detached dwelling that face toward Shuswap Lake that are over height. The proposed single detached dwelling is being constructed down slope and the concrete pillars/deck supports that will hold up the attached decks are approximately 2.8 meters in height (See DVP701-139\_Maps\_Plans\_Photos\_redacted.pdf).

The proposed single detached dwelling should have minimal impacts to neighbouring properties as the single detached dwelling is positioned to be facing towards Shuswap Lake, and due to the steep topography of the property, the single detached dwelling should not be visible from neighbouring properties from the east and west. The elevation of the neighbouring property to the southwest varies from east to west, east being the lowest point at 368.5 Geodetic Survey Datum, (GSC) to 381 GSC . Please see elevation map and cross sections (DVP701-139\_Maps\_Plans\_Photos\_redacted.pdf). The highest elevation of the single detached dwelling is 371.0 GSC, which is 2.51 meters higher than the lowest point on the neighbouring property to the south west. This means that visibility of the proposed single detached dwelling will be limited to only in the low section on the neighbouring property, where there are no buildings or structures.

The architecture and design of both the single detached dwelling and the accessory building are residential and does not give the characterization of an industrial or commercial property and therefore this proposal should not change the residential character of the property.

*Maximum floor area increase request for Accessory Building*

The 6 m<sup>2</sup> (square feet) variance for the proposed accessory building is minor and the applicant had made this development variance permit application prior to when the maximum floor area, gross had been adopted , and the accessory building size was determined based on being subordinate (smaller than) the single detached dwelling.

*Development Permits*

Additionally, the proposed single detached dwelling and accessory building require a Hazardous Lands (Steep Slopes), Lakes 100m, and Riparian Areas Regulation Development Permit. The applicant has submitted these application and related qualified professional reports, and they are being processed with this Development Variance Permit application. Approval of technical development permits such as

these are delegated to the General Manager of Development Services for review and issuance. Additionally, building permits will be required as per [Building Bylaw No. 660-03](#) as amended.

**Rationale for Recommendation:**

- The proposed single detached dwelling will have limited visibility from the neighbouring property to the south west and should not be visible from any neighbouring properties from the east and west due to the steep topography of the property, therefore minimizing potential impacts to neighbouring properties;
- The proposed single detached dwelling and accessory building will not change the residential character of the property as the architecture of the buildings are not designed as industrial or commercial buildings; and
- The proposed variance to the floor area, gross of the accessory building is considered minor and the design for the accessory building had been completed at a time when bylaw regulations did not have a specific maximum floor area for accessory buildings, as long as it was subordinate to the floor area of the single detached dwelling.

**IMPLEMENTATION:**

If Development Variance Permit No. 701-139 is approved by the Board, the permit will be issued and the notice placed on title.

The Hazardous Lands (Steep Slopes) Lakes 100m, and Riparian Areas Regulation Development Permit can be issued by the General Manager of Development Services. The notice of permits will be registered to the Title of the property and the property owner can proceed with their building plans.

If the Development Variance Permit is not approved by the Board, the property owner would need to change the design of the proposed single detached dwelling and accessory building, so that they meet the maximum permitted height and floor area requirements in Bylaw No. 701.

**COMMUNICATIONS:**

Notices of the proposed variances were sent out to property owners and tenants in occupation of properties within 100 m of the subject property. As of the date of this report, no written submissions have been received. Any written submissions will be added to the late Board agenda.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation(s).

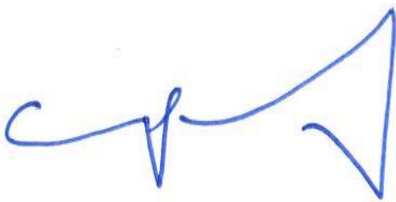
**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_DS_ DVP701-139.docx
Attachments:	- DVP701-139.pdf - DVP701-139_Applicant_Letter_2024_10_25_redacted.pdf - DVP701-139_Maps_Plans_Photos_redacted.pdf
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:



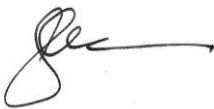
Corey Paiement

**No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud**

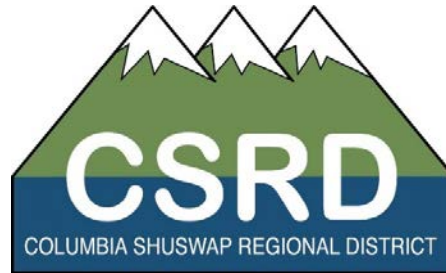
Gerald Christie

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean



**DEVELOPMENT VARIANCE PERMIT NO. 701-139**

OWNERS: Strathcona Ventilation Ltd.  
Unit 6, 3812-56 Avenue  
Edmonton, AB  
T6B 3R8

1. This Development Variance Permit is issued subject to compliance with all the Bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Permit applies only to the lands described below:  
  
Lot A Sections 4, 5, 8, and 9 Township 23 Range 9 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 11743 (PID: 004-980-115), which property is more particularly shown outlined in bold on the Location Map attached hereto as Schedule A.
3. The South Shuswap Zoning Bylaw No. 701, as amended, is hereby varied as follows:
  - a. Section 7.2.4 the maximum height be increased from 11.5 m to 16.7 m only for the proposed single detached dwelling
  - b. Section 7.2.7 the maximum floor area, gross be increased from 250 m<sup>2</sup> to 256 m<sup>2</sup> only for the proposed accessory buildingas more particularly shown on the site plans attached hereto as Schedule B.
3. This Permit is NOT a building permit.

AUTHORIZED AND ISSUED BY RESOLUTION of the Columbia Shuswap Regional District Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

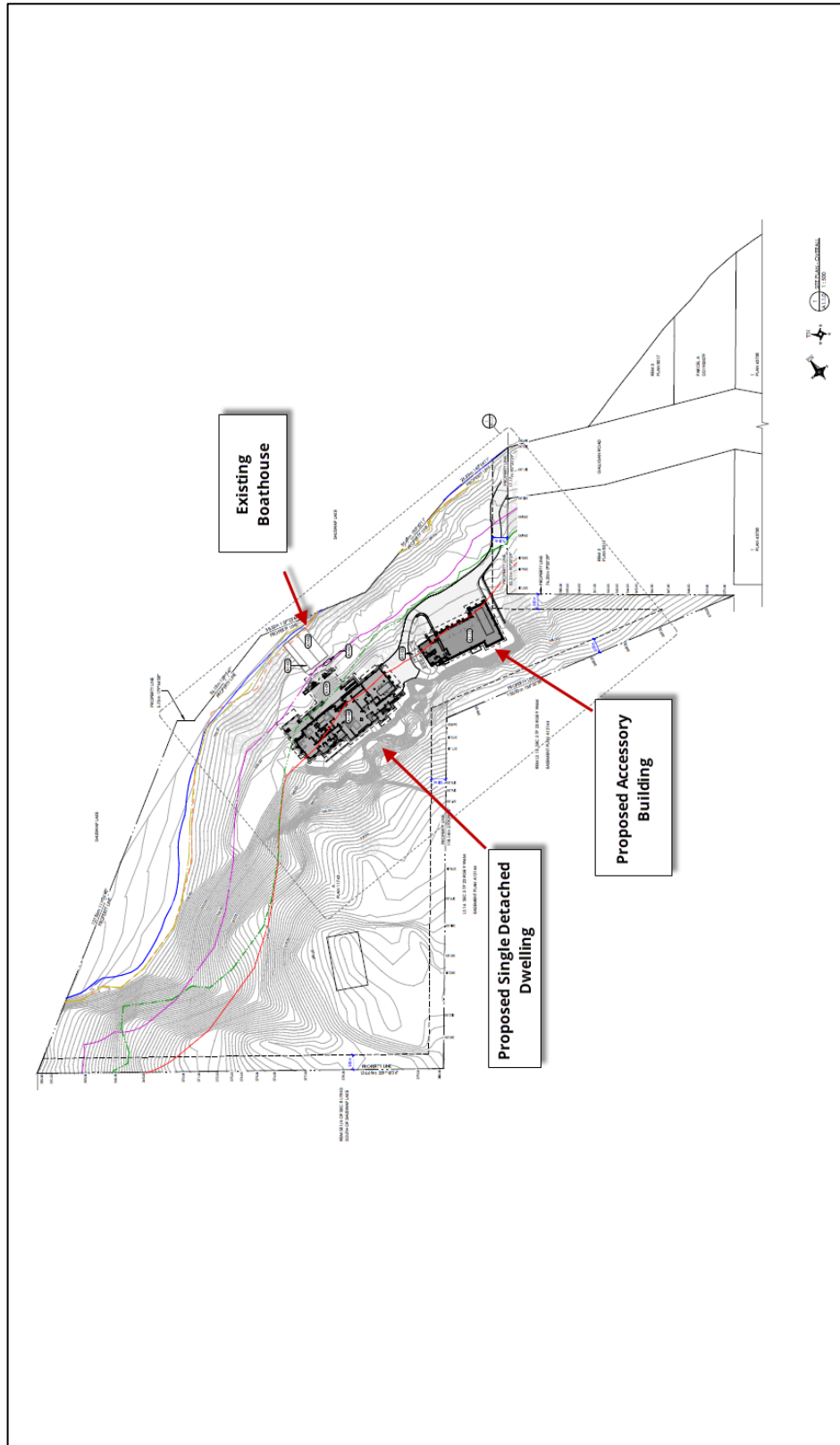
\_\_\_\_\_  
CORPORATE OFFICER

NOTE: Subject to Section 504 of the Local Government Act, if the development of the subject property is not substantially commenced within two years after the issuance of this permit, the permit automatically lapses.

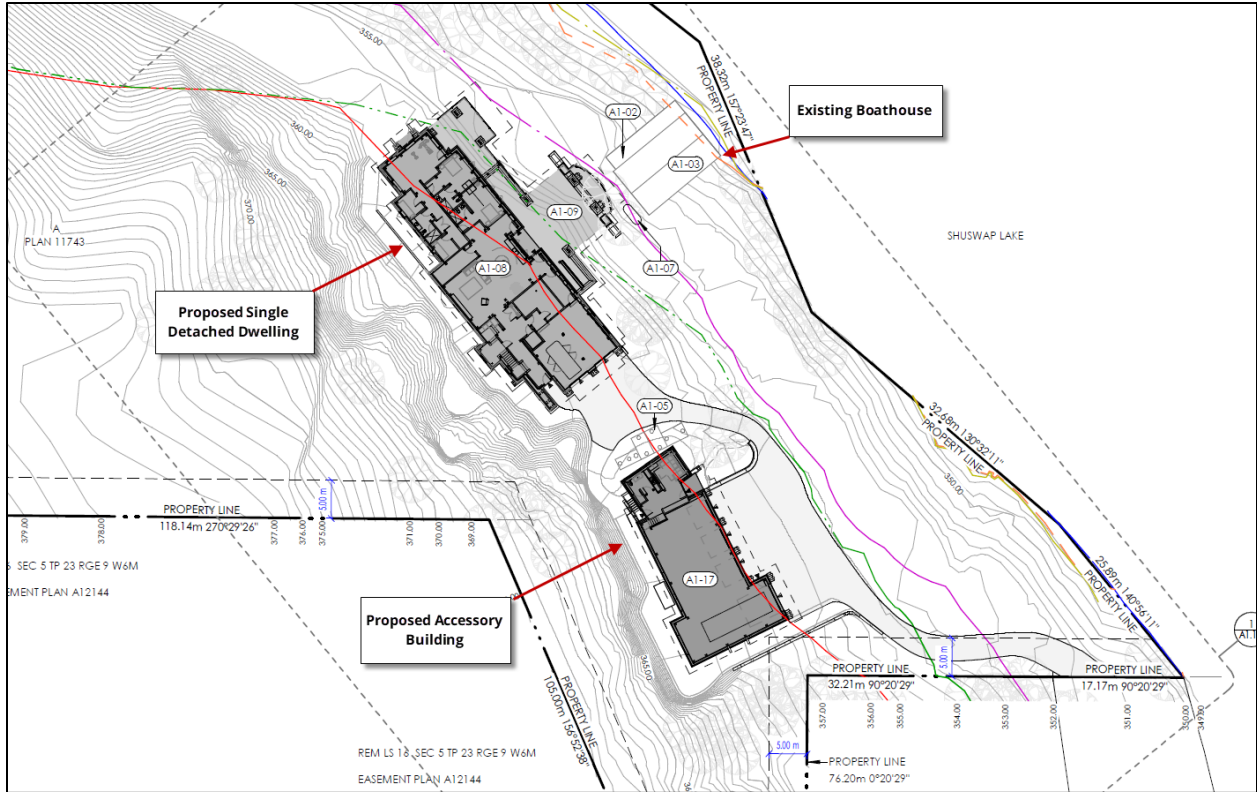
**Schedule A**  
Location Map



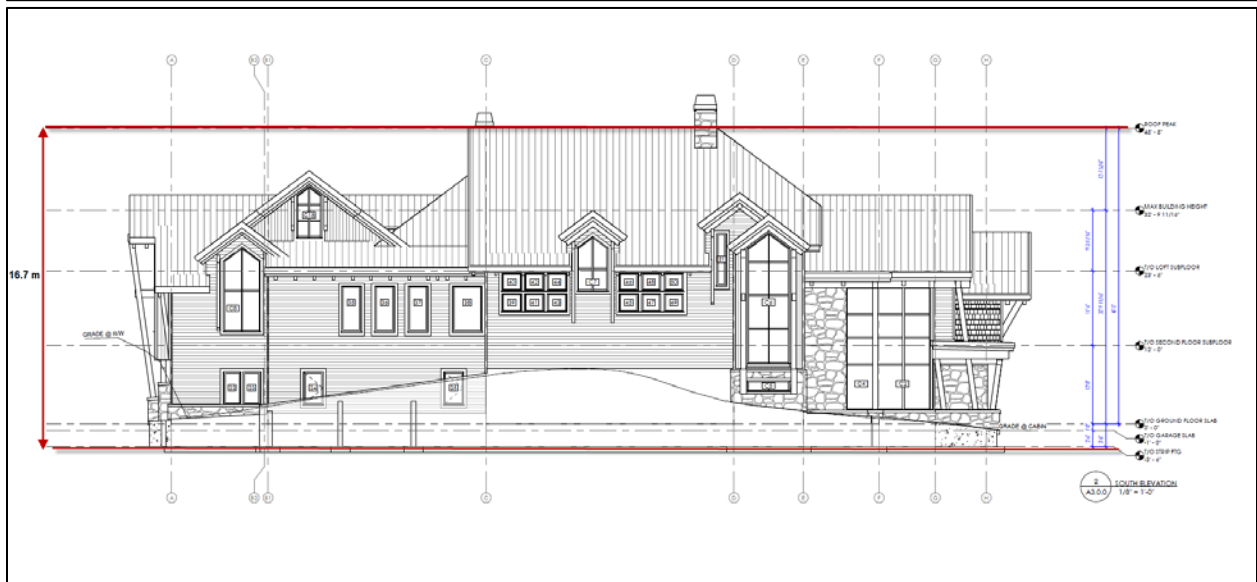
### Schedule B Site Plans

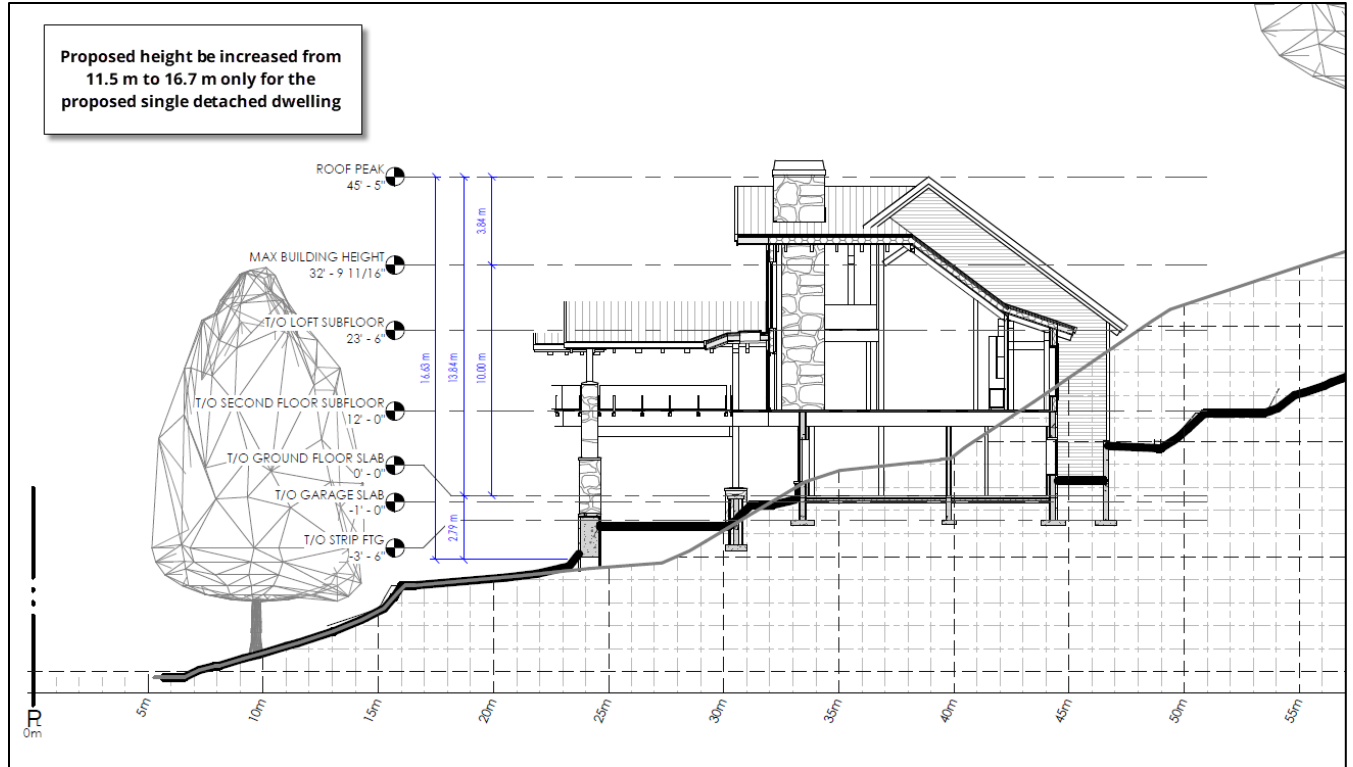






### Elevations of Proposed Single Detached Dwelling





### Floor Plan/Elevation Plan for Proposed Accessory Building

**Maximum floor area, gross is increased from 250 m<sup>2</sup> to 256 m<sup>2</sup> only for the proposed accessory building**

**Accessory building is 256 m<sup>2</sup>  
Garage Area: 200 m<sup>2</sup>  
Pavillion Area: 56 m<sup>2</sup>**

**PDG**  
PEAKE DESIGN GROUP

**NOT FOR CONSTRUCTION**

NO.	DESCRIPTION	FINISH
1	1200 x 1500	WOOD
2	1200 x 1500	WOOD
3	1200 x 1500	WOOD
4	1200 x 1500	WOOD
5	1200 x 1500	WOOD
6	1200 x 1500	WOOD
7	1200 x 1500	WOOD
8	1200 x 1500	WOOD
9	1200 x 1500	WOOD
10	1200 x 1500	WOOD
11	1200 x 1500	WOOD
12	1200 x 1500	WOOD
13	1200 x 1500	WOOD
14	1200 x 1500	WOOD
15	1200 x 1500	WOOD
16	1200 x 1500	WOOD
17	1200 x 1500	WOOD
18	1200 x 1500	WOOD
19	1200 x 1500	WOOD
20	1200 x 1500	WOOD

**A2.1**

**Height of proposed accessory building is 8.25 m**

**NOT FOR CONSTRUCTION**

Dear Board of Variance,

We are pleased to explain the rationale for our request on a height variance of the proposed 16.63m building from the 11.5m.

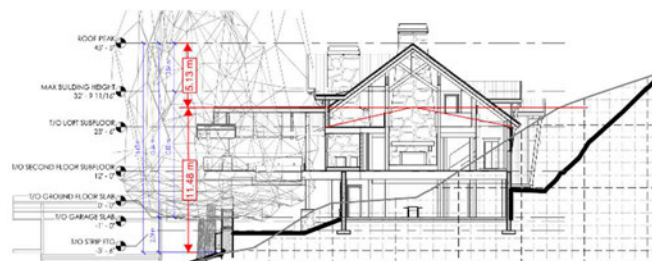
Our design approach assumed that the building height would be measured from the main structure rather than the deck supports, resulting in a total height of 13.84m—2.34m above the bylaw limit. From the outset, we planned to request a variance, as our vision has been to create a structure that not only aligns with the natural topography but also embodies a "mountainous" aesthetic, carefully integrated into the southern bank. We believe this design choice allows for a harmonious blend with the surrounding landscape while ensuring minimal visual impact from key viewpoints.



The site sits within a densely treed area on a large, approximately 1.92-hectare lot. The proposed structure is strategically located to minimize visual impact, especially from southern vantage points, thanks to the trees situated north of the connecting road to Galligan Road. This intentional placement ensures a discreet and harmonious integration with the environment.



Lowering the building height to 11.5m or below would require significant design modifications, including the removal of a planned loft that offers the client breathtaking views of Shuswap Lake and the surrounding mountains. Additionally, this change would necessitate a lower roof slope, resulting in a more compressed structure that compromises the intended aesthetic. It would also incur additional time and costs to address snow loading requirements, which are critical for ensuring the structural integrity and safety of the building.



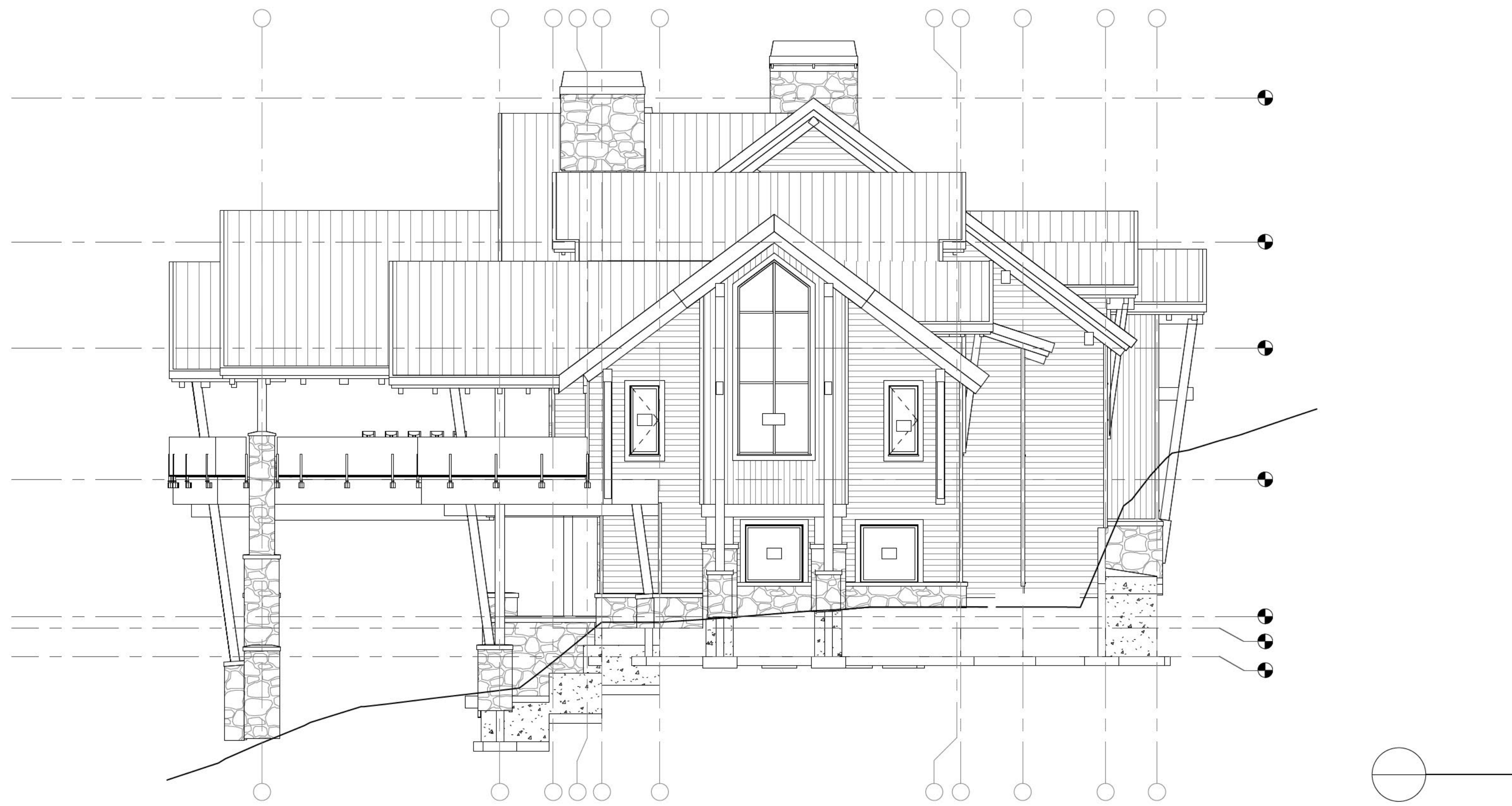
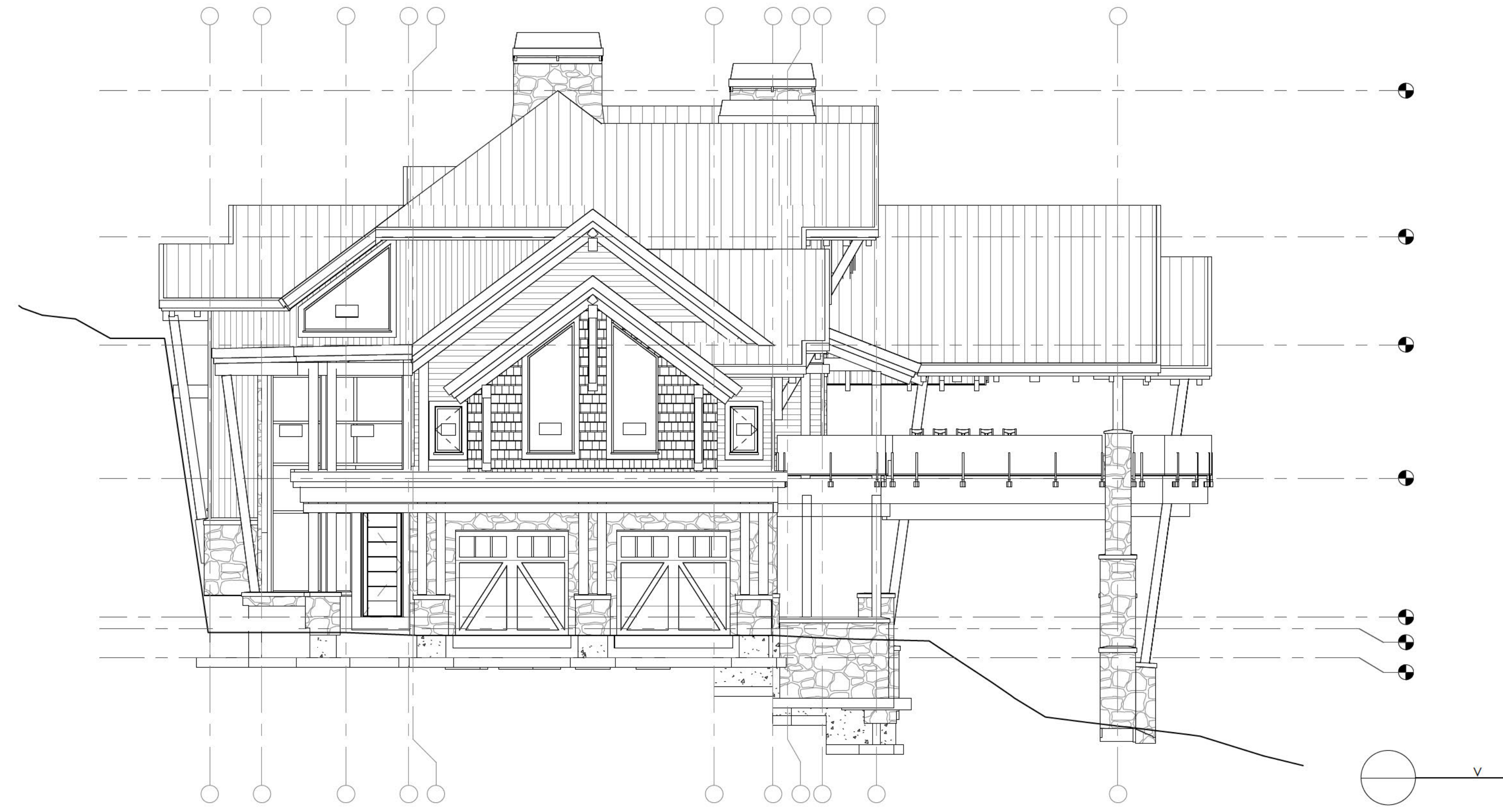
Please see the attached site sections, which illustrate the height of the proposed principal structure relative to the steep bank to the southwest, as well as the lower elevation of the deck supports due to the sloping nature of the site. The included elevation details further support our design rationale, emphasizing the careful consideration given to the unique topography and the effort to maintain a cohesive and naturally integrated structure.

We appreciate your consideration of our request and believe the proposed design will enhance the site's natural appeal while maintaining its intended character. We are happy to provide any further information or clarification needed.

Thank you for your consideration,

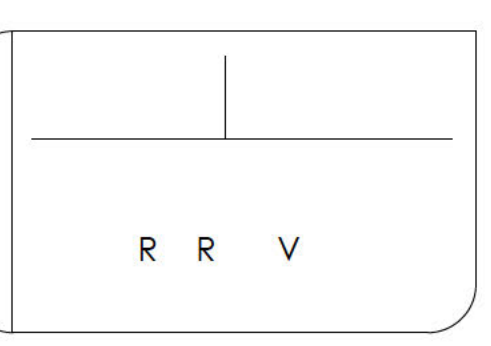
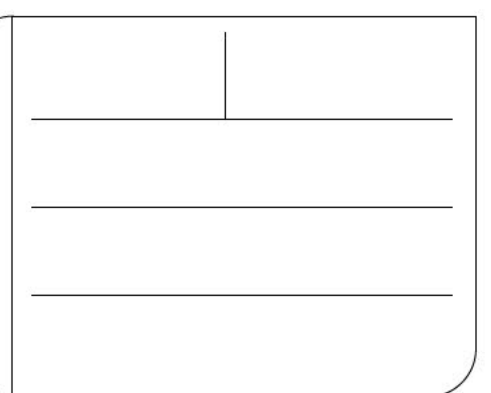
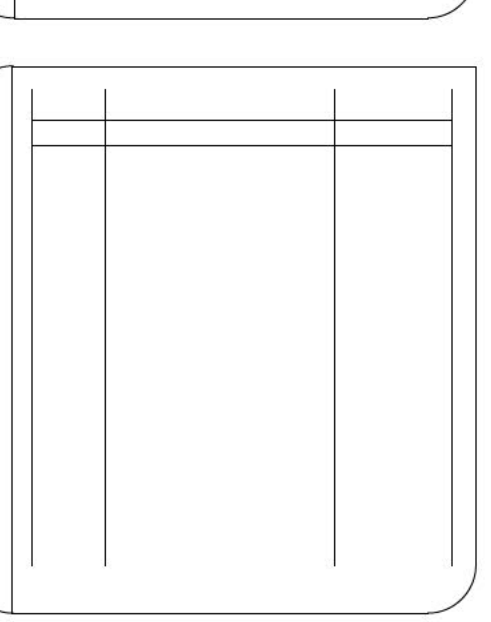
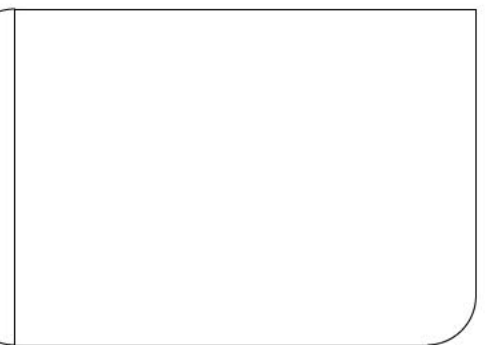
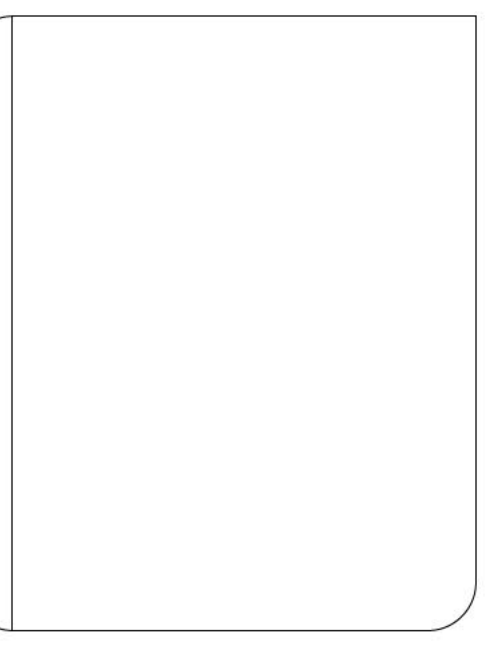






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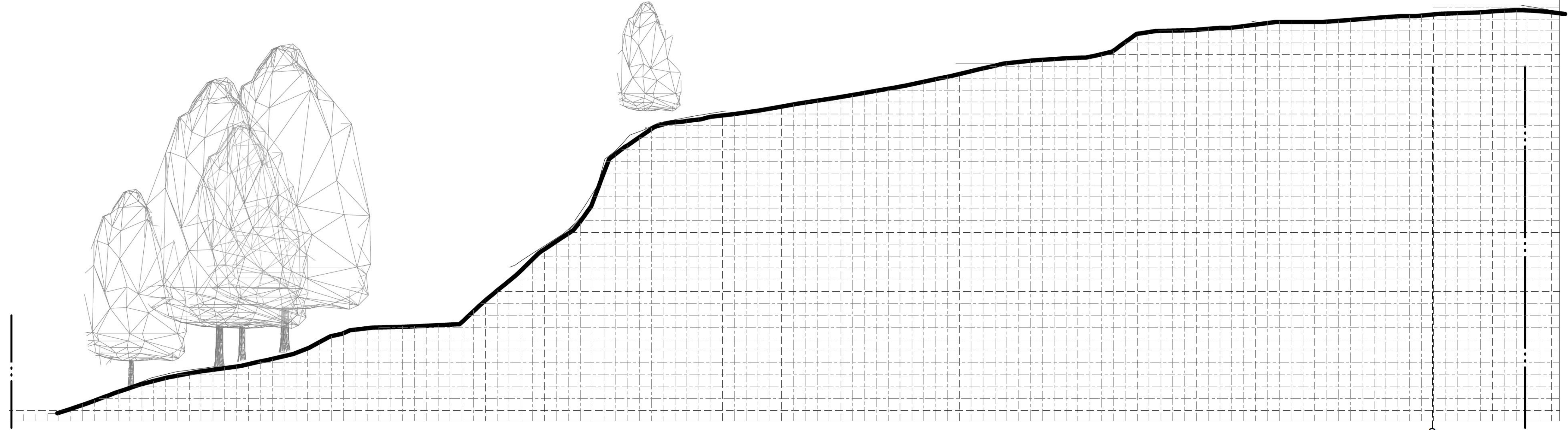
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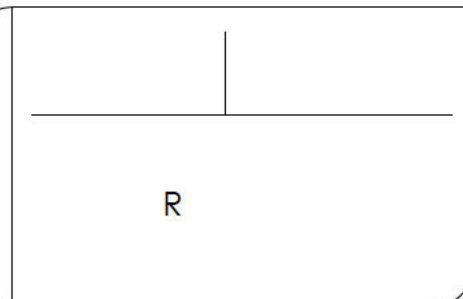
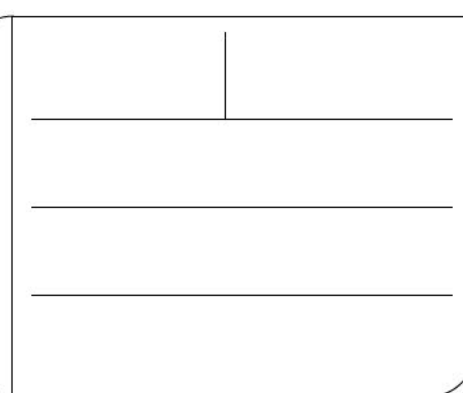
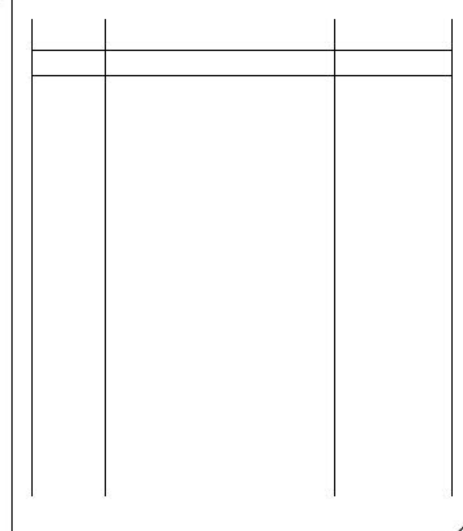
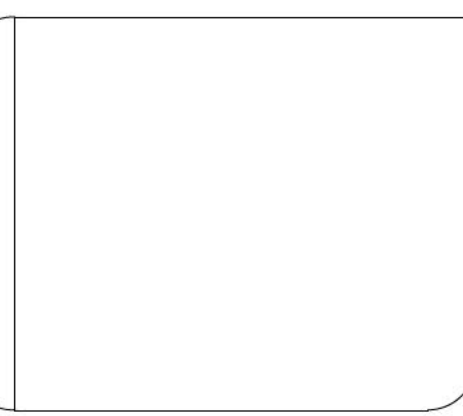
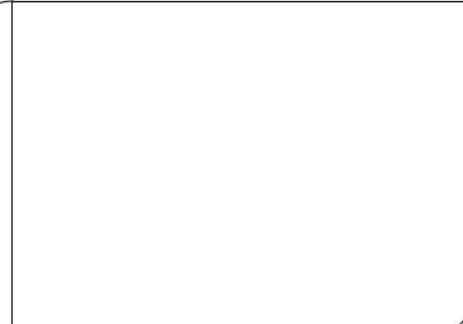
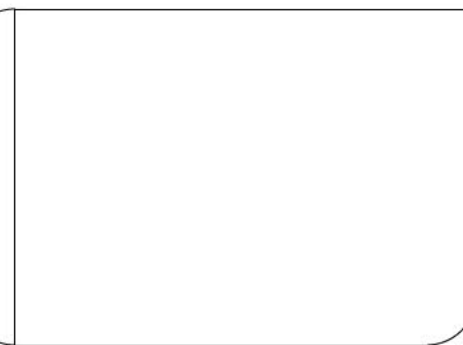
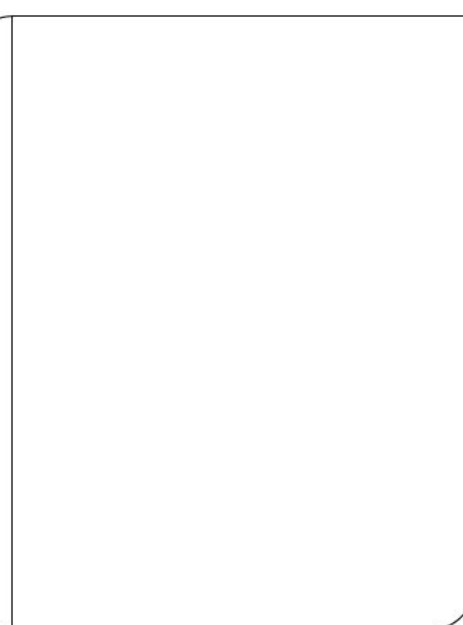




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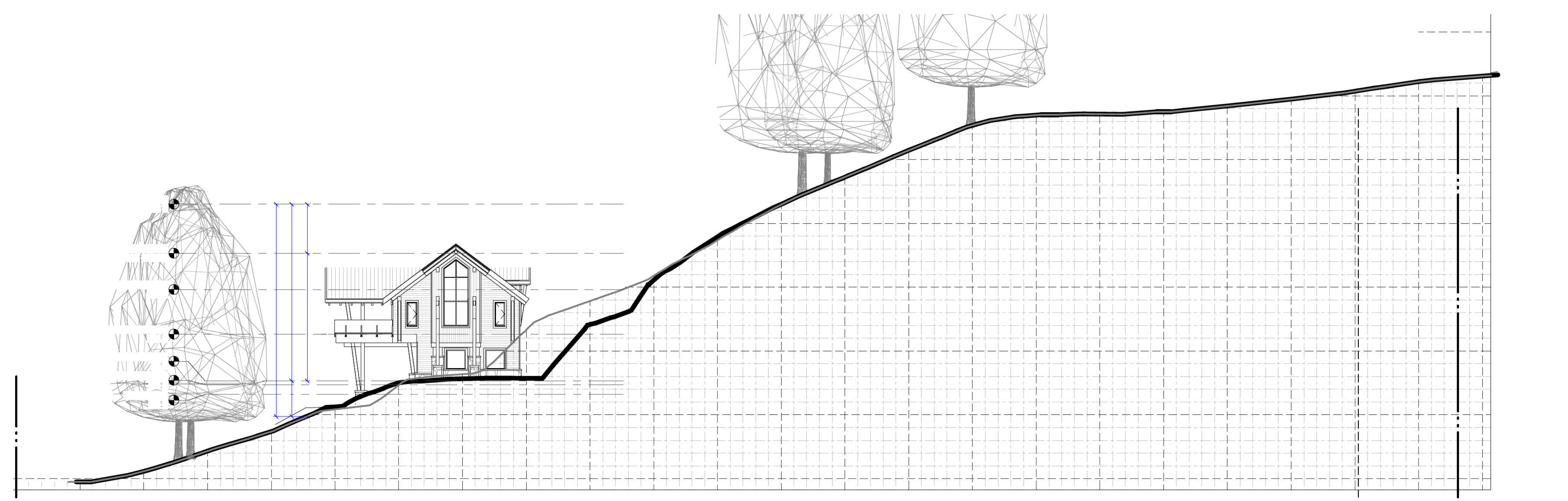
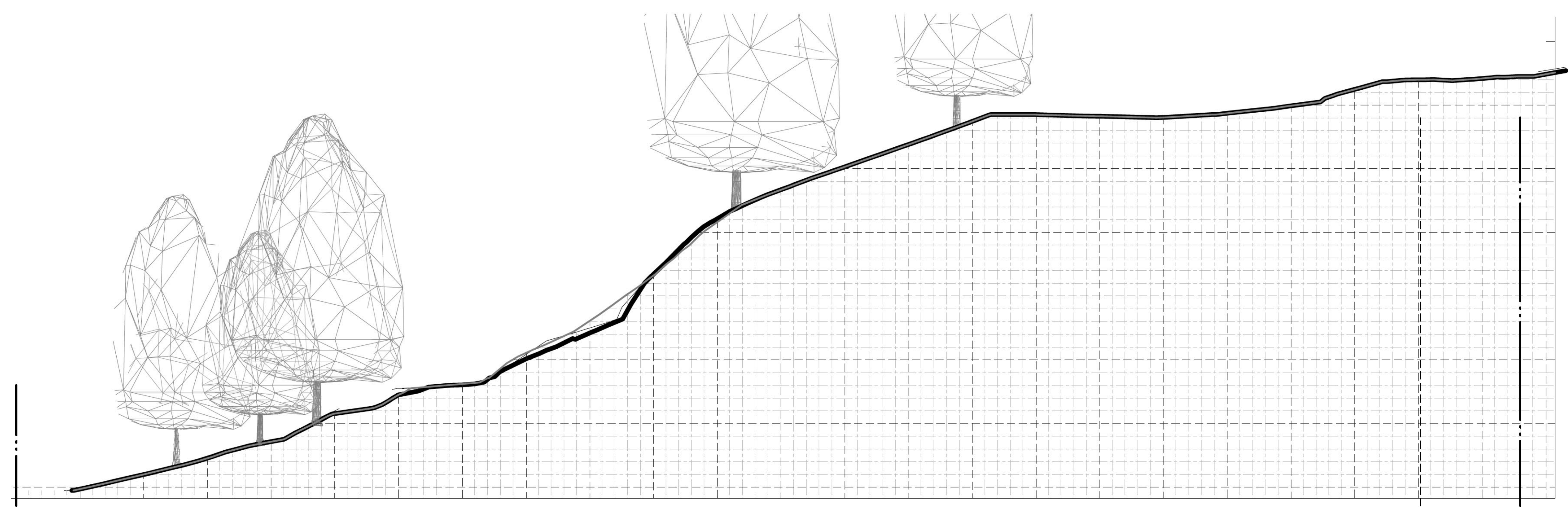
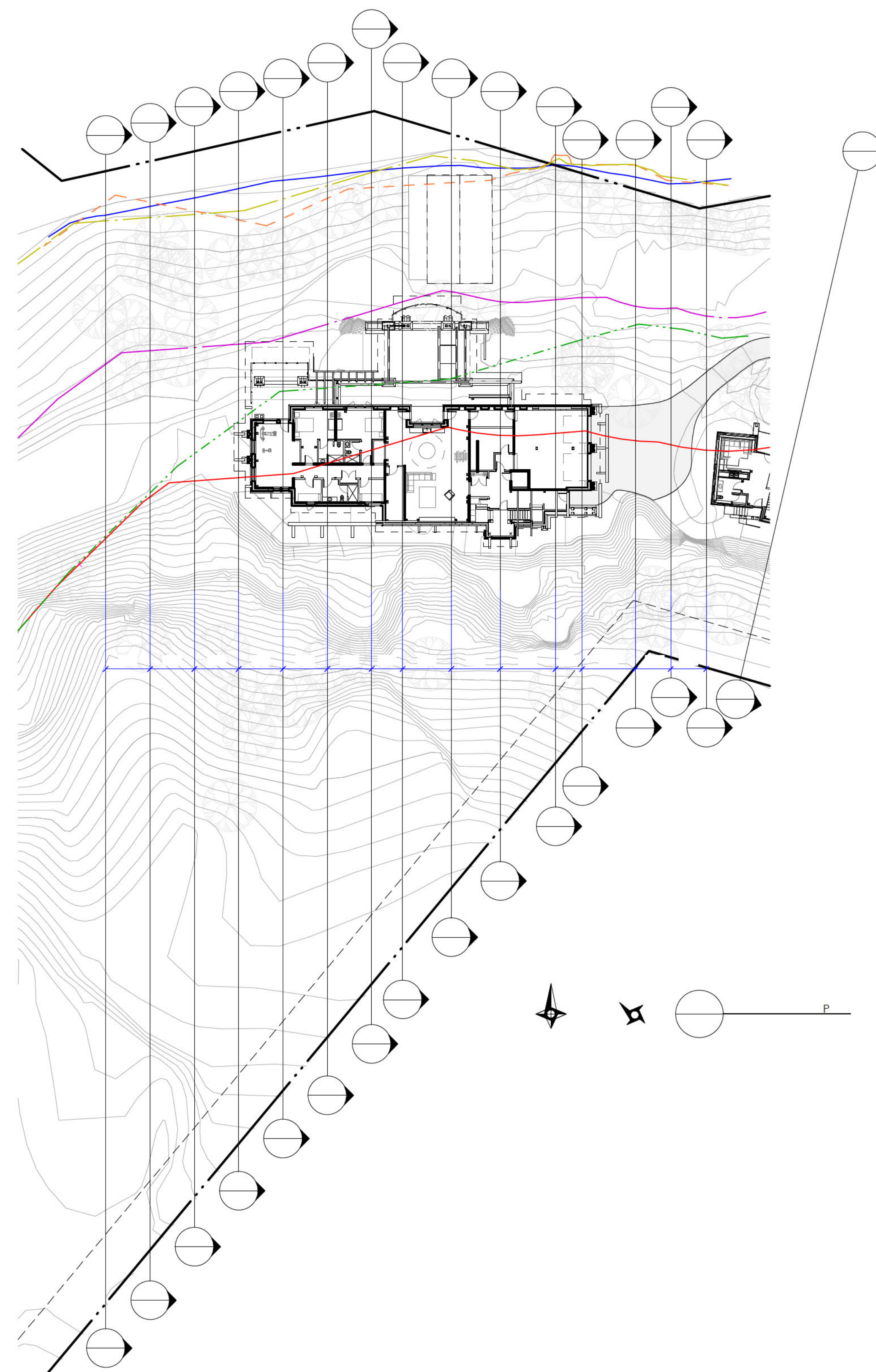


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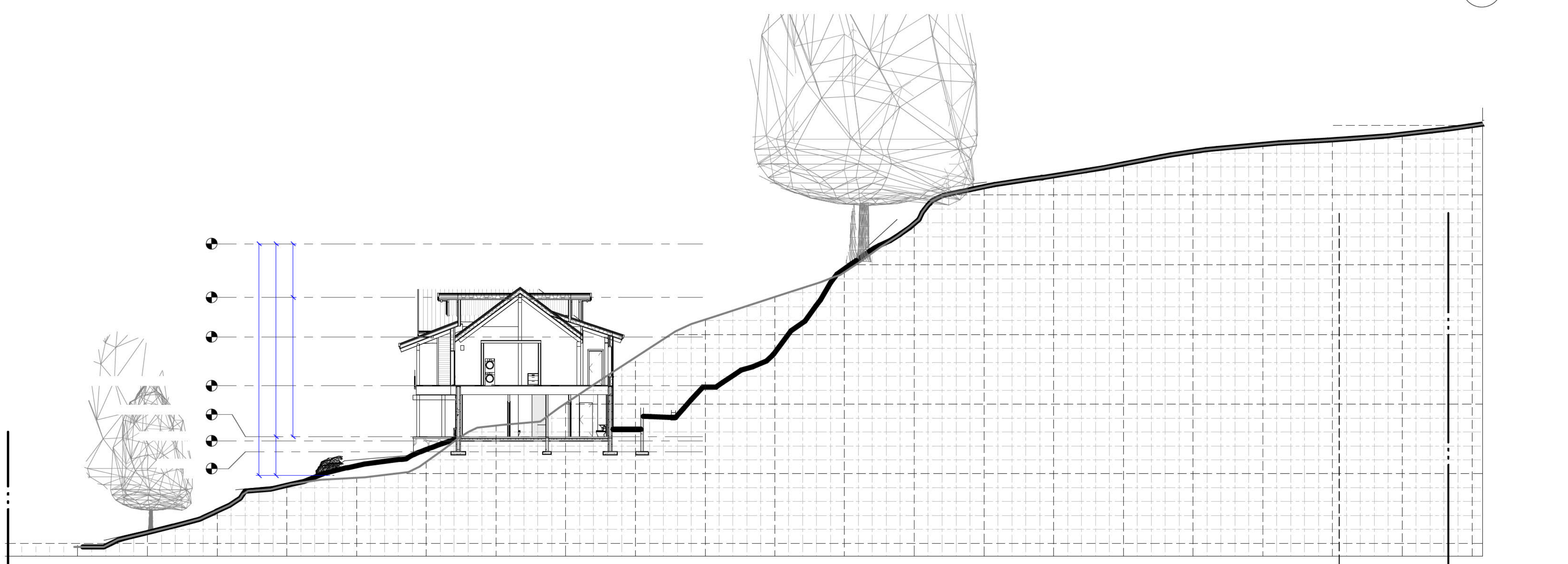
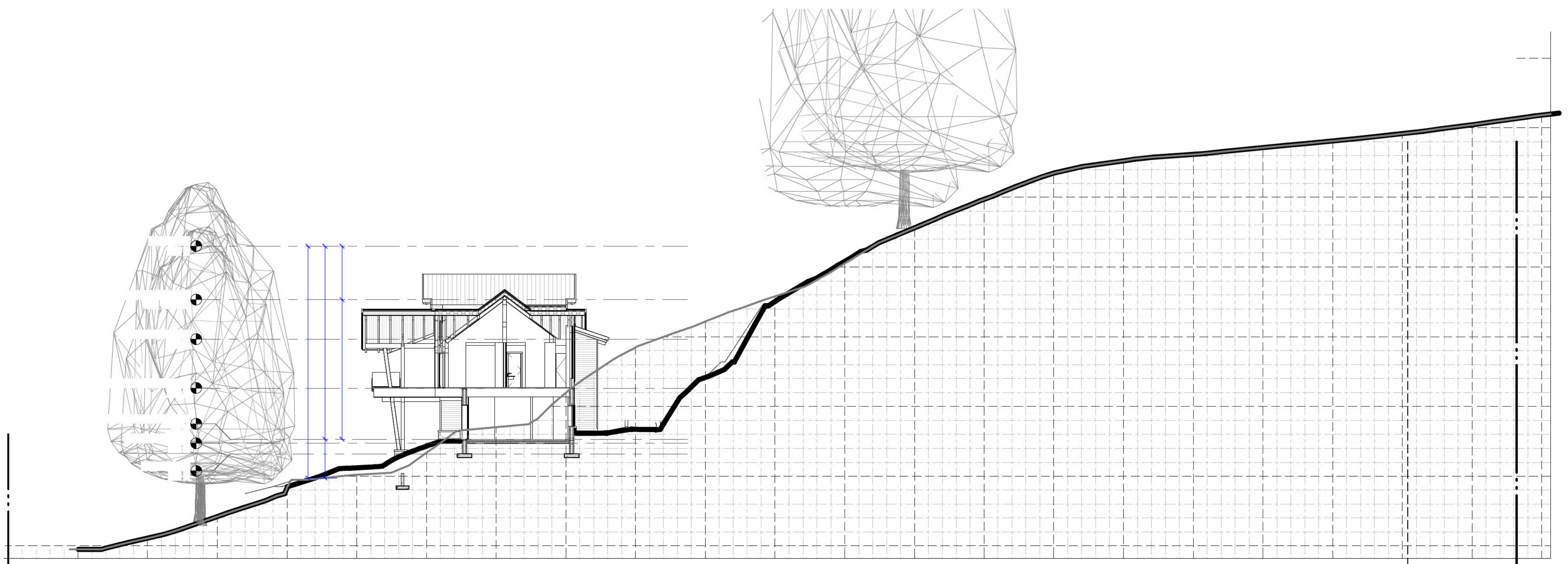
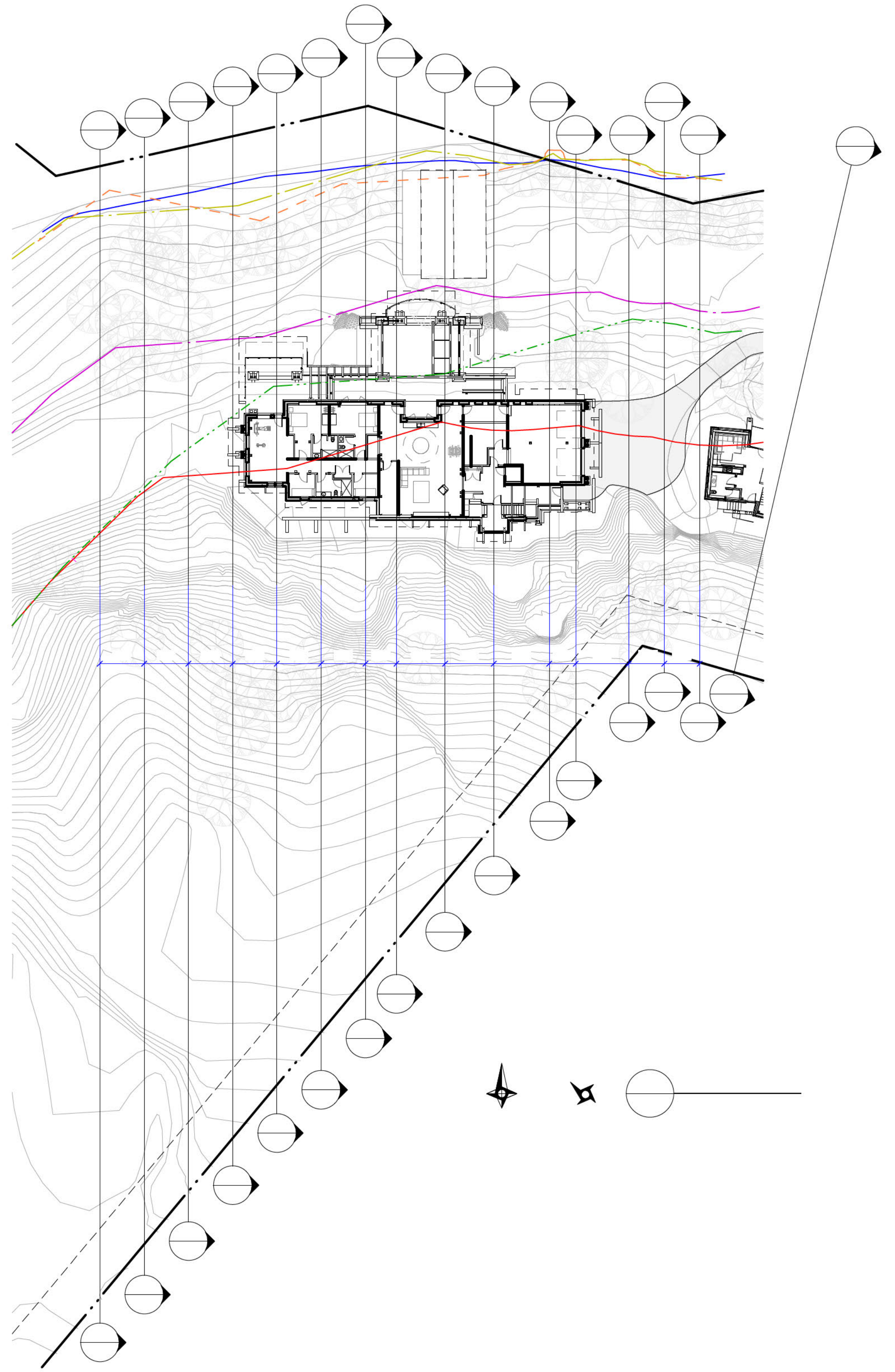
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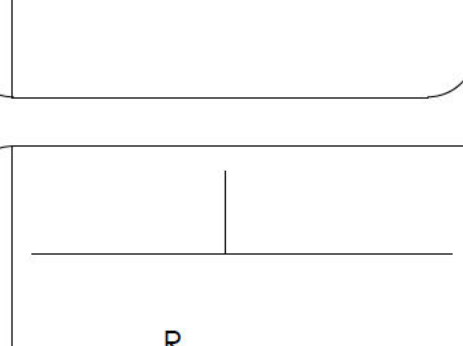
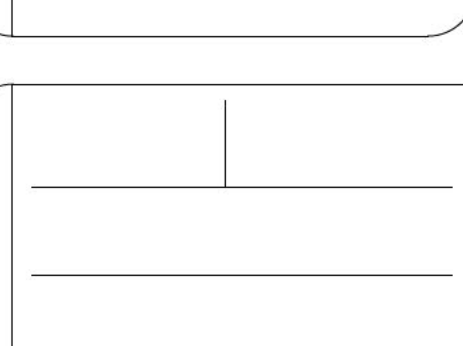
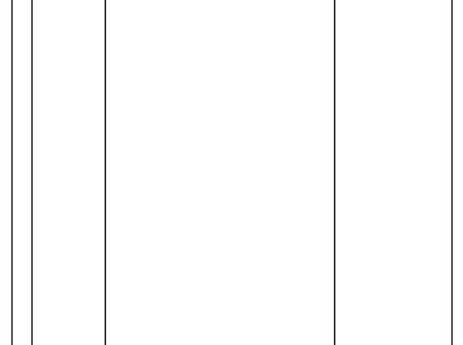
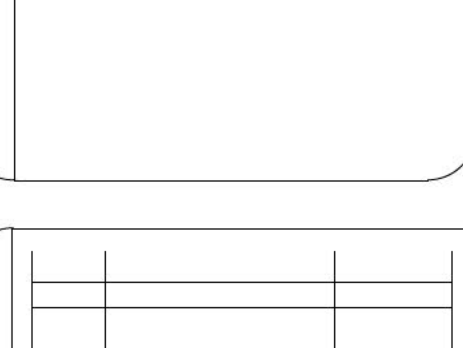
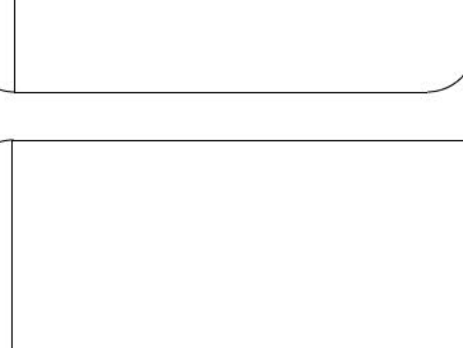
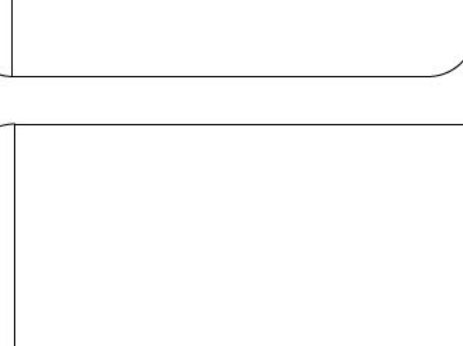
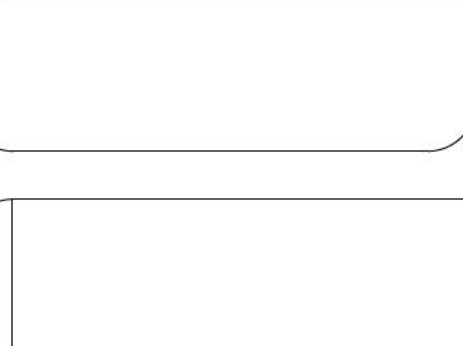
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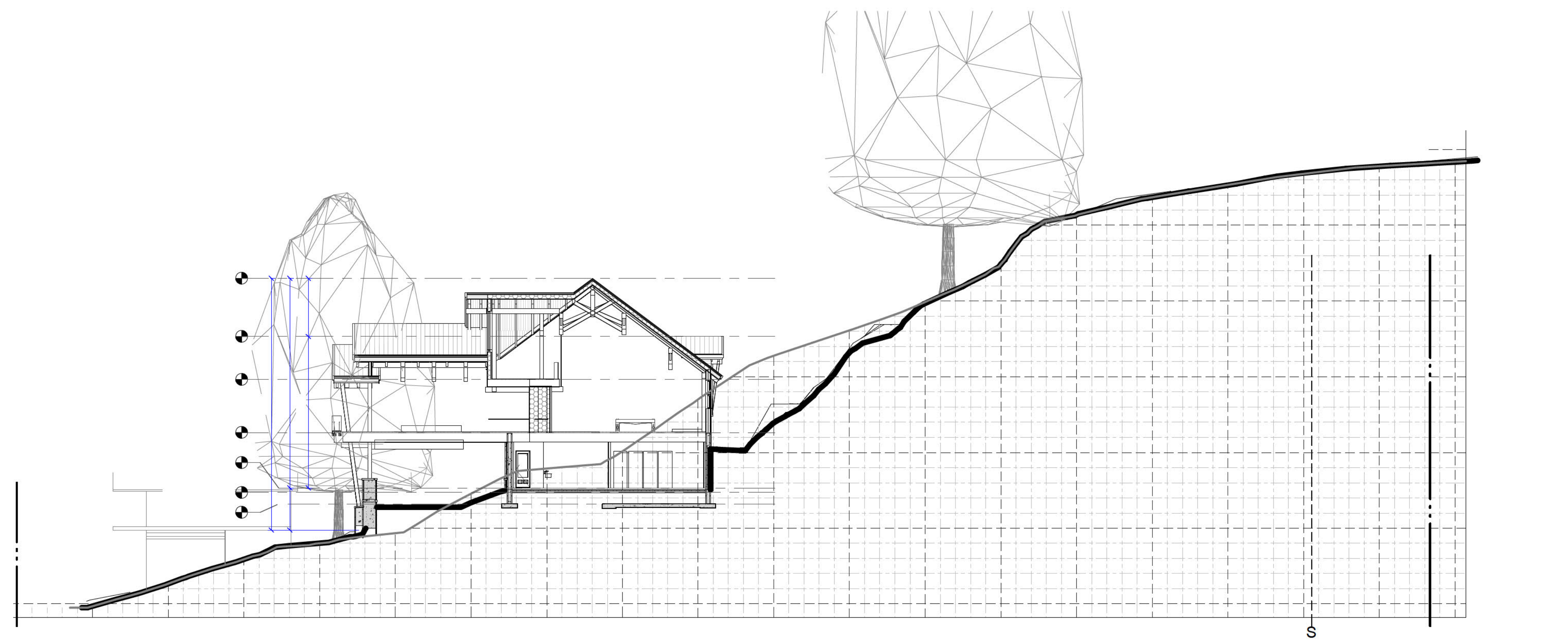
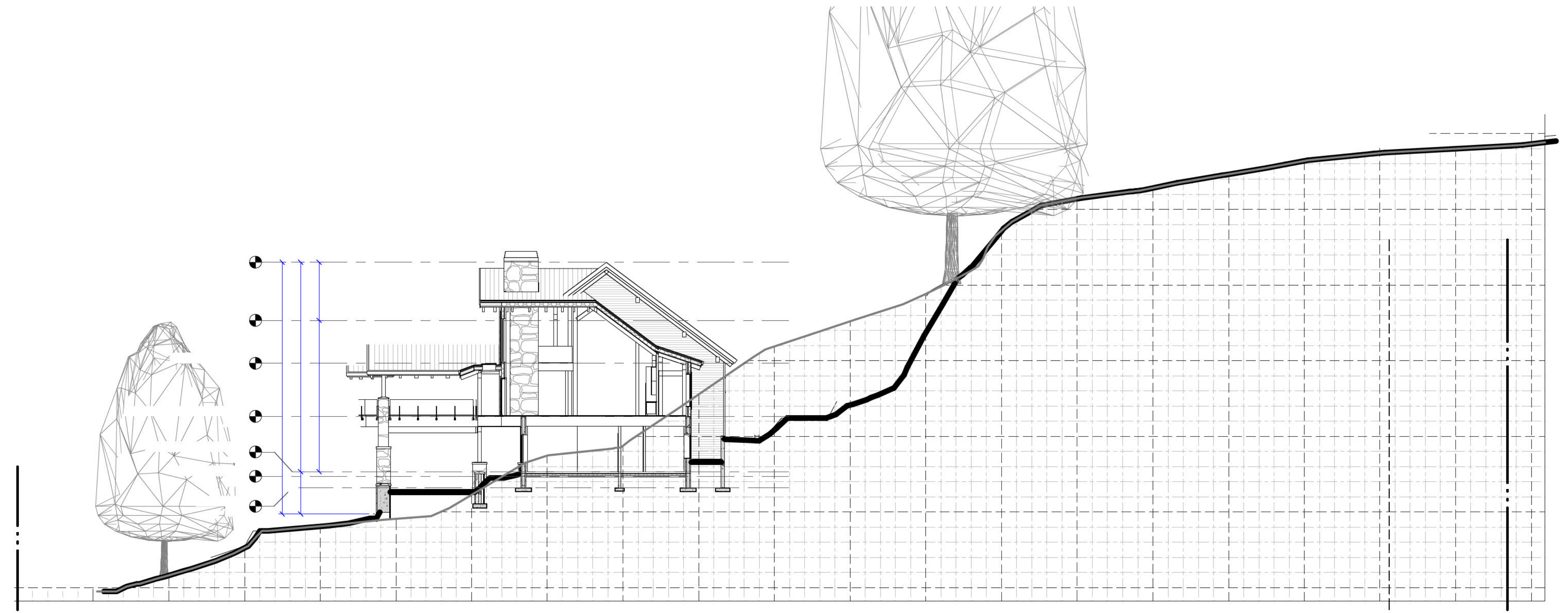
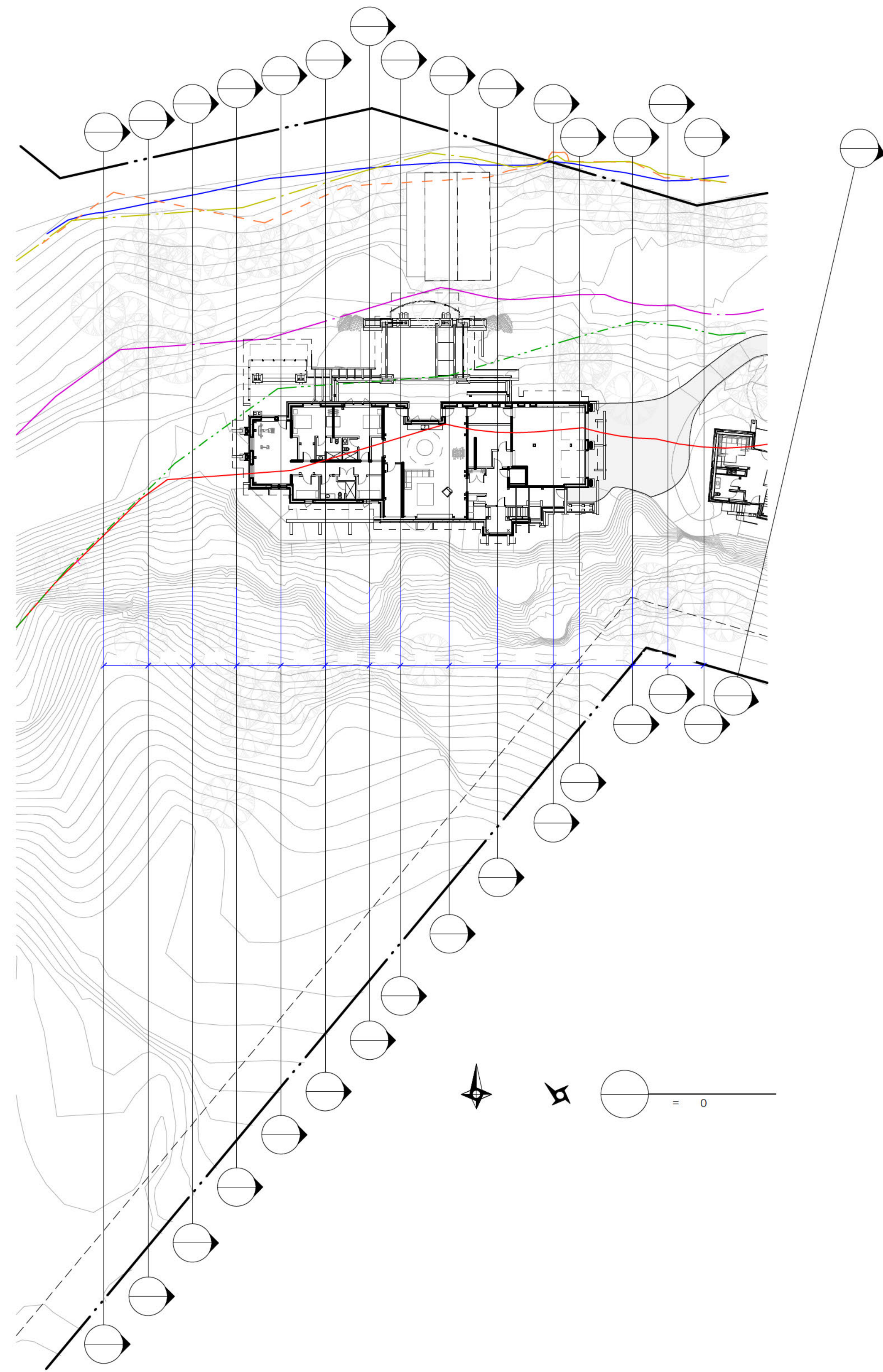


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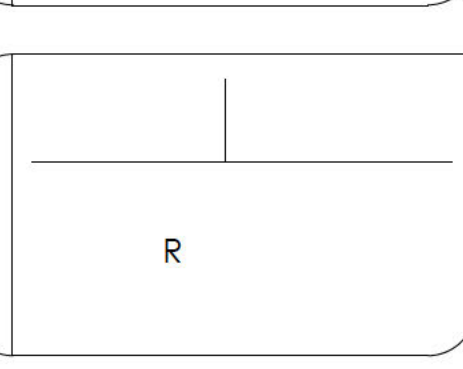
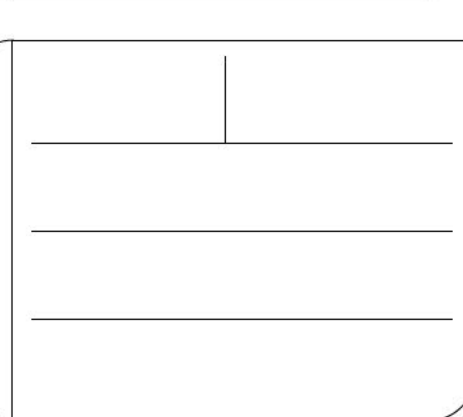
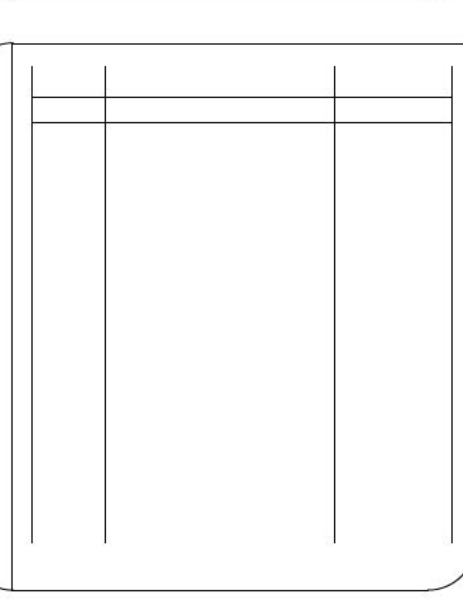
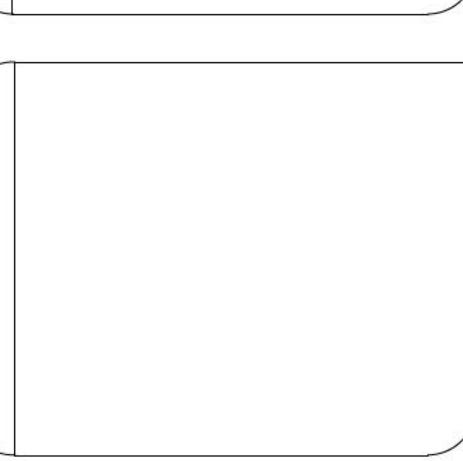
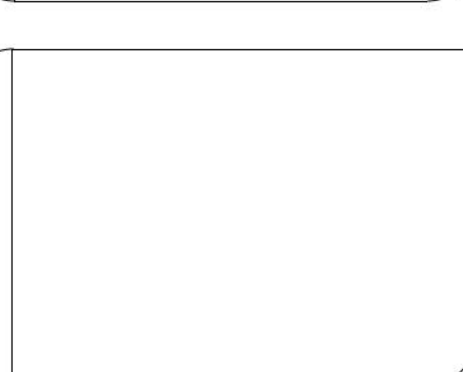
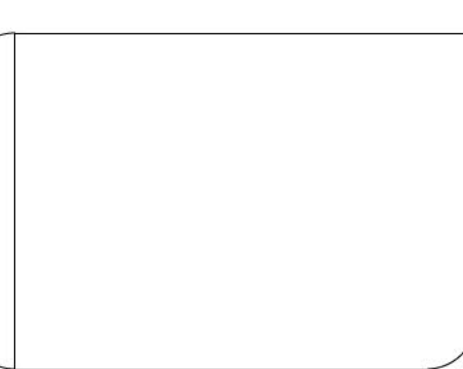
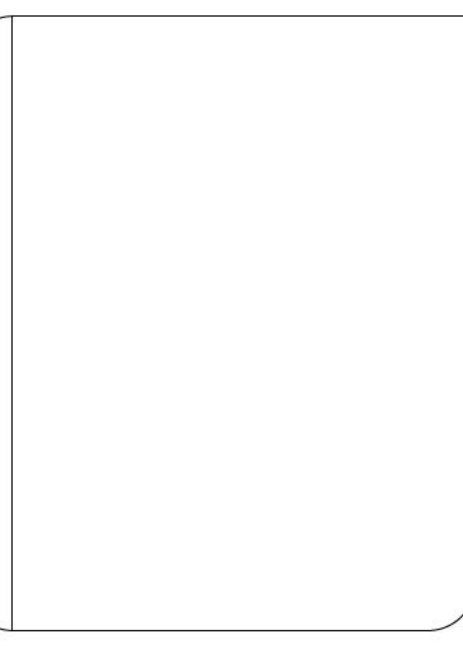
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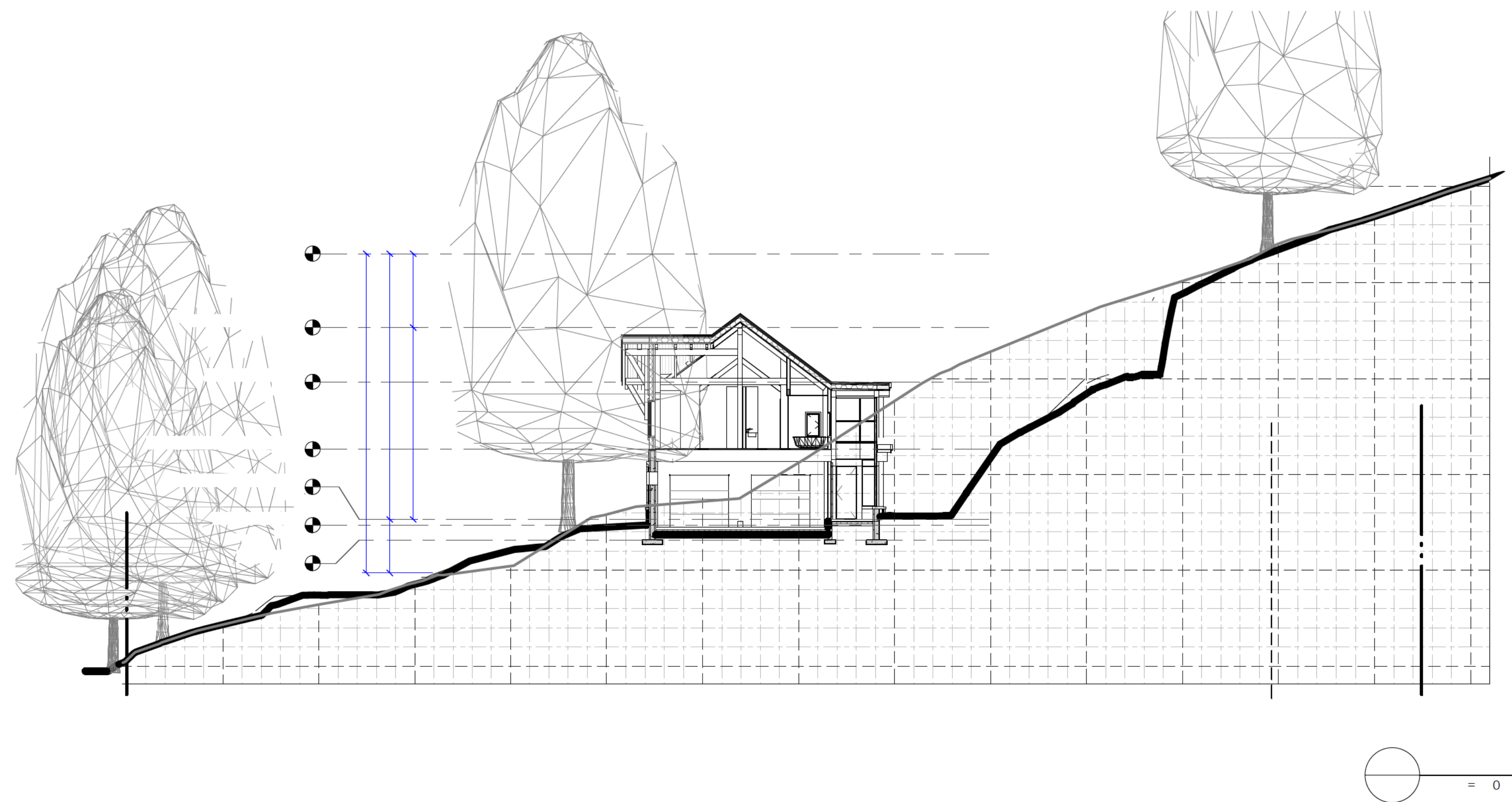
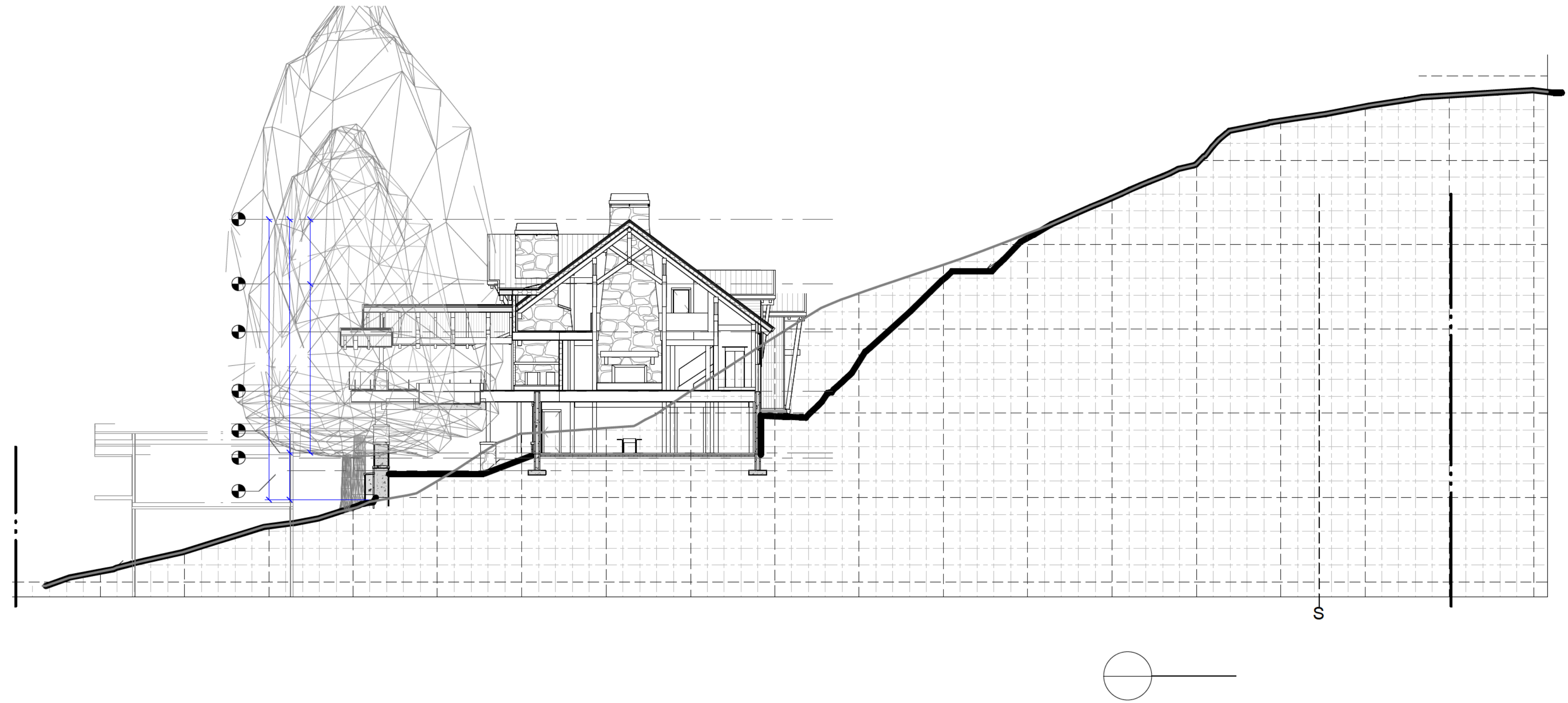
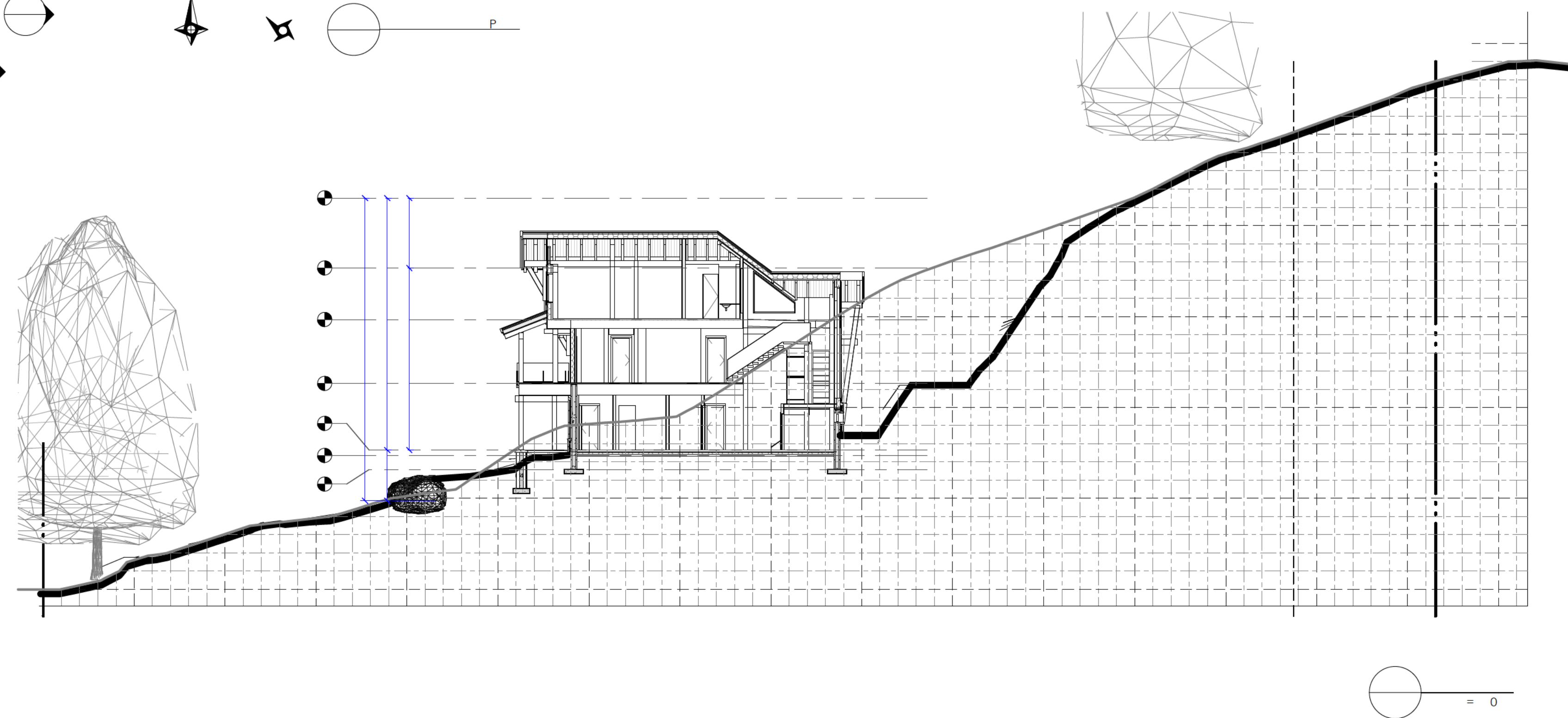
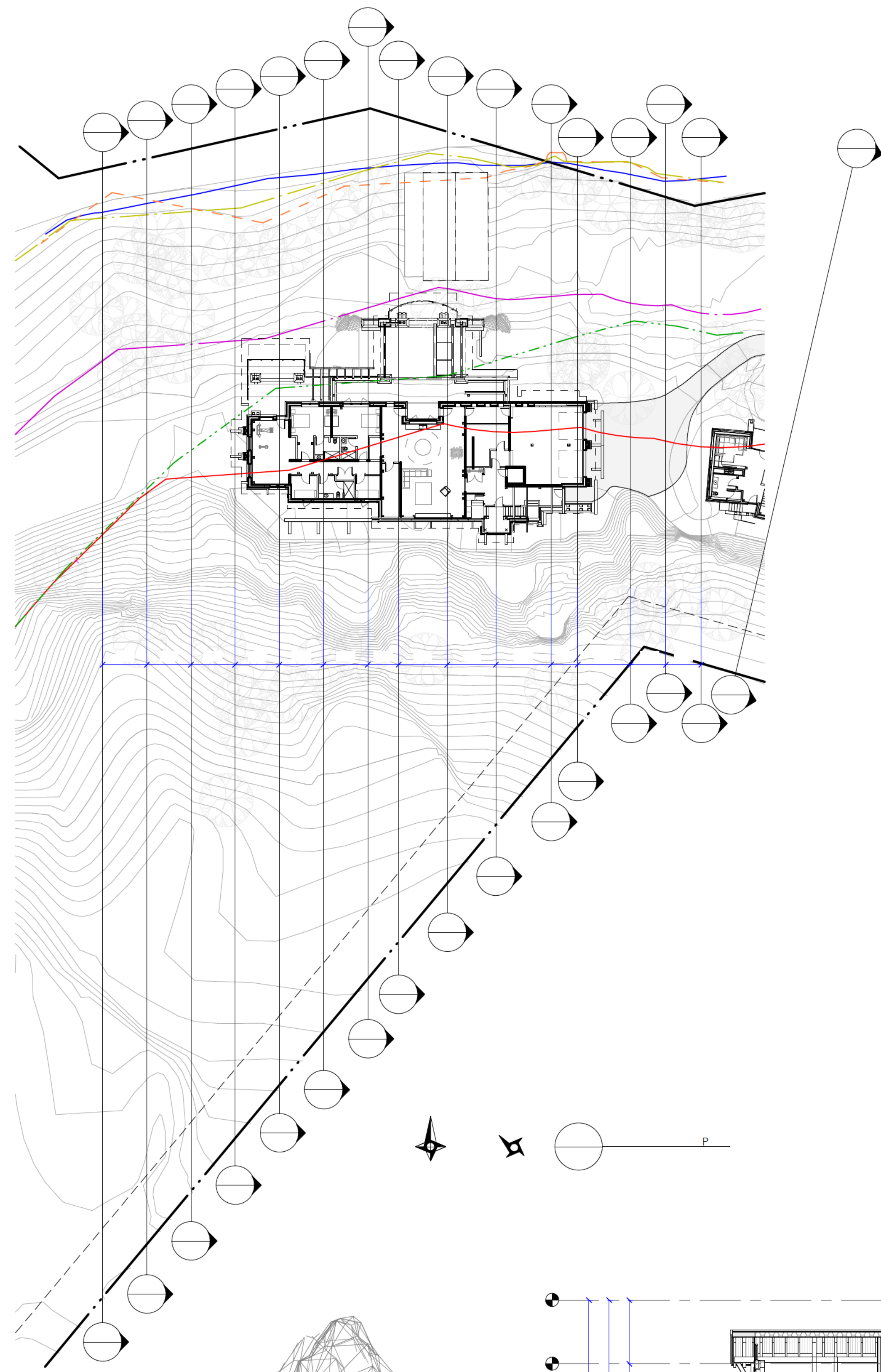


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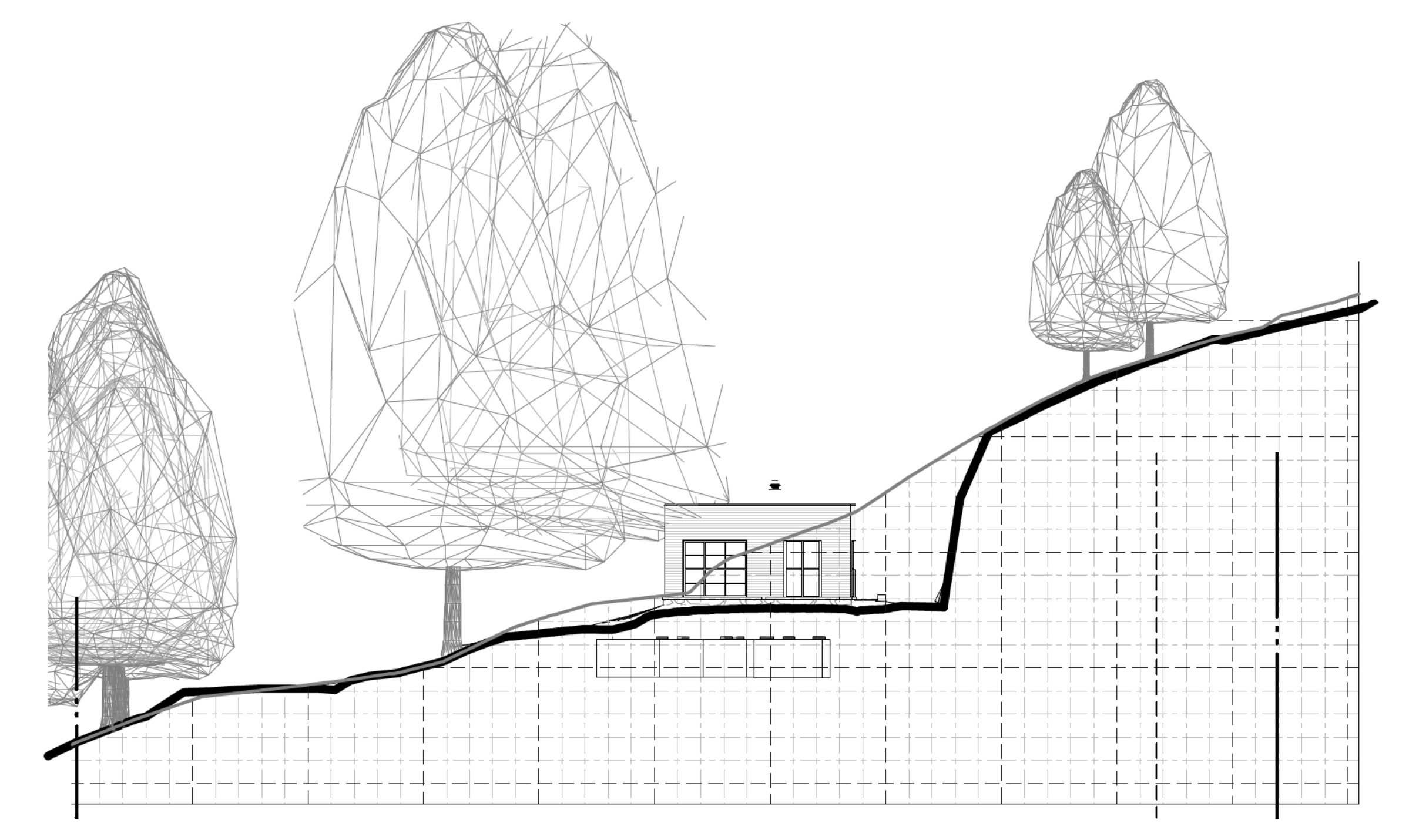
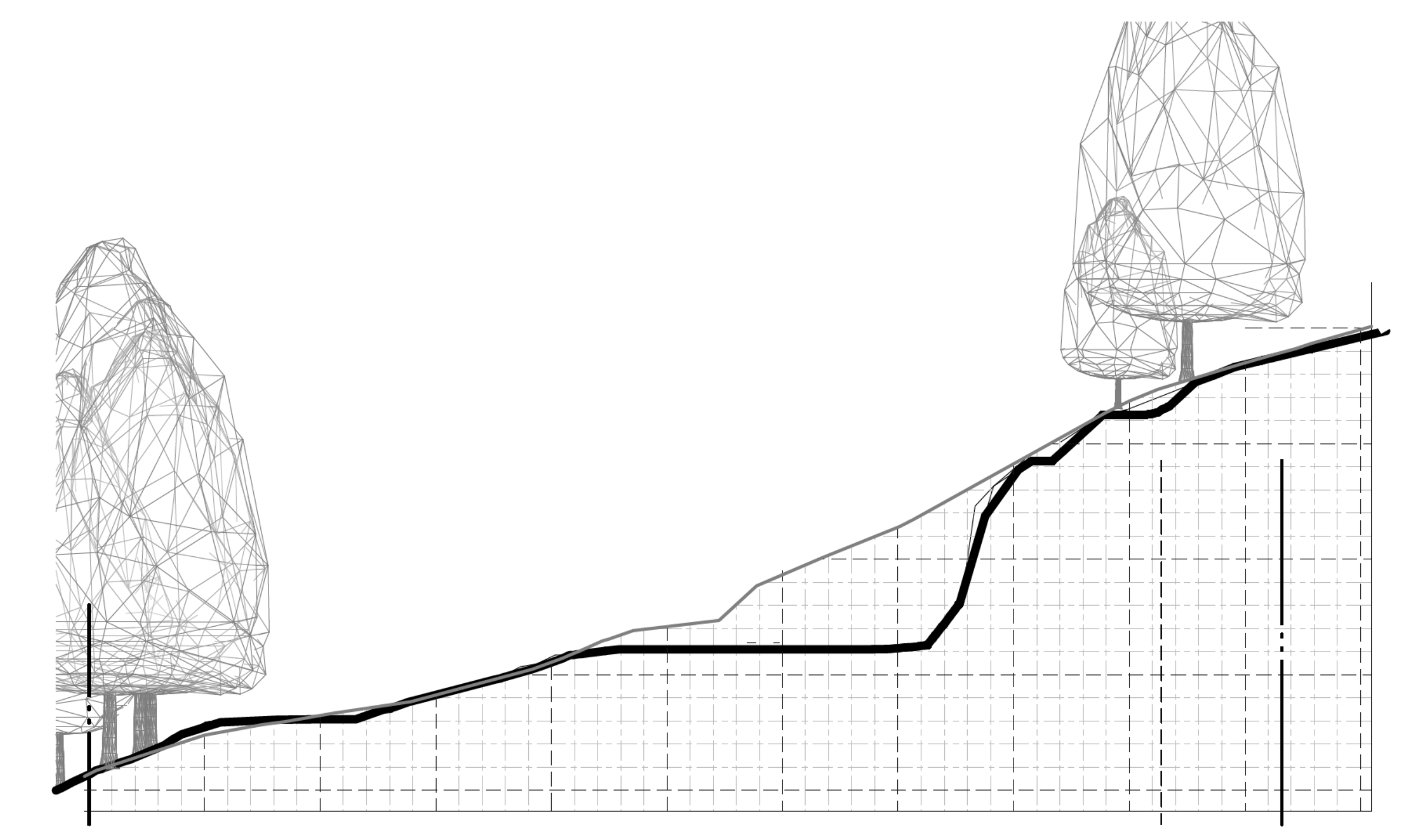
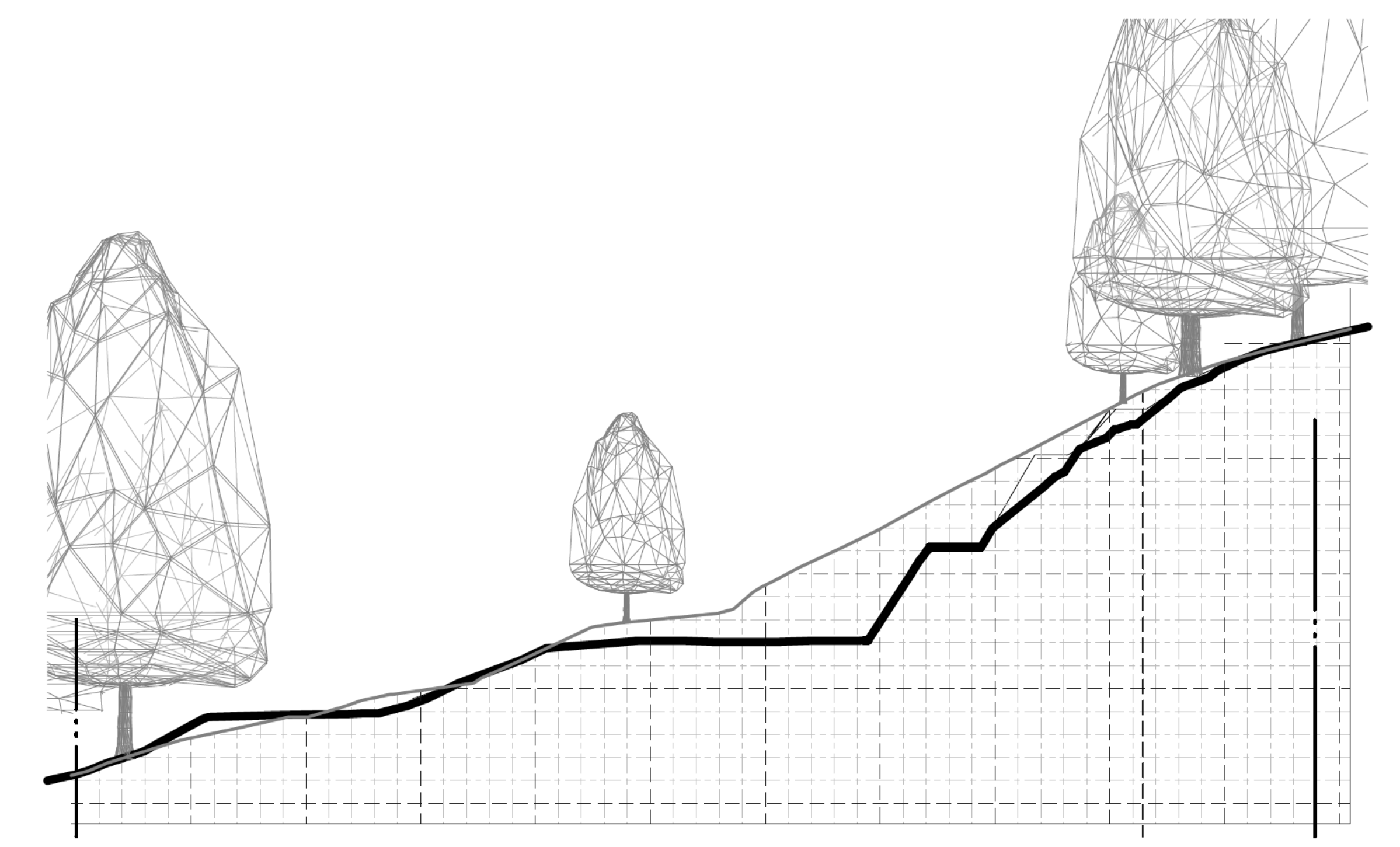
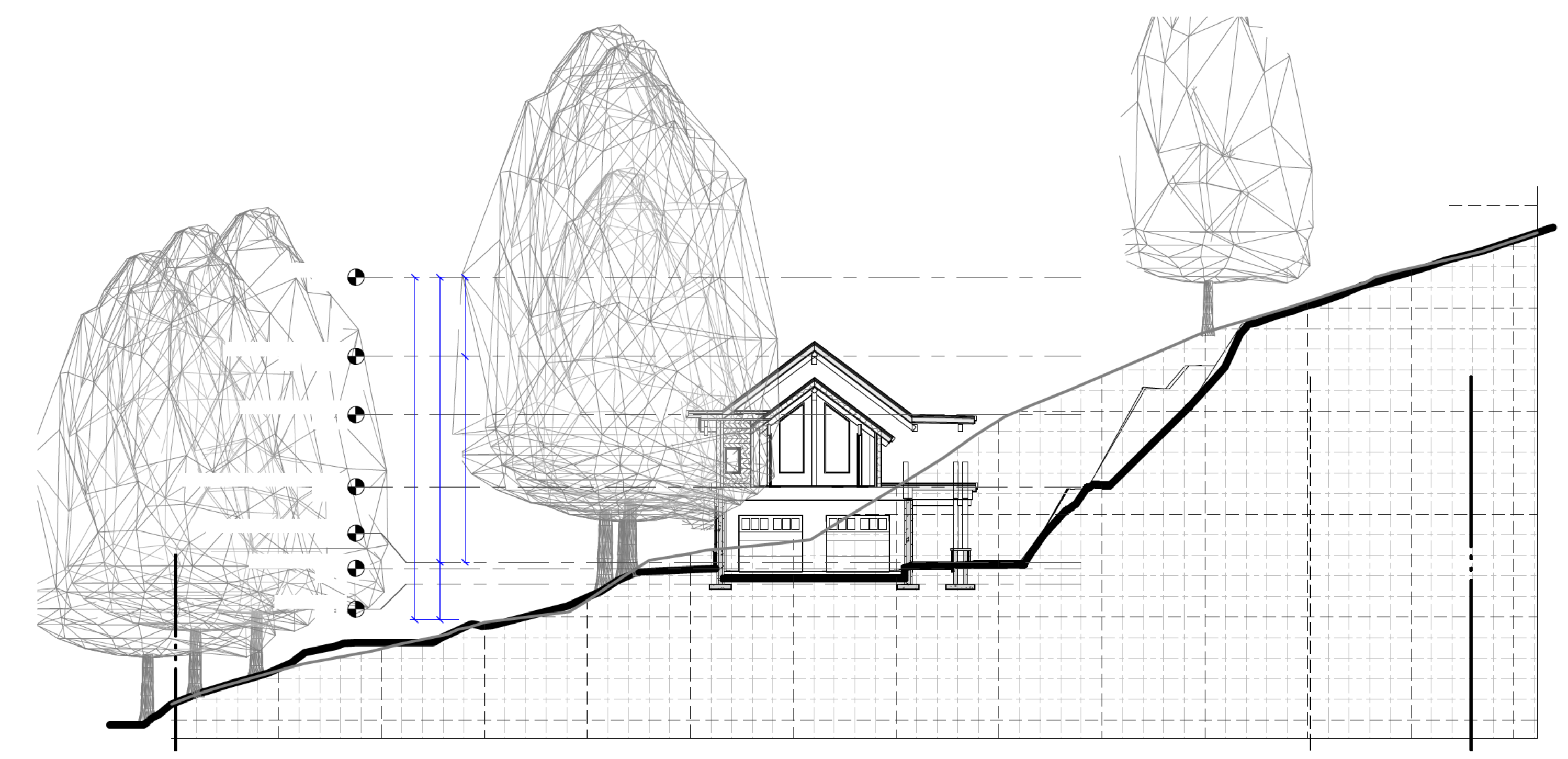
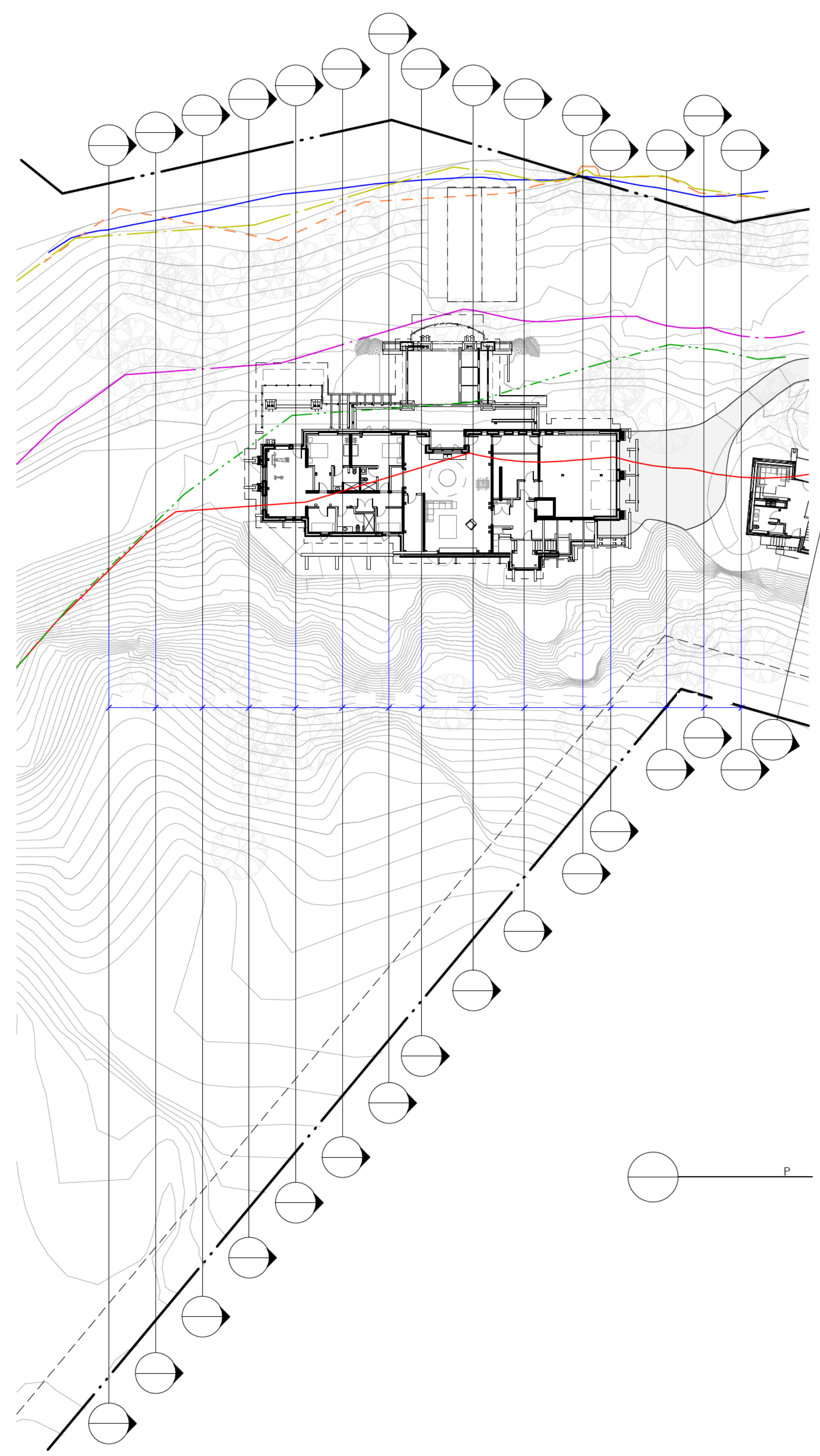
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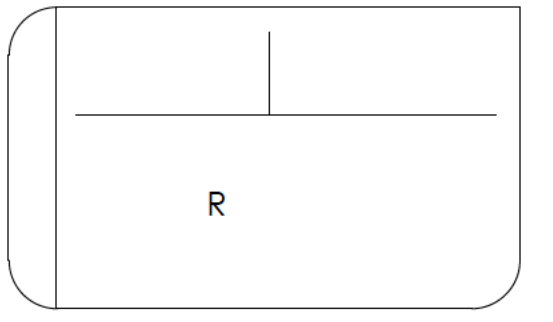
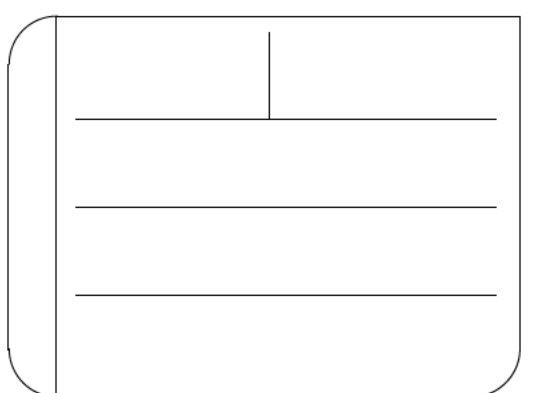
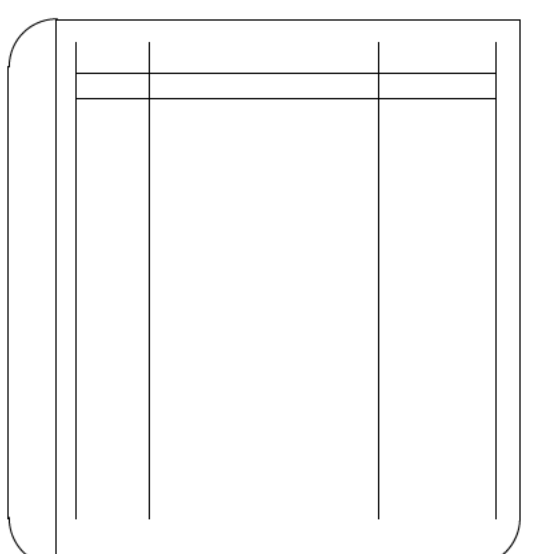
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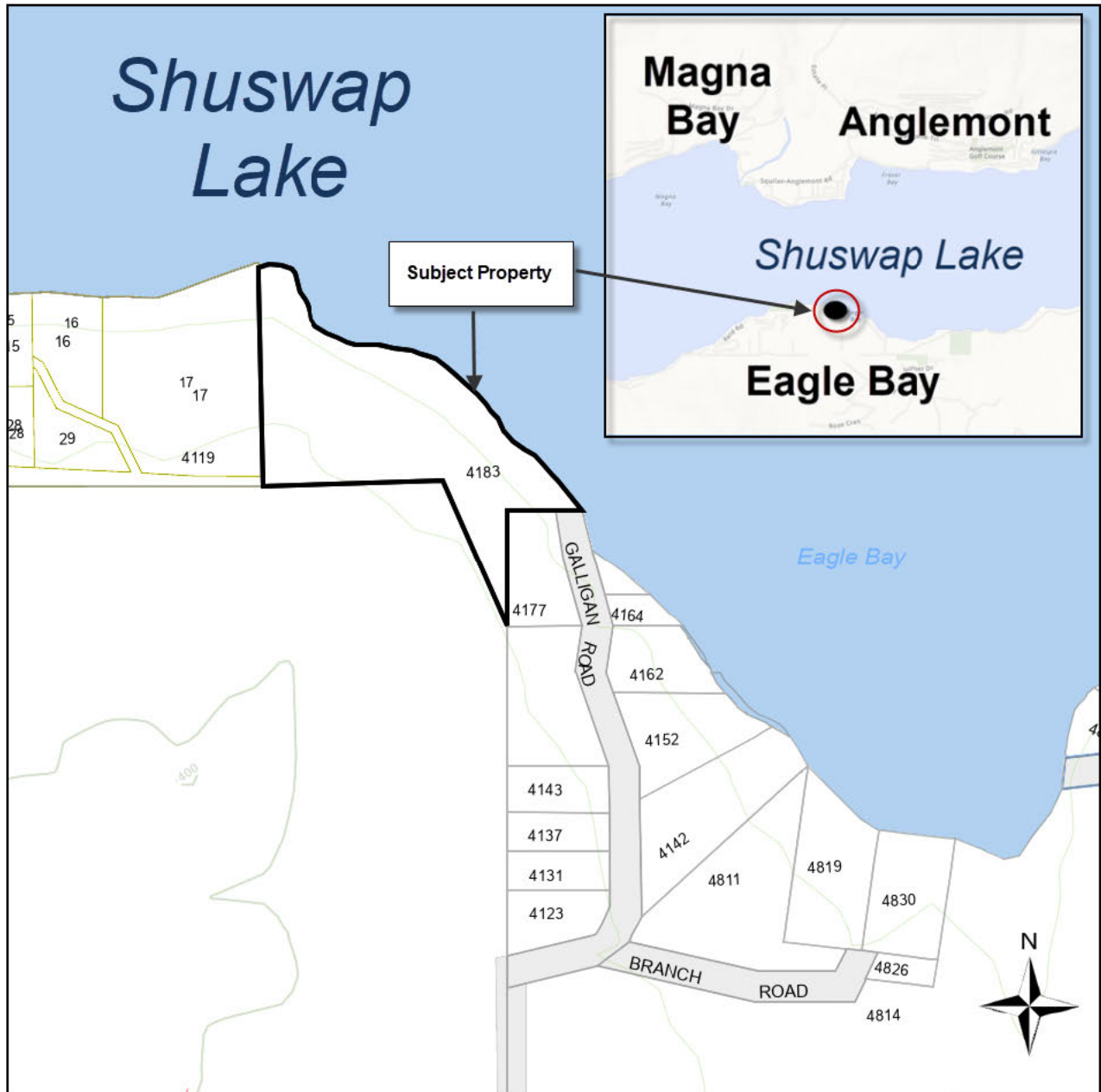
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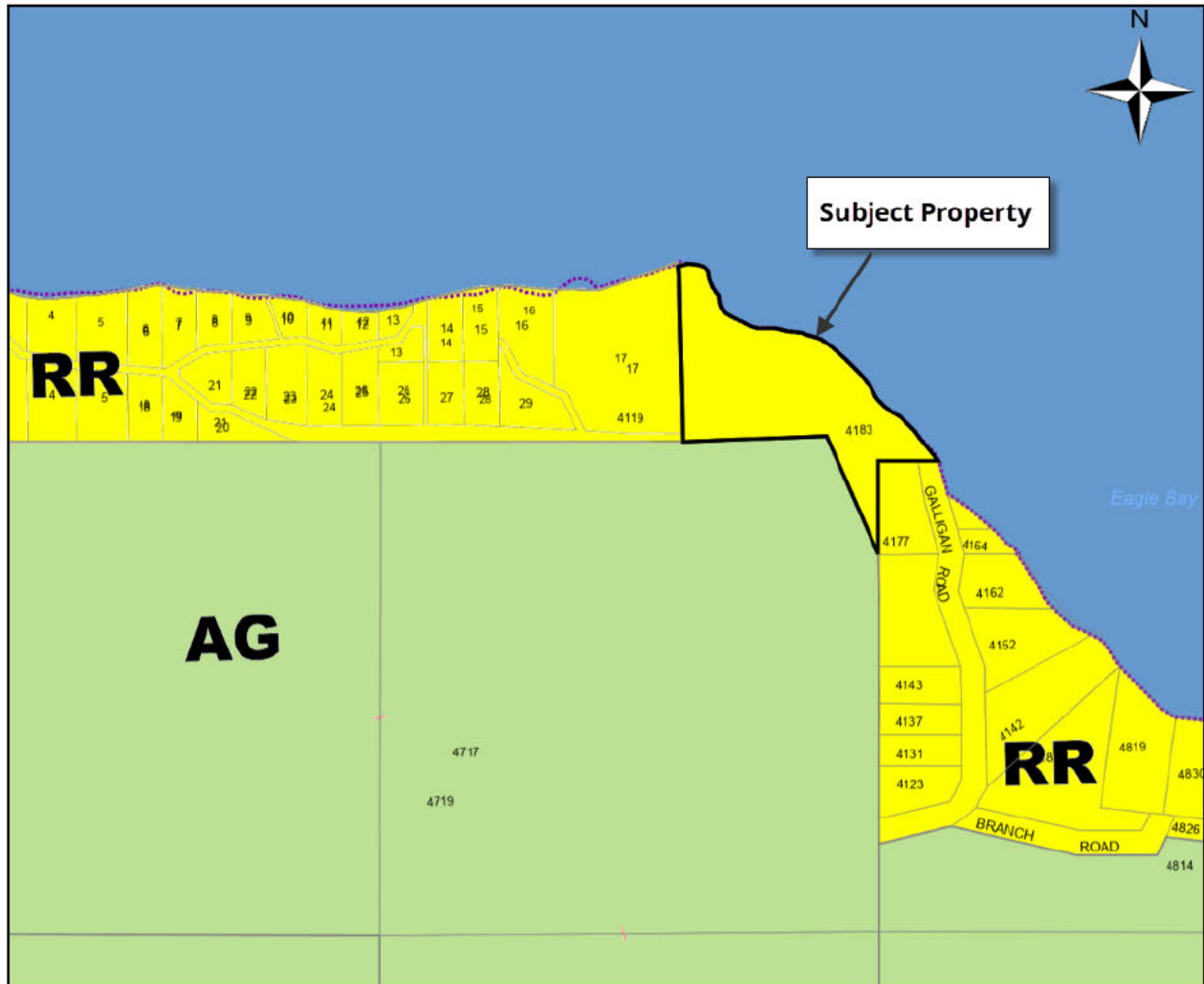
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### Location Map

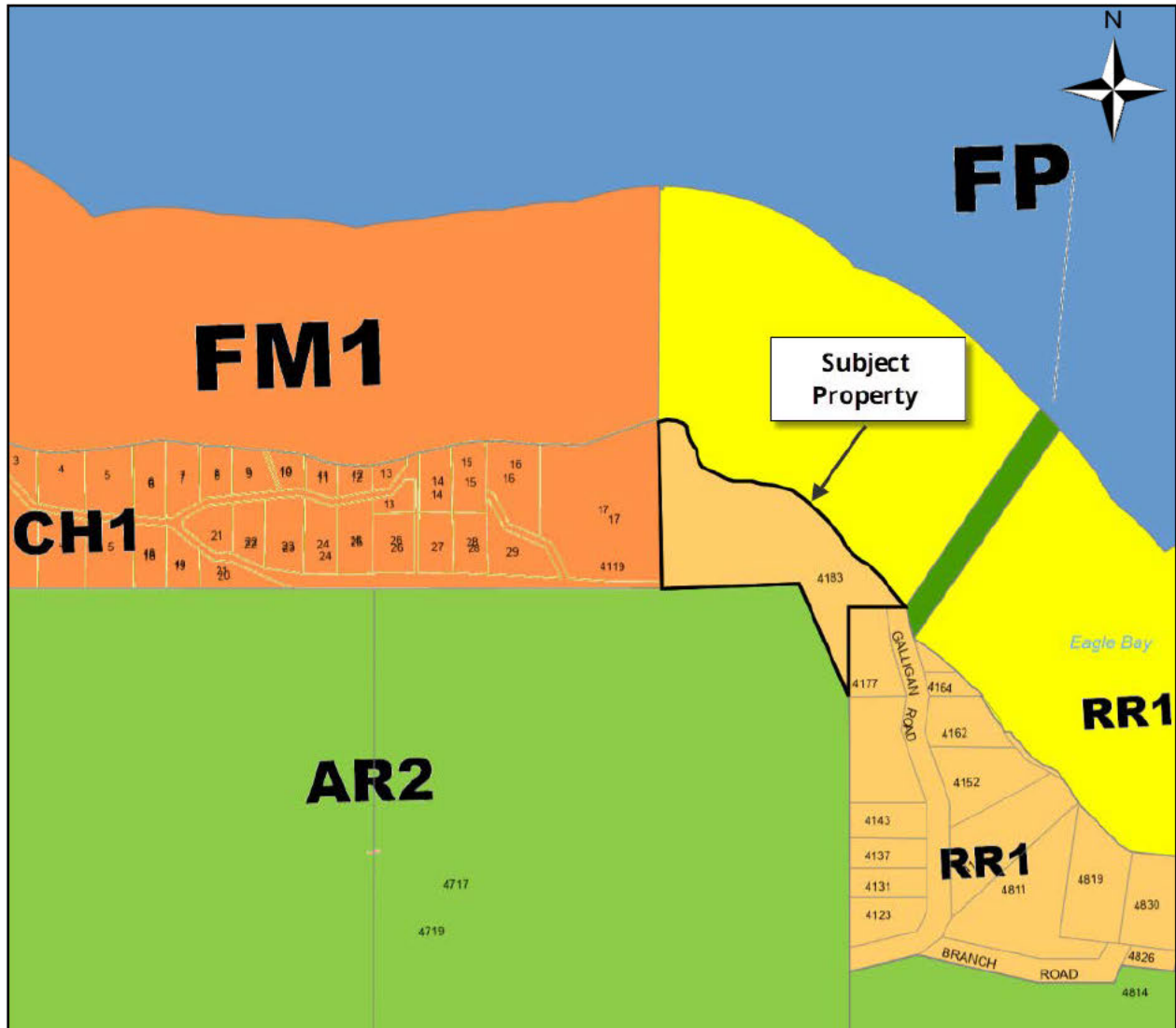


# Electoral Area C Official Community Plan Bylaw No. 725

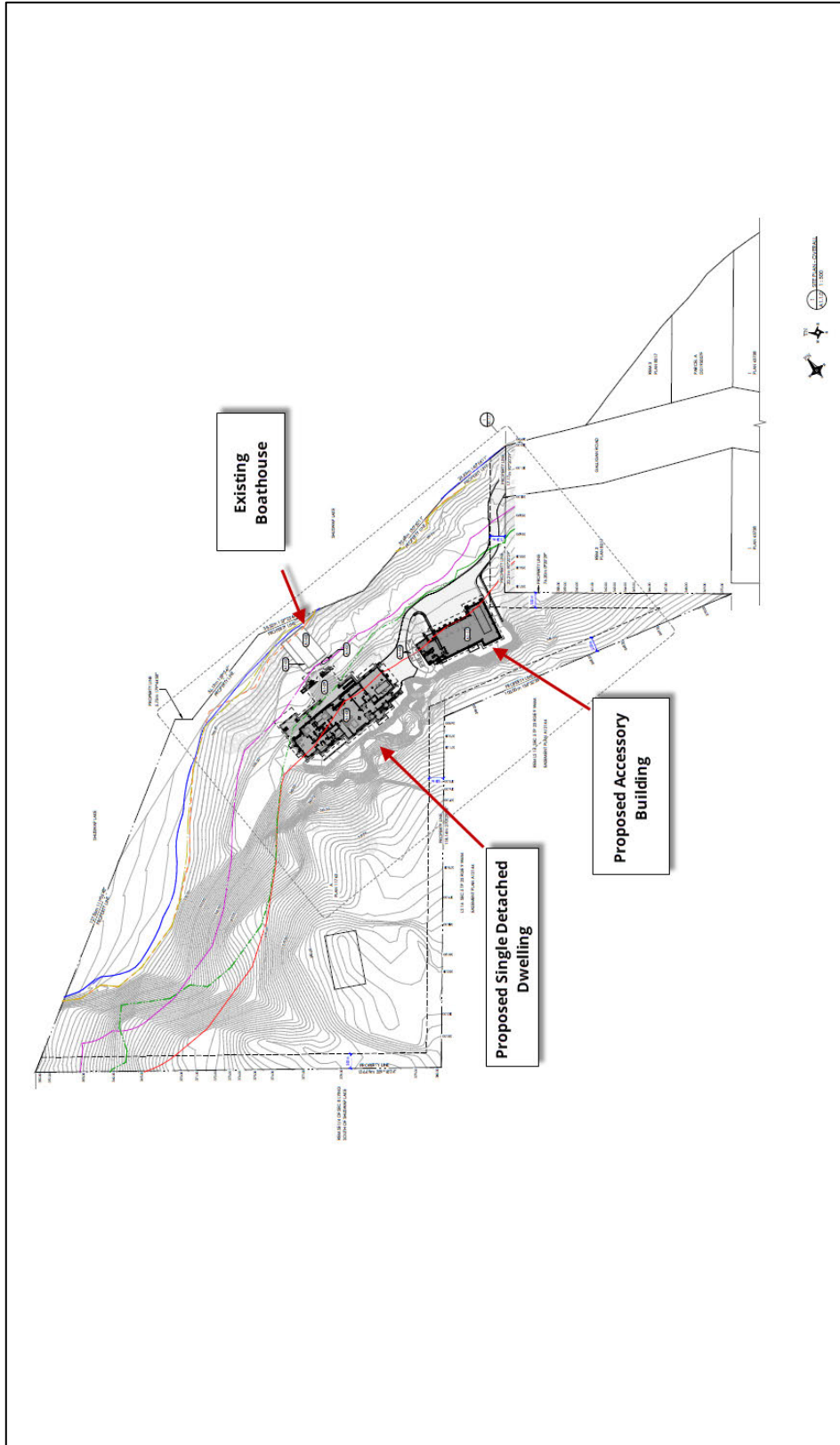




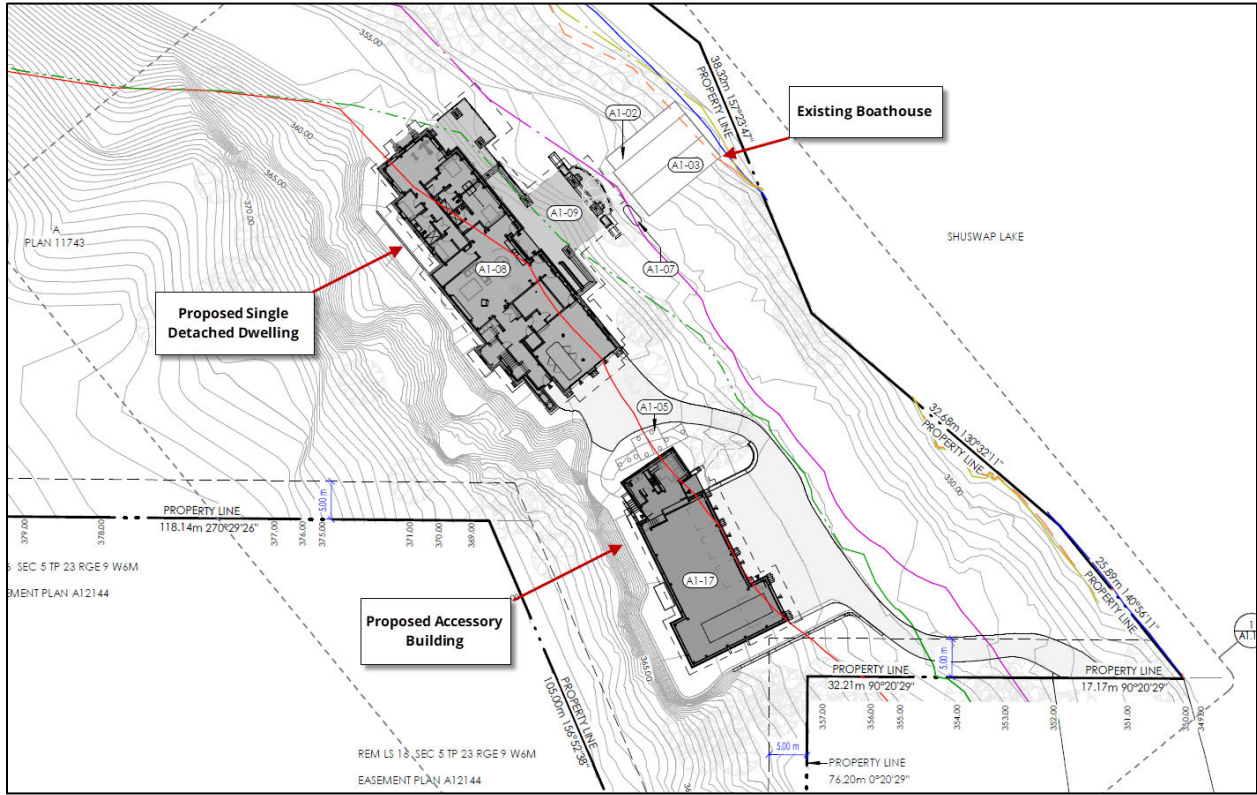
# South Shuswap Zoning Bylaw No. 701



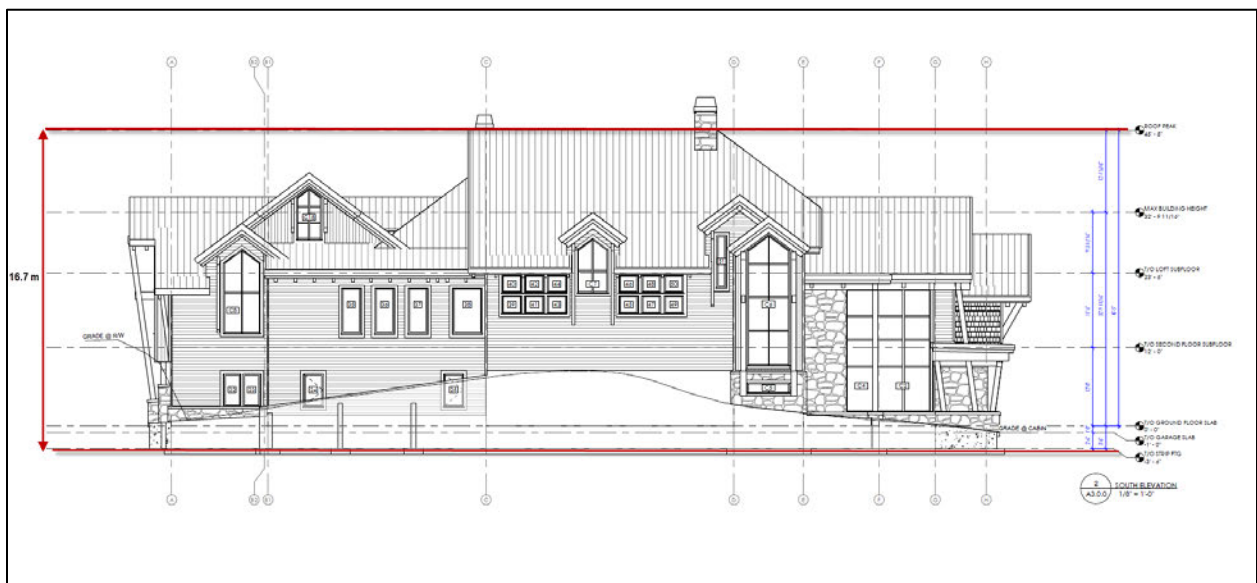
# Site Plan

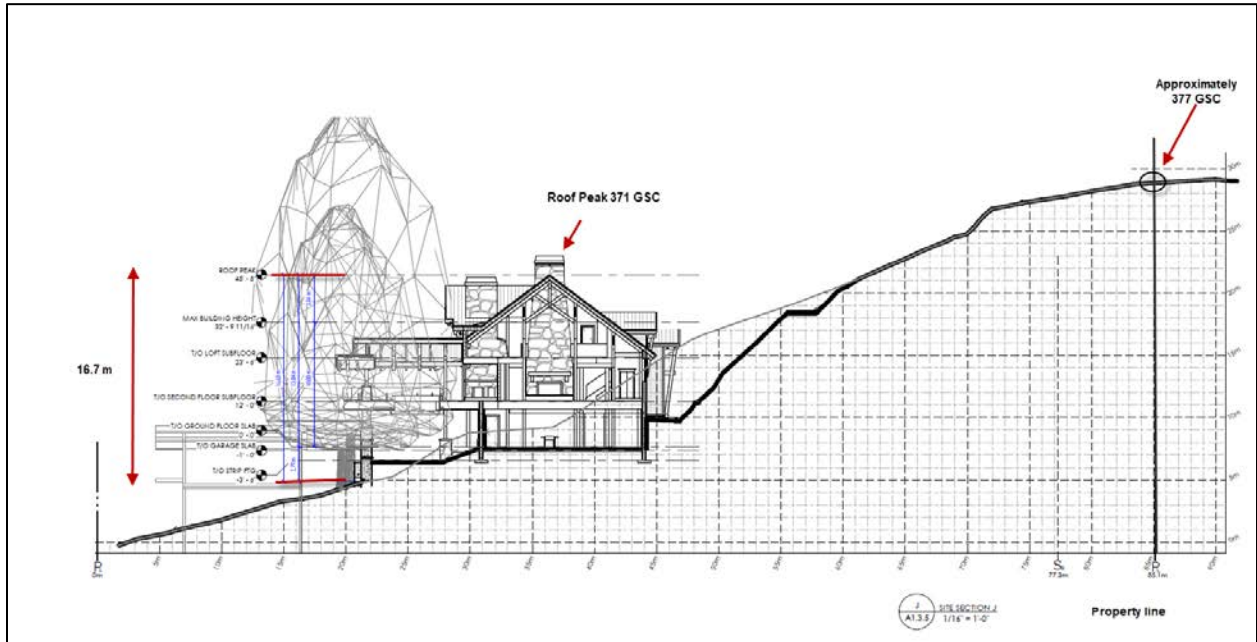
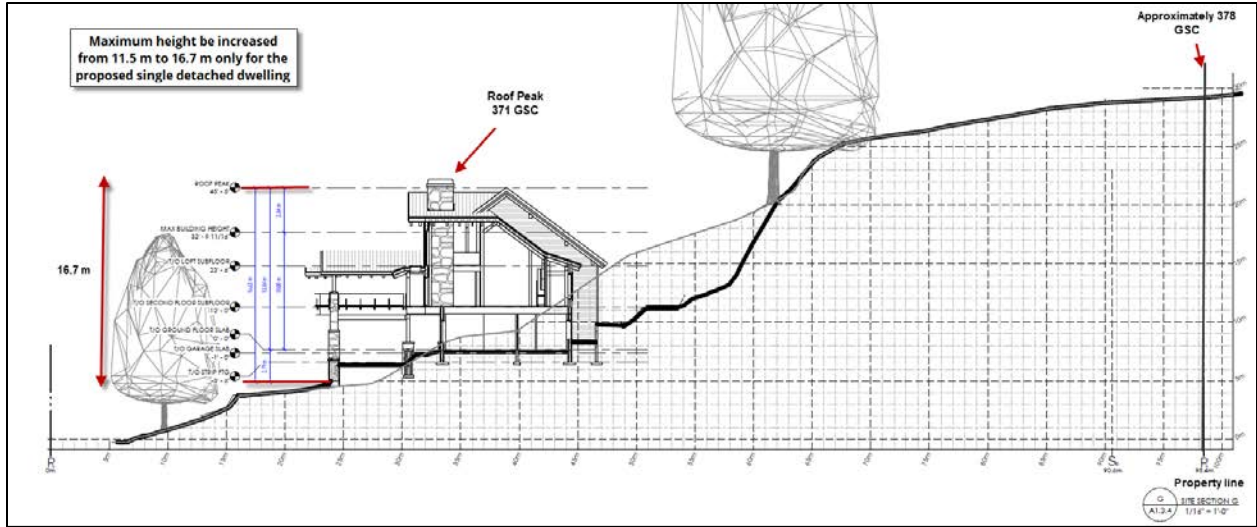


# Inset of Site Plan

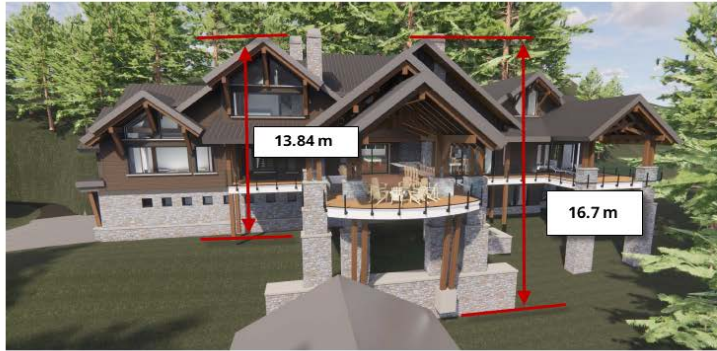


# Elevation Plan for Single Detached Dwelling



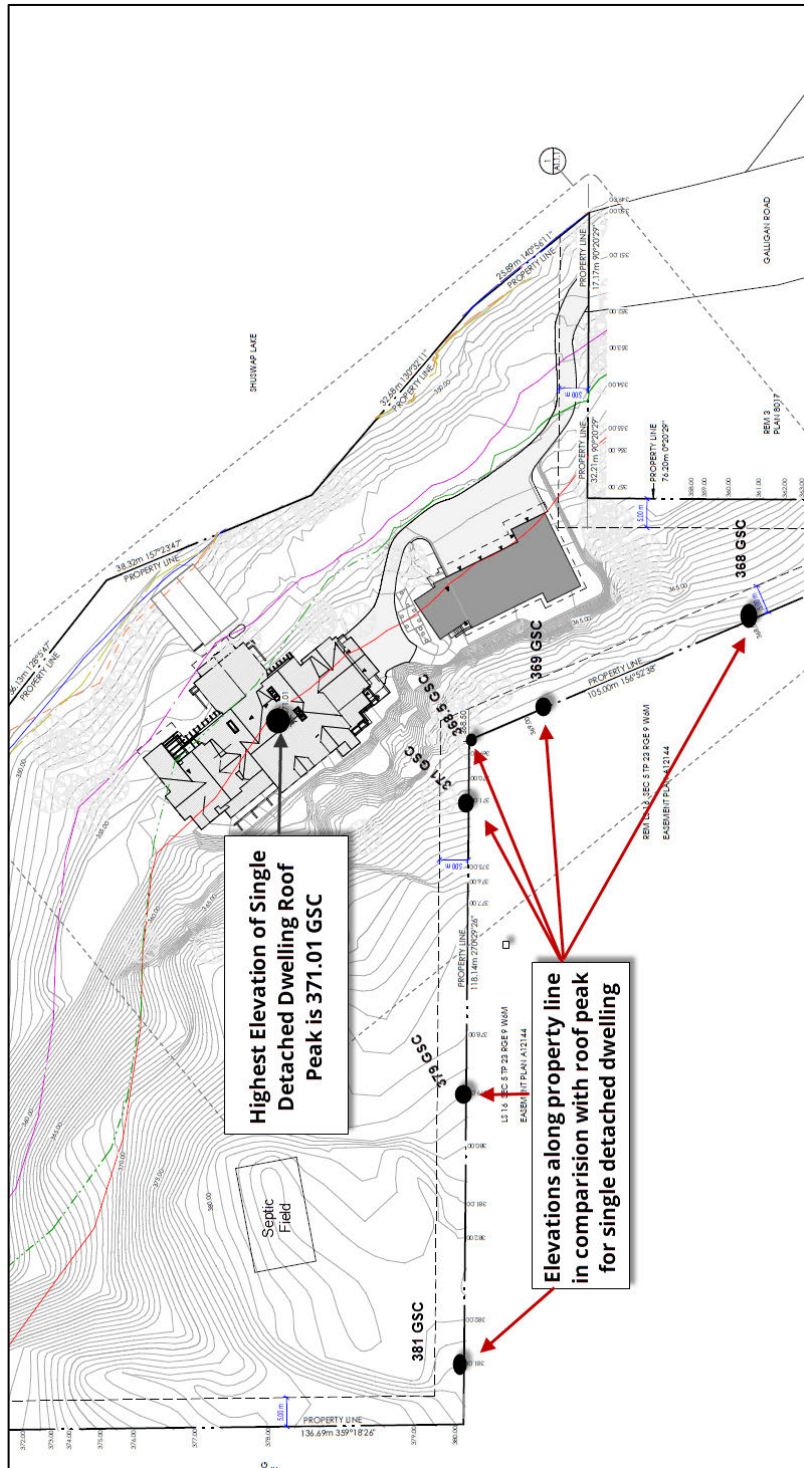


# Conceptual Image for Single Detached Dwelling



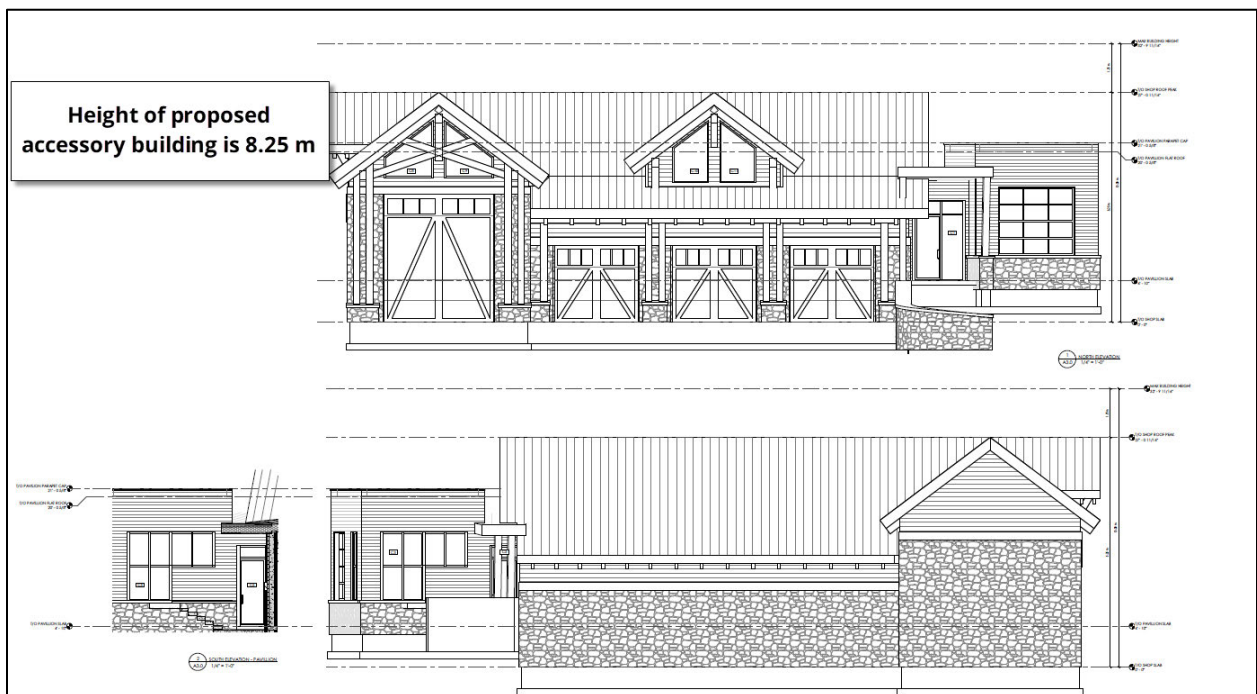
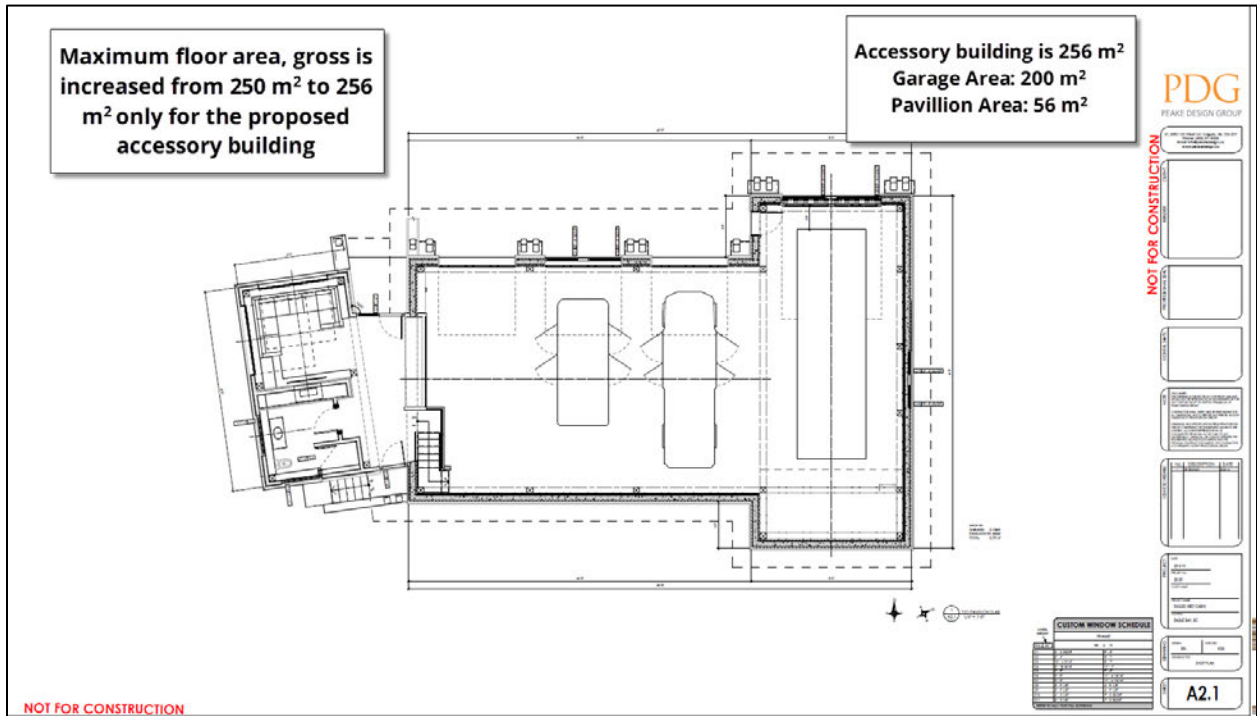
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# Elevations of Single Detached Dwelling



Elevations provided by applicant

# Floor Plan/Elevation Plan for Accessory Building





## Conceptual Image for Accessory Building



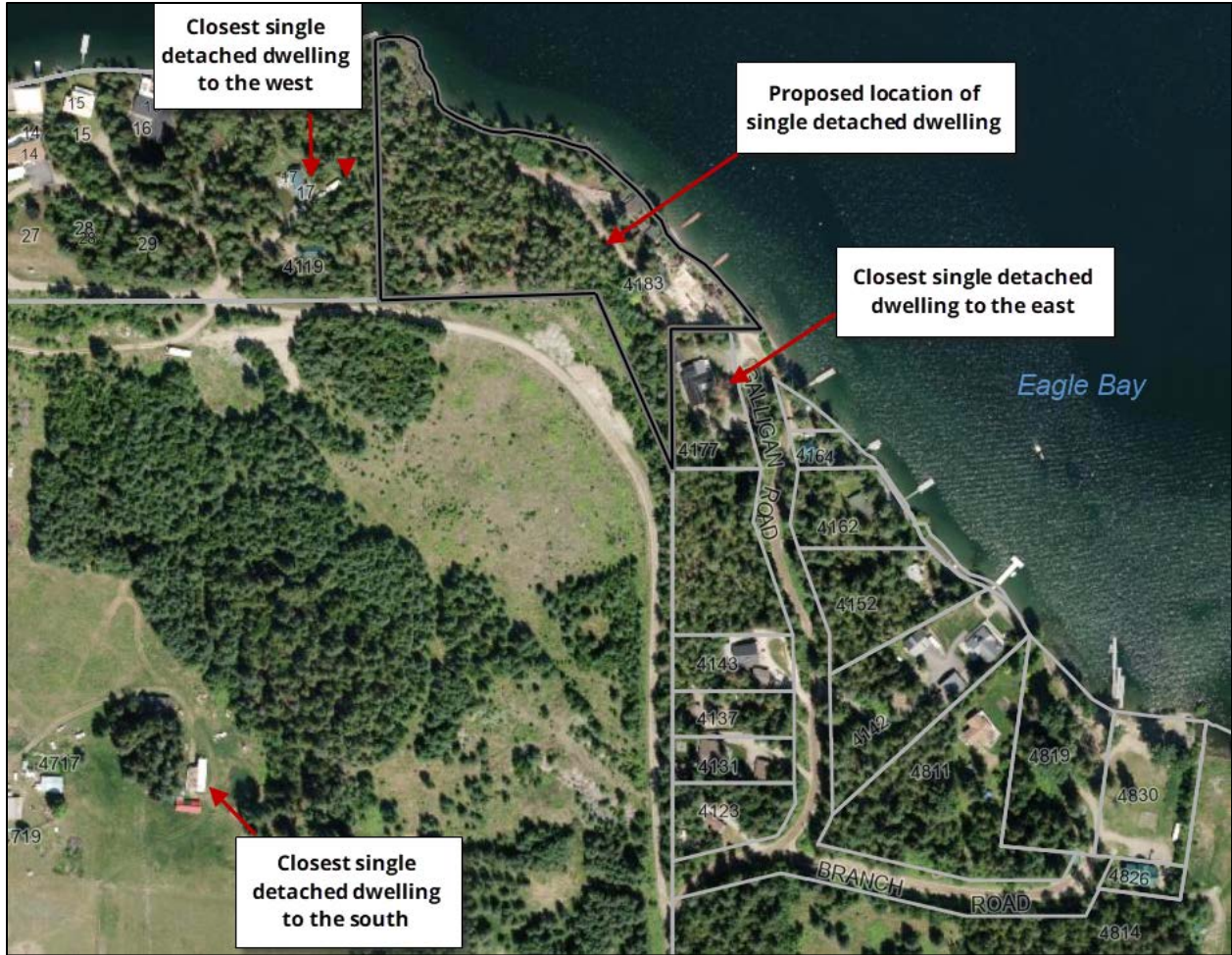
1  
www.parkcity.com



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www.parkcity.com

# 2023 Ortho Imagery

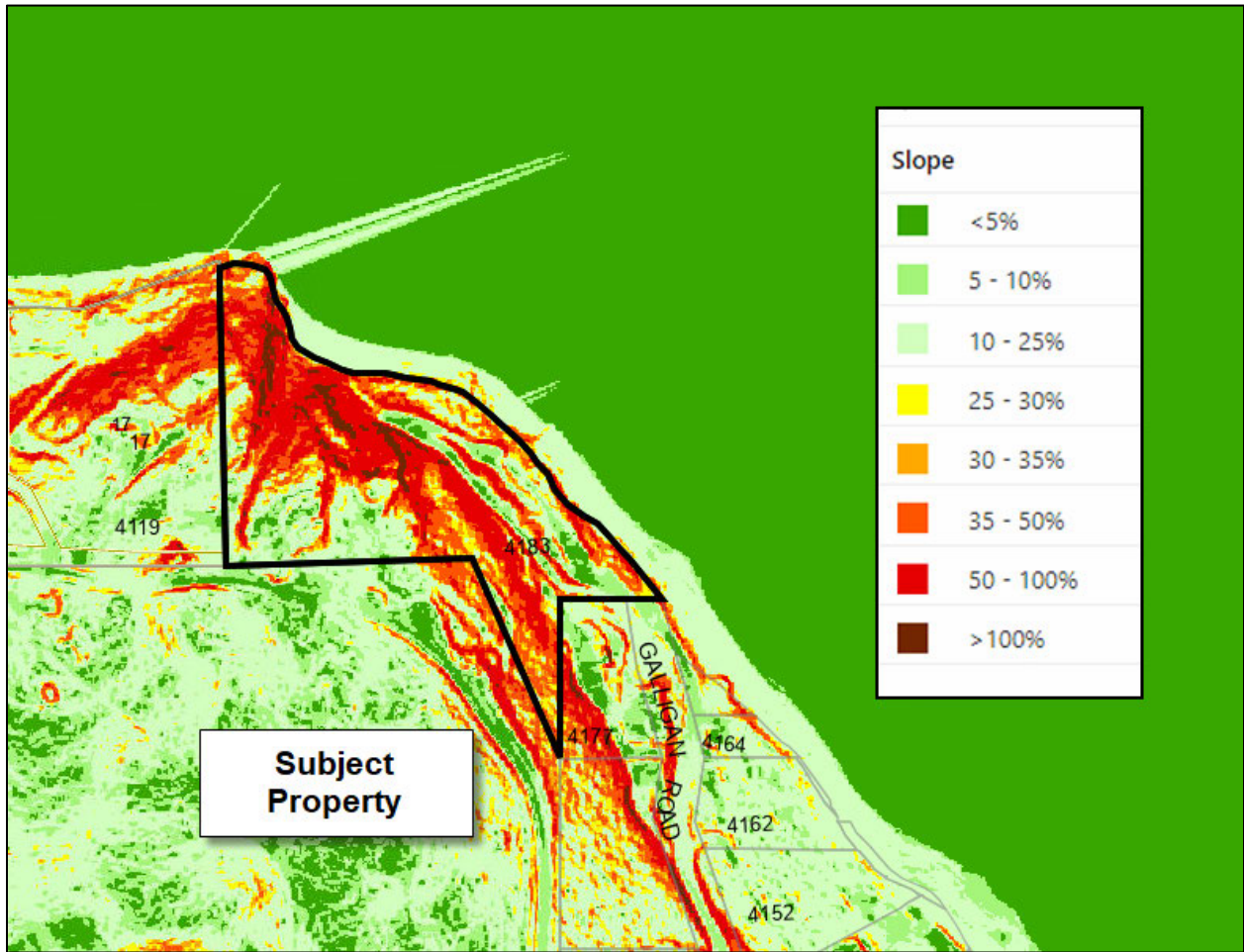




## 2023 Oblique Imagery



# Slopes Imagery



# Photos

Map showing approximate photo locations



Photo 1



Photos of proposed location of single detached dwelling facing northeast

Photo 2



Photo showing steep terrain where proposed single detached dwelling will be constructed facing northeast submitted by applicant.



Photo 3



Photos of proposed location of single detached dwelling southeast submitted by applicant

Photo 4



Proposed location of accessory building facing southwest submitted by applicant

Photo 5



Photo of Existing Boathouse with suite facing east submitted by agent



# BOARD REPORT

<b>TO:</b>	Chair and Directors
<b>SUBJECT:</b>	Electoral Area B: Electoral Area B Official Community Plan Amendment Bylaw No. 850-18 and Electoral Area B Zoning Amendment Bylaw No. 851-25
<b>DESCRIPTION:</b>	Report from Christine LeFloch, Planner III , dated October 31, 2024. 20 Hwy 31, Galena Bay
<b>RECOMMENDATION #1:</b>	THAT: "Electoral Area B Official Community Plan Amendment Bylaw No. 850-18" be read a third time, this 21 <sup>st</sup> day of November, 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #2:</b>	THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-25" be read a third time, this 21 <sup>st</sup> day of November, 2024. <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>

## SUMMARY:

The applicant would like to develop a portion of the subject property with a service station, helipad and helicopter refueling station and have the ability to establish additional local service-related businesses on the property in the future. The Official Community Plan (OCP) land use designation for a portion of the property is proposed to be changed from SH Small Holdings to HC Highway Commercial and the same portion of the property is proposed to be rezoned from SH Small Holdings to HC Highway Commercial. A special regulation limiting the permitted uses for the portion of the property proposed to be rezoned to HC to just those being proposed at this time and adding helipad and associated refueling station to the list of permitted uses is also included in the proposed amendments. A public hearing was held on October 8, 2024 to hear representations from the public regarding the proposed amendments. Notes from the public hearing are attached to this Board report. It is now appropriate for the Board to consider the amending bylaws for third reading. If third reading is granted the zoning amendment bylaw will be sent to the Ministry of Transportation & Infrastructure (MOTI) for statutory approval. After statutory approval is received the bylaws will come back to the Board for adoption.

## BACKGROUND:

Please see [Item 16.2 in the March 17, 2022 Board Agenda](#) for the Board Report and all attachments regarding the proposed amendments at first reading.

Please see Item [17.5 in the June 20, 2024 Board Agenda](#) for the Board Report and all attachments regarding the proposed amendments at second reading.

## POLICY:

Please see "[BL850-18 BL851-25 Excerpts BL850 BL851.pdf](#)" for all applicable Official Community Plan policies and zoning regulations related to this application.

## FINANCIAL:

In accordance with Section 477 of the Local Government Act, the Financial Services and Environmental and Utilities Services Departments have reviewed the proposed OCP amendment and confirmed that it is consistent with the CSRD's Financial Plan and Waste Management Plan.

### **KEY ISSUES/CONCEPTS:**

#### Public Hearing

A public hearing was held on October 8, 2024 in the Board Room of the CSRD offices to hear representations from the public regarding the proposed bylaw amendments. Ads for this public hearing were placed in the Revelstoke Review on September 26 and October 3, 2024 and notices were sent to all owners of property within 100 m of the subject property. There were 5 members of the public in attendance including 1 in-person and 4 online, two of whom were the applicants.

The owner of an adjacent property to the north provided comments regarding the proposal. He noted concerns related to the potential for noise from the proposed helipad and refueling operations. He explained that the cabin on his property is located 500-600 m from the proposed helipad. For comparison he noted that there are rumble strips on the highway at the approach to the ferry terminal and they can hear trucks with empty trailers driving over them from their cabin. This owner also noted that he understands the benefits of having a helipad and refueling site at this location for wildfire operations and medical emergencies. The applicants noted that they value tranquility and peace, and the intent is not for there to be regular helicopter traffic. They did not have full details of possible helicopter operations but noted that one operator they were in discussions with would use the helipad for a maximum of six landings per day. He also mentioned that they are speaking with a second company but did not have the details yet.

The same neighbour also had concerns about traffic on Highway 23 South with regard to people speeding to catch the ferry. He is concerned that there will be trucks slowing down to turn onto the subject property to use the cardlock and that this may create traffic related safety issues. He suggested that widening of Highway 31 at the entrance to the proposed cardlock may help to reduce safety concerns and would be helpful for trucks making left turns into the establishment. The applicants indicated that they have had conversations with MOTI about reducing the speed limit sooner on the approach to the ferry terminal.

Four written public submissions were received regarding this application. Two were from owners of adjacent properties, while the other two were from owners of Revelstoke businesses. All were in support of the proposal. One of the submissions spoke specifically in favour of the helipad and refueling station noting that for his helitourism business it enables them to carry less fuel knowing that there is somewhere to refuel at Galena Bay, and this increases their safety margins.

Copies of the public hearing notes and public submissions received for this application are attached to this Board Report. Please see: "BL850-118\_BL851-25\_PH\_Notes\_redacted.pdf" and "BL850-18\_BL851-25\_Public\_Submissions\_redacted.pdf".

#### Analysis

The two main concerns raised at the public hearing were traffic issues related to vehicles turning into the proposed business competing with vehicles who may be speeding to get to the ferry on time and the potential for noise related to helicopter traffic using the helipad and refueling station. A third concern regarding buffering along the ALR boundary was also raised.

#### *Traffic*

This application was referred to the MOTI for review and comments. Referral comments from MOTI noted that a Commercial Access Permit is required, along with statutory approval of the zoning bylaw

in accordance with Section 52 of the *Transportation Act*. The Ministry is responsible for roads and traffic related concerns and may be able to address these items as part of the review for the Commercial Access Permit if deemed necessary. The Ministry will receive a copy of the reports related to this application as part of the package sent to them for their review and approval of the zoning amendment. Staff will ensure to indicate the concerns related to traffic patterns that were expressed at the public hearing when we send the bylaw to the Ministry for review.

#### *Helicopter Noise*

Concerns related to helicopter noise can be challenging to address. Staff would likely not support a proposal for a helipad in a residential area because it would inevitably result in conflict between helicopter operators and local area residents. The owner who raised the issue regarding noise noted that their cabin is located roughly half a kilometre away from the proposed helipad site. While it is acknowledged that helicopter noise can be heard from some distance away it is also noted that this is not a residential area and fortunately, homes are not located within close proximity to the site. While there are a few residences located on nearby properties, the residences are sited 500-800 m from the proposed helipad location. All of these properties are zoned Small Holdings which has a minimum parcel size of 4 ha (10 acres), though the actual parcel sizes range between 13 ha to 60 ha. The distance may help to reduce noise and disturbance due to helicopters landing and taking off.

Staff supported this proposal because it is in an area with a low density of residential use where the impacted properties and residences should also be low. The person who expressed this concern also acknowledged that there are good reasons for having a helipad in this area, including medical and wildfire related emergencies that may require the use of a helicopter to transport someone to hospital or for firefighting operations. The applicant indicated at the public hearing that while they do not yet have all the details regarding the use of the helipad, he confirmed that it is not intended for regular helicopter traffic. It should also be noted that concerns regarding helicopter noise were raised by one neighbour, while two other abutting properties indicated full support for the proposal. The applicant has suggested that the helipad be relocated closer to Highway 31 just east of the driveway, so that it will allow for take offs and landings to follow Highway 31. This would allow the helicopter's exhaust to be pointed away from the neighbouring property to the north. While the change in elevation is not significant there is a slightly higher point in elevation north of the proposed helipad site that may provide some noise buffering.

#### *Buffering along the ALR Boundary*

It was noted at the public hearing that the applicant has logged the subject property and that there may not be much of a buffer along the ALR boundary. The applicant stated that they intend to allow vegetation to regrow in that area over time to establish a buffer. Staff note that a vegetated buffer is not included as a requirement of rezoning, but rather a 15 m setback for buildings and structures from the ALR boundary has been included in the special regulation for this property in the Highway Commercial Zone. It was noted in the Board report at second reading that the 8 m vegetated buffer recommended by the ALC could be implemented as part of the Commercial Development Permit and that the impact of the commercial use on the ALR portion of the property would be mitigated by implementing the 15 m setback. Requirements of the Development Permit could include planting of trees within the 8 m buffer.

#### Rationale for Recommendations:

Staff continue to support the proposed amendments and are recommending that the Board read the amending bylaws a third time for the following reasons:

- The proposal for the subject property meets the OCP policies for redesignation to Highway Commercial;
- The Highway Commercial Zone is appropriate for the subject property due to its location at the junction of two provincial highways and near the Galena Bay ferry terminal;
- The subject property is considered to be a suitable location for the proposed helipad due to its location not near any residential areas;
- Redesignation to Highway Commercial will require that the owners apply for and be issued a Commercial Development Permit prior to the alteration of land for site preparation and construction of the service station, which will address the form, character, appearance, parking, and landscaping of these areas, and will allow the CSRD to ensure adequate buffering between the commercial use, the ALR and the adjacent properties is maintained; and
- Concerns raised at the public hearing regarding buffering of the ALR boundary and traffic can be addressed at the Development Permit stage. Concerns raised regarding helicopter noise may be mitigated by relocating the helipad to the opposite side of the property with access from Highway 31.

**IMPLEMENTATION:**

If the Board agrees with the staff recommendation the applicant will be advised of the decision. The applicant will also need to make application for a Commercial Development Permit. This application would be brought forward to the Board for approval at the same time as the amending bylaws are brought forward for adoption.

As the subject property is located within 800 m of a controlled access highway, the zoning amendment bylaw will need to be sent to the MOTI requesting statutory approval under Section 52(3)(a) of the *Transportation Act*.

**COMMUNICATIONS:**

Minutes from the Board meeting will be posted on the CSRD website and will be available to interested members of the public who may wish to learn the outcome of this decision.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

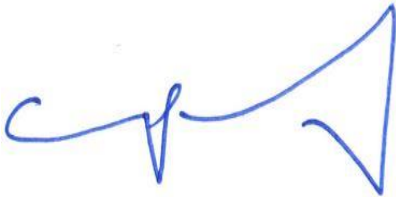
**BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_DS_BL850-18_BL851-25_Third.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL850-18_Third.pdf</li> <li>- BL851-25_Third.pdf</li> <li>- BL850-18_BL851-25_PH_Notes_redacted.pdf</li> <li>- BL850-18_BL851-25_Public_Submissions_redacted.pdf</li> <li>- BL850-18_BL851-25_Maps_Plans_Photos_2024-06-20.pdf</li> </ul>
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:




Corey Paiement

**No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud**

Gerald Christie

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean



**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**ELECTORAL AREA B OFFICIAL COMMUNITY PLAN AMENDMENT**

**BYLAW NO. 850-18**

**A bylaw to amend the "Electoral Area B Official Community Plan Bylaw No. 850"**

The Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. "Electoral Area B Official Community Plan Bylaw No. 850", as amended, is hereby further amended as follows:

**A. MAP AMENDMENT**

1. Schedule B (Overview Maps B1 – B5) which forms part of the "Electoral Area 'B' Official Community Plan Bylaw No. 850" is hereby amended by:

Redesignating the portion of the property legally described as District Lot 7044, Kootenay District, Except That Part in Plan 9151, which is more particularly shown outlined in bold on Schedule 1 attached hereto and forming part of this bylaw, from SH – Small Holding to HC – Highway Commercial.

2. Schedule D (Land Use Designation Maps) which forms part of the "Electoral Area 'B' Official Community Plan Bylaw No. 850" is hereby amended by:

Redesignating the portion of the property legally described as Block A of District Lot 7044, Kootenay District, Except That Part in Plan 9151, which is more particularly shown outlined in bold on Schedule 2 attached hereto and forming part of this bylaw, from SH – Small Holding to HC – Highway Commercial.

2. This Bylaw may be cited as "Electoral Area B Official Community Plan Amendment Bylaw No. 850-18"

READ a first time this 17<sup>th</sup> day of March, 2022.

READ a second time this 20<sup>th</sup> day of June, 2024.

PUBLIC HEARING held this 8<sup>th</sup> day of October, 2024.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CORPORATE OFFICER

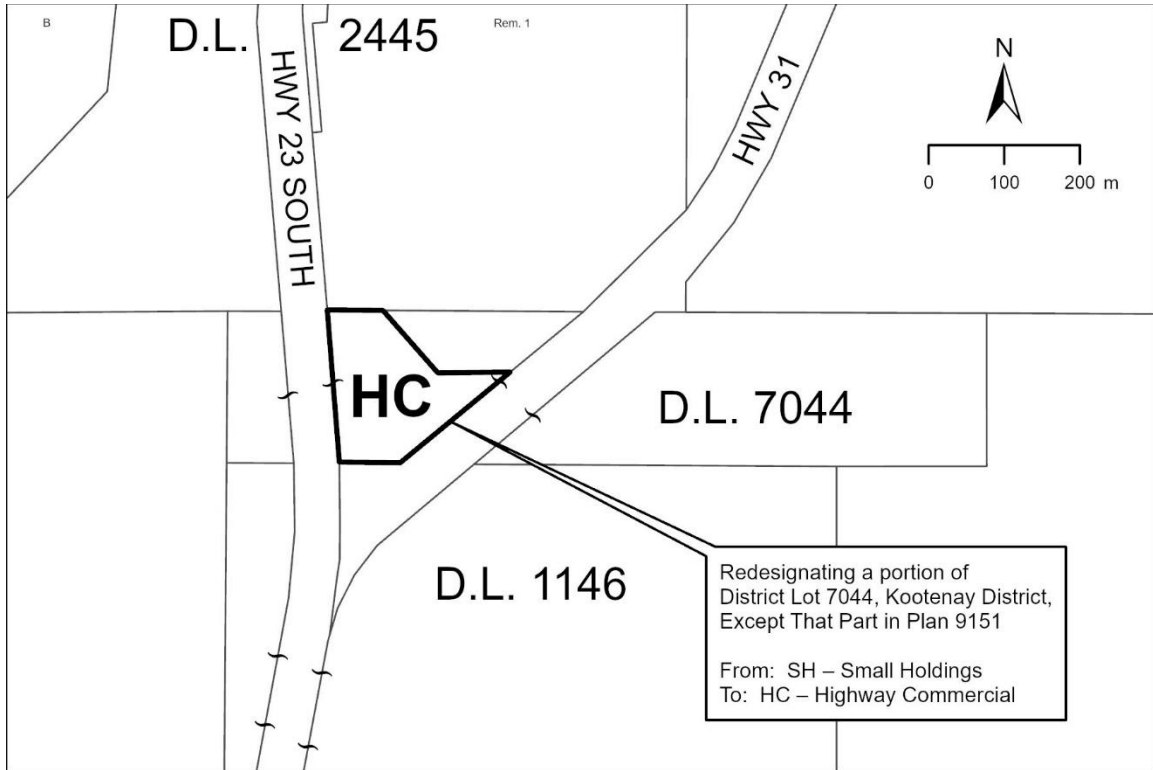
\_\_\_\_\_  
CHAIR

CERTIFIED true copy of Bylaw No. 850-18  
as adopted.

\_\_\_\_\_  
Corporate Officer

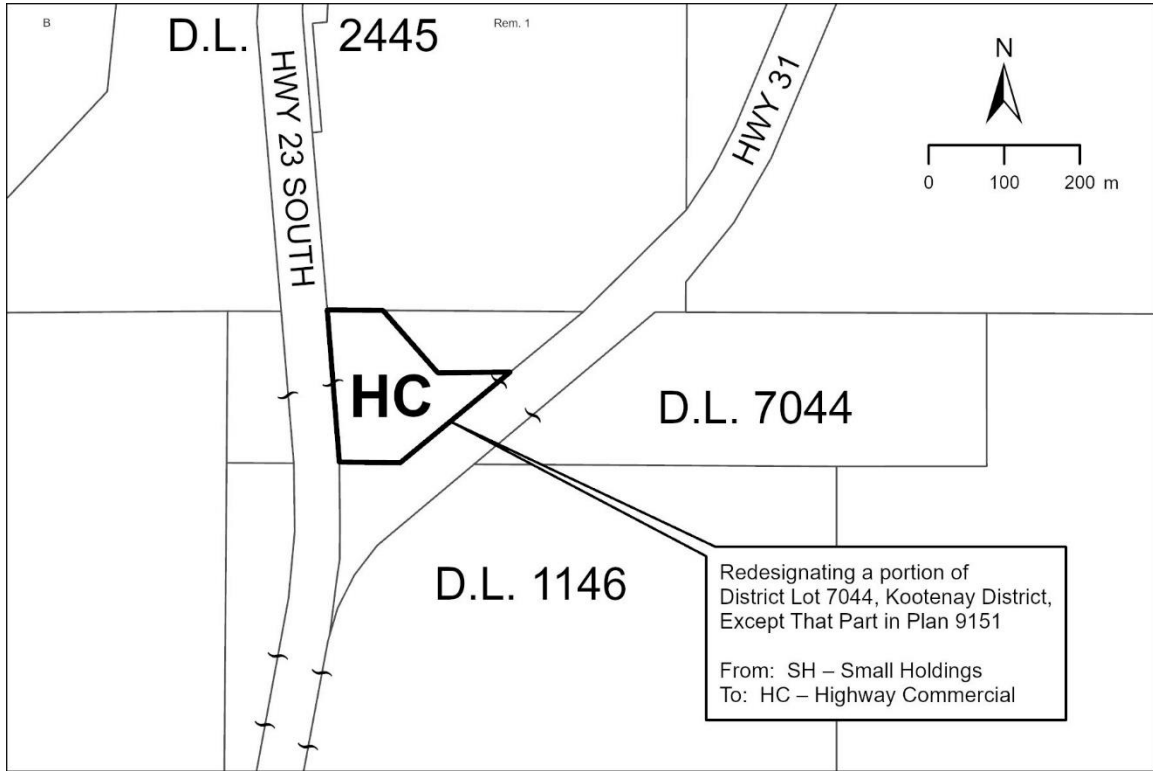
**SCHEDULE 1**

**ELECTORAL AREA B OFFICIAL COMMUNITY PLAN AMENDMENT  
BYLAW NO. 850-18**



**SCHEDULE 2**

**ELECTORAL AREA B OFFICIAL COMMUNITY PLAN AMENDMENT  
BYLAW NO. 850-18**



**COLUMBIA SHUSWAP REGIONAL DISTRICT****ELECTORAL AREA B ZONING AMENDMENT****BYLAW NO. 851-25**A bylaw to amend the "Electoral Area B Zoning Bylaw No. 851"

The Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. " Electoral Area B Zoning Bylaw No. 851", as amended, is hereby amended as follows:

A. TEXT AMENDMENTS

Schedule A, Electoral Area B Zoning Bylaw No. 851 Text is hereby further amended by:

- i) Amending the following definition in Part 1 Definitions:

RESTAURANT means the *use of land, buildings and structures as an establishment for the preparation and serving of prepared, ready to eat food, to be consumed on or off the premises. Restaurant includes a drive-in restaurant, take out restaurant, and mobile food vending.*

- ii) Adding the following definitions to Part 1 Definitions in alphabetical order:

HELIPAD is an area designated for use as a helicopter landing and take-off area for the purpose of picking up and discharging passengers or cargo and helicopter parking, and does not include facilities for fueling, maintenance, or repair of helicopters.

MOBILE FOOD VENDING means the preparation and sale of food and beverage items from a vehicle, trailer or cart.

- iii) Adding the following special regulations following Section 512(5)(a):

(b) Notwithstanding subsection 5.12(1), the following are the only permitted uses for the portion of the property legally described as District Lot 7044, Kootenay District, Except That Part in Plan 9151 zoned Highway Commercial as shown on the map below: *owner/operator dwelling, restaurant, retail store, service station and accessory use.*

(c) Notwithstanding subsection 5.12(1), a *helipad*, which may include a refueling station is an additional permitted use for the portion of the property legally described as District Lot 7044, Kootenay District, Except That Part in Plan 9151 zoned Highway Commercial as shown on the map below.



- (d) Notwithstanding subsection 5.12(3)(l), all commercial buildings to be constructed on the portion of the property legally described as District Lot 7044, Kootenay District, Except That Part in Plan 9151 zoned Highway Commercial must be setback a minimum of 15 m from the ALR boundary.

#### B. MAP AMENDMENTS

- i) Schedule B, Zoning Overview Maps and Schedule C, Zoning Mapsheets are hereby further amended by:

Rezoning the property legally described as District Lot 7044, Kootenay District, Except That Part in Plan 9151, which part is more particularly shown on Schedule 1 attached hereto and forming part of this bylaw from, SH – Small Holdings to HC – Highway Commercial.

Bylaw No. 851-25

Page 3

2. This bylaw may be cited as "Electoral Area B Zoning Amendment Bylaw No. 851-25"

READ a first time this \_\_\_\_\_ 17<sup>th</sup> \_\_\_\_\_ day of \_\_\_\_\_ March \_\_\_\_\_, 2022.

READ a second time, as amended this \_\_\_\_\_ 20<sup>th</sup> \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2024.

PUBLIC HEARING held this \_\_\_\_\_ 8<sup>th</sup> \_\_\_\_\_ day of \_\_\_\_\_ October \_\_\_\_\_, 2024.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Approved pursuant to Section 52(3)(a) of the Transportation Act this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
for: Ministry of Transportation and Infrastructure

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CORPORATE OFFICER

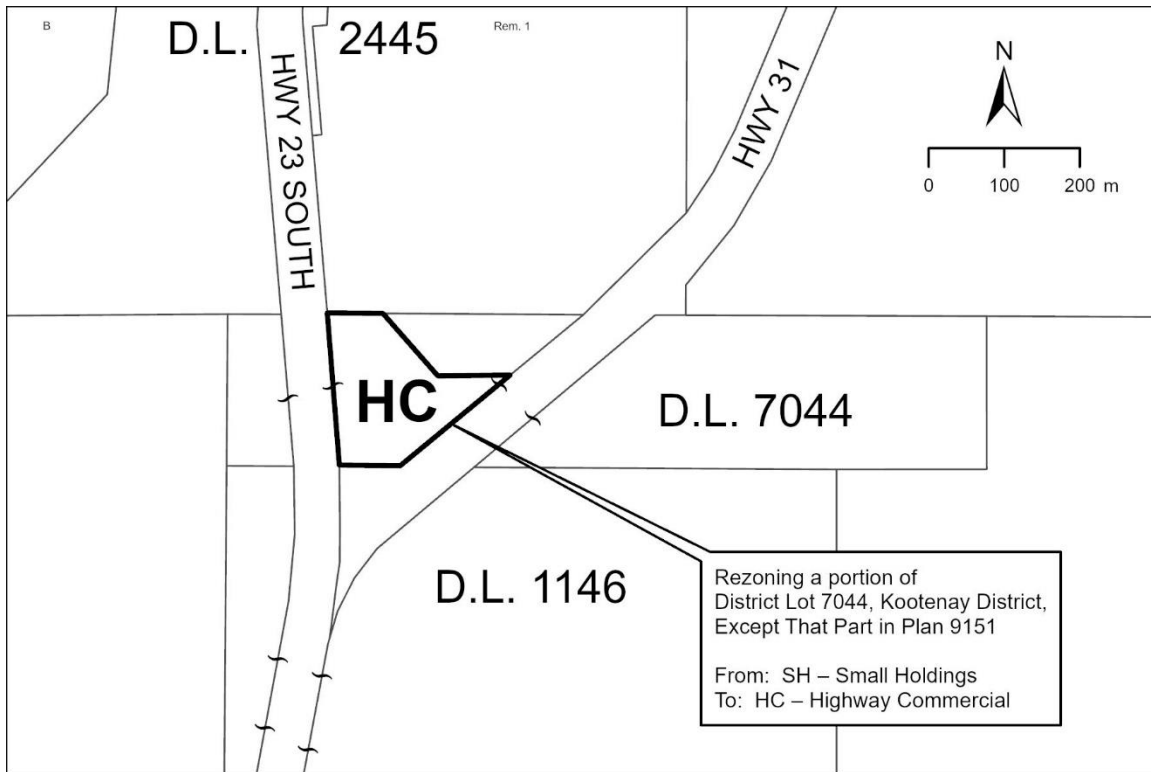
\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of Bylaw No. 851-25  
as adopted.

\_\_\_\_\_  
Corporate Officer

**SCHEDULE 1**

**ELECTORAL AREA B ZONING AMENDMENT  
BYLAW NO. 851-25**





## PUBLIC HEARING NOTES

### Bylaw No. 850-18 and Bylaw No. 851-25

Notes of the Public hearing held on Tuesday, October 8<sup>th</sup>, 2024 at 6:00 PM at the CSRD Office, 555 Harbourfront Drive NE, Salmon Arm, BC, regarding Electoral Area B OCP Amendment Bylaw No. 850-18 and Electoral Area B Zoning Amendment Bylaw No. 851-25.

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PRESENT: Chair David Brooks-Hill – Electoral Area B Director – online  
 Christine LeFloch – Planner III, Planning Services  
 Laura Gibson – Planner II, Planning Services  
 Hayley Johnson - Planner I, Planning Services  
 Brad Payne, IT/ GIS Manager – online  
 1 member of the public in person  
 4 members of the public online (including 2 applicants)

The Chair acknowledged that we are meeting in service to the Columbia Shuswap Regional District which is on the traditional and unceded territories of the Secwepemc, Sylix Okanagan, Sinixt and Ktunaxa Nations. The Chair noted that the public hearing is being held both in person and electronically then gave instructions on how to get technical assistance during the meeting. The Chair introduced the CSRD staff present and online at the public hearing and noted that he was also participating online. Then the Chair stated that this public hearing is convened pursuant to Section 464 of the Local Government Act to allow the public to make representations regarding the two proposed bylaws (BL850-18 and BL851-25).

Following instructions for the public hearing, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed Electoral Area 'B' Official Community Plan and Zoning Bylaw Amendments.

The Planner also noted the hearing has been called under Section 464 and the application is expected to be submitted to the Board for consideration at either its November 21<sup>st</sup> or December 13<sup>th</sup>, 2024 meeting. The Planner explained the notification requirements set out in the Local Government Act and noted ads for the Public Hearing were placed in the Revelstoke Review on September 26<sup>th</sup> and October 3<sup>rd</sup>, 2024. The Planner noted that property owners within 100 m of the subject property were mailed notification of this public hearing.

The Planner gave a short presentation providing background information regarding the proposed bylaw amendments and reviewed the purpose of the bylaws. The Planner also summarized the referral comments received by the CSRD to the public in attendance.

The Chair explained how to use Zoom to provide comments and also noted that written submissions could be provided until the close of the public hearing by sending them to the public planning email inbox.

The Chair opened the floor for comments.

██████████ applicant - noted that they did an archaeology assessment of the property.

██████████ ██████████ – Owns the ██████████ property and has a cabin there. Plans to retire there full time. Has concerns related to noise from the proposed helipad and refueling operations. Asked for clarification regarding the purpose of the helipad and frequency of use. He

also noted that due to recent logging there is no real vegetated buffer along the ALR boundary. He wondered whether natural landscape will be a future feature. He also noted concerns related to traffic on Hwy 23 South particularly people speeding to try to catch the ferry. He has concerns about trucks slowing down to turn into the cardlock station.

█ applicant - responded, saying that they had spoken with one operator who would use the helipad for a max of 6 landings at most per day if the pass were closed. He also mentioned they are talking with a second helicopter company, but the details are not known at this time. Regarding the buffer he noted there are some trees and they will let the grass grow naturally and will add trees along the highway.

█ applicant – noted that they value tranquility and peace too and the intent is not for regular helicopter traffic. He noted that they do not have plans to do anything with the ALR portion of the property and could move the helipad further from the ALR.

█ – noted that when there was heli-logging going on in the area it was dawn to dusk. He understands the benefits of refueling at this site for wildfire operations and medical emergencies. It's the noise that is a concern. He noted that his cabin is 500-600 m from the proposed helipad. For comparison he noted that there are rumble strips on Highway 23 ahead of the ferry terminal and when empty trailers go by they can hear it at their cabin.

█ applicant – indicated that they've had conversations with MOTI about reducing the speed limit sooner on the approach to the ferry terminal. They've also had conversations with a doctor who owns a property nearby and they agree regarding the benefits of having a helipad nearby for medical reasons.

Chair – called for further comments.

█ – noted that widening of Highway 31 at the entrance to the proposed cardlock to reduce safety concerns would be helpful for trucks making left hand turns into this establishment.

Hearing no more representations or questions about proposed Bylaw No. 850-18 and Bylaw No. 851-25, the Chair called three times for further submissions before declaring the public hearing closed at 6:50 pm.

CERTIFIED as being a fair and accurate report of the public hearing.

Original Signed by

*David Brooks-Hill*

Director Brooks-Hill

Public Hearing Chair

*C. LeFloch*

Christine LeFloch  
Planner III

**From:** [REDACTED]  
**To:** [Planning Public Email address](#)  
**Subject:** BL850-18  
**Date:** Friday, June 3, 2022 11:46:41 AM

---

Hello planning ,

I have reviewed the proposed amendment and as owner of [REDACTED] which borders on this lot , I fully support this application .

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [Greg Martinello](#)  
**To:** [Planning Public Email address](#)  
**Cc:** [REDACTED]  
**Subject:** BL-850-18/BL851-25  
**Date:** Friday, October 4, 2024 2:25:28 PM  
**Attachments:** [Outlook-avtgpvlm.png](#)

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To whom it may concern,

As a local business owner based in Revelstoke, I am writing to express my strong support for the proposed rezoning of land in Galena Bay as well as to facilitate the development of a gas station. This initiative stands to benefit not only the Galena Bay community but also the wider region, including Revelstoke.

Having a gas station in Galena Bay would greatly enhance convenience for both residents and travelers. This area serves as a key transit point for visitors exploring our beautiful landscapes, and the availability of fuel and charging stations will encourage more people to stop and enjoy the region, ultimately boosting local tourism.

From a business perspective, the gas station will create jobs and contribute to the local economy. As someone who operates a business in the region, I recognize the importance of increased foot traffic and how it can benefit all local establishments. A well-placed gas station can serve as a catalyst for economic growth, driving customers to nearby shops and services.

Additionally, the presence of a gas station would reduce the need for residents to travel long distances for fuel, promoting a more sustainable approach to our community's development. This aligns with our shared goals of enhancing local accessibility while minimizing environmental impact.

I strongly encourage you to consider the positive implications of this rezoning proposal. Supporting the development of a gas station in Galena Bay is a step toward fostering growth and improving the quality of life for all who live and work in the region.

Thank you for your consideration.

Sincerely,

<b>Greg Martinello</b>
------------------------



Owner  
250-814-3155  
[info@ironcreekexcavation.com](mailto:info@ironcreekexcavation.com)  
[ironcreekexcavation.com](http://ironcreekexcavation.com)

Box 906  
Revelstoke  
V0E 2S0

**From:** [Oettinger, Hans-Martin](#)  
**To:** [Planning Public Email address; Christine LeFloch](#)  
**Subject:** Public Hearing Submission - BL850-18/BL851-25  
**Date:** October 6, 2024 1:02:52 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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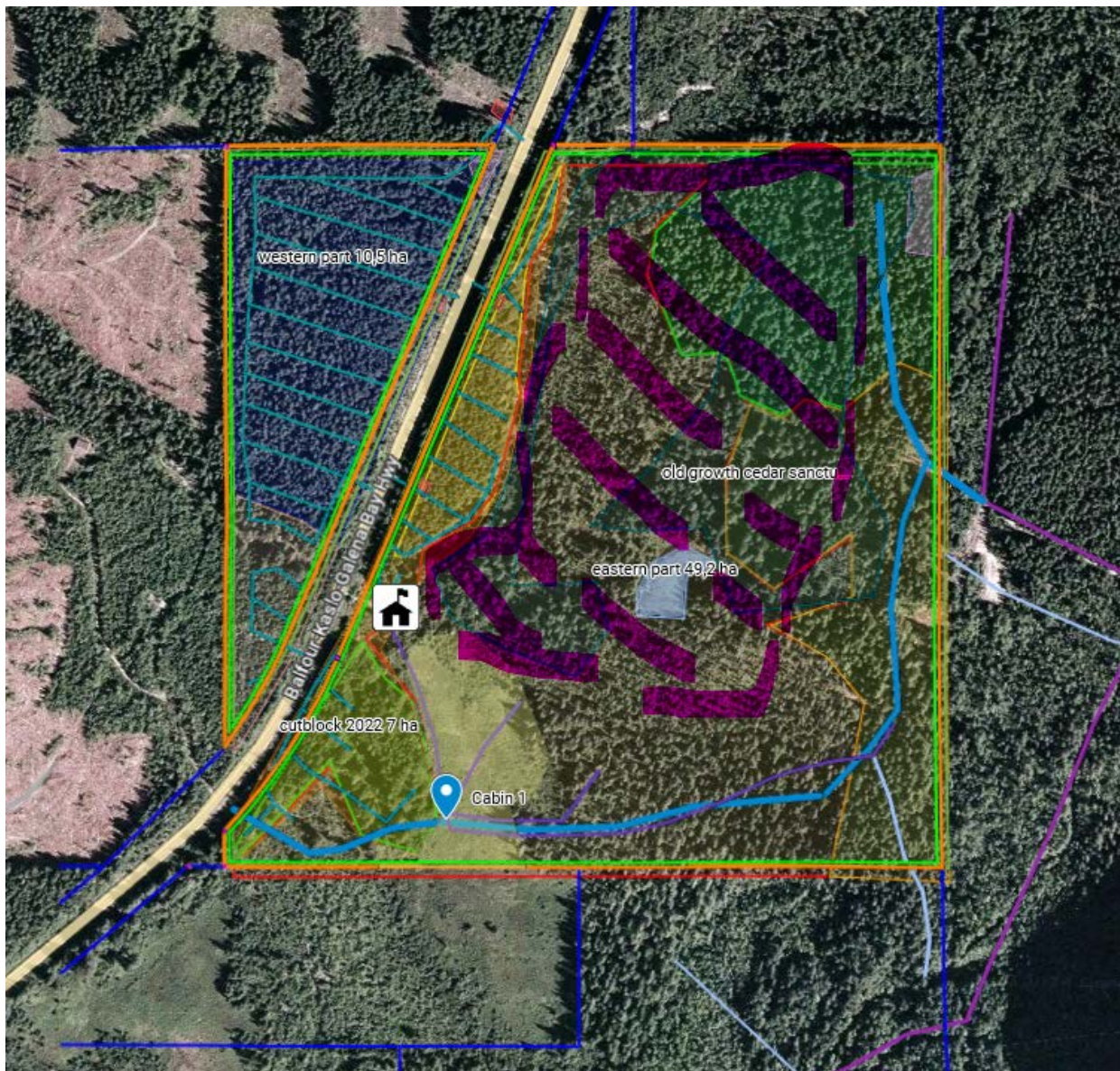
Dear board members,

thank you for giving me the opportunity to review and comment the proposed development on the neighbouring parcel on Highway 31 – Galena Bay Ferry. I am a German Professional Forester managing successful private forests in Germany and Canada on a very conservational and sustainable basis.

I do approve of the commercial development as proposed with some minor restrictions: My Stagvale Inc. owns the PID to the Northeast and I will try to establish a small farm on the ALR in the near future with some touristic services.

As it also holds a beautiful old cedar stand in the swamps east of Payne Creek I would like to make this a private sanctuary called “Cedar Springs” in order to preserve and manage the old growth, so that the next generations can also study and enjoy this unique natural habitat. Due to the wet and inaccessible ground no timber cutting and no wildfires have been able to touch the 300-400 year old cedar trees yet. Luckily I was able to buy the area and outbid a timber dealer, who wanted to clearcut the whole area. Unfortunately a summer storm has recently done some major damage to the western part of the forest. We had just cleared the windfall from 5 years back and replanted the area.

I would therefore ask to ensure, that the helicopter should not hover or fly over this pink area as there might be wildlife affected. I would also appreciate, if the applicant would make contact with me, so that we can adjust both our plans for “catering” to tourists and maybe use the same infrastructure for developing some touristic facilities. In my opinion it should be a low impact type of facility and a family operated restaurant, not another “McDonald”. I want to offer some rest areas and overnight camping facilities close to the highway in the ALR zone. From there I have already started to build some boardwalks & trails to give tourists access to the old growth.



Please forward my email and home address to the applicants, so that they can contact me.  
(I will come back to Canada next June/July)

Best regards

*Hans-Martin Oettinger*

[hans-martin.oettinger@merckle.de](mailto:hans-martin.oettinger@merckle.de)



Stagvale Bavarian Village Inc., Fruitvale, B.C., Canada  
Director: Hans-Martin Oettinger



**From:** [Dave Pehowich](#)  
**To:** [Planning Public Email address](#)  
**Subject:** BL850-1815L851  
**Date:** Tuesday, September 24, 2024 9:33:16 AM

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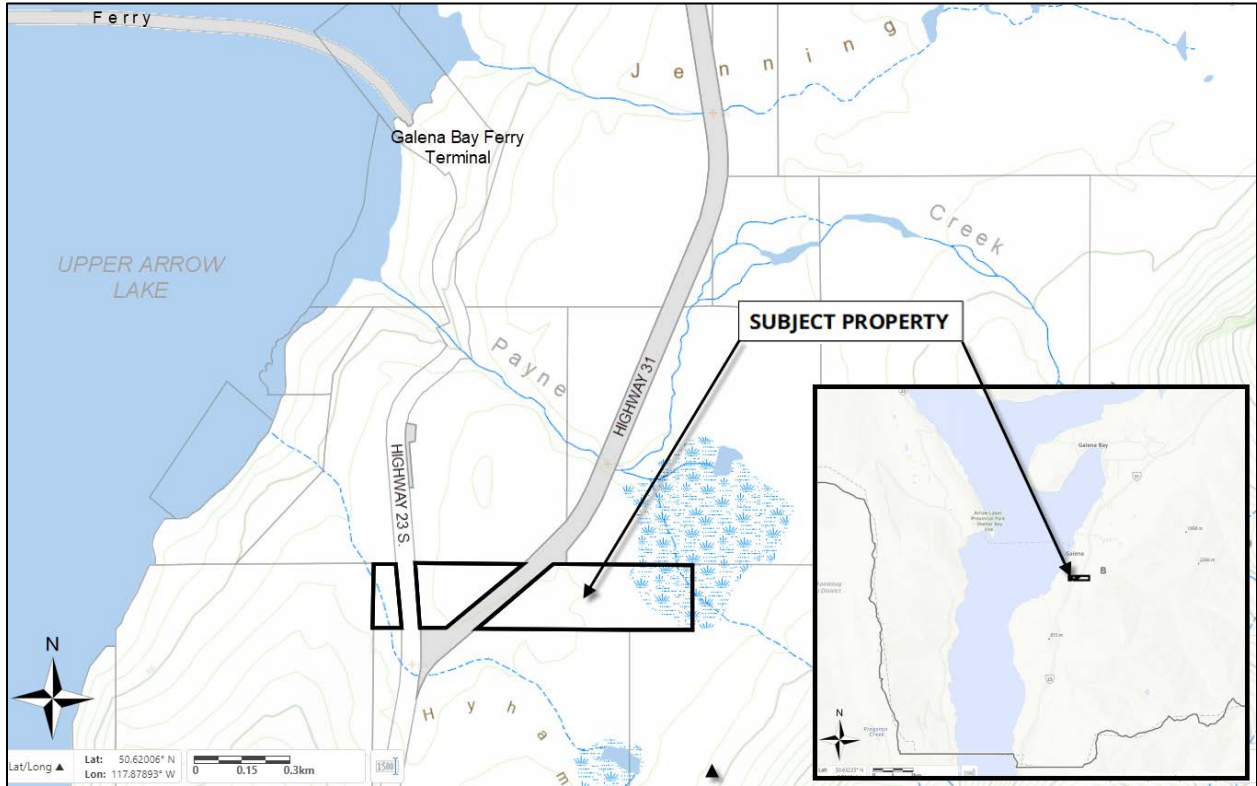
To whom it may concern,

I am writing to show full support for the Galena Bay Cardlock Project. My company runs remote helicopter fishing tours in the area and the location of this cardlock opens up more opportunities to do tours in this area. Having a cardlock here also enables us to go lighter on fuel leaving Revelstoke knowing we have fuel at Galena. This increases our safety margins knowing we can carry less fuel and be able to land without having to carry extra fuel for the day. This is extremely important on hot days or days where we need to land at a higher elevation. I also see it as a benefit for firefighting needs, emergency evacuations, and other industry needs who require helicopter transport.

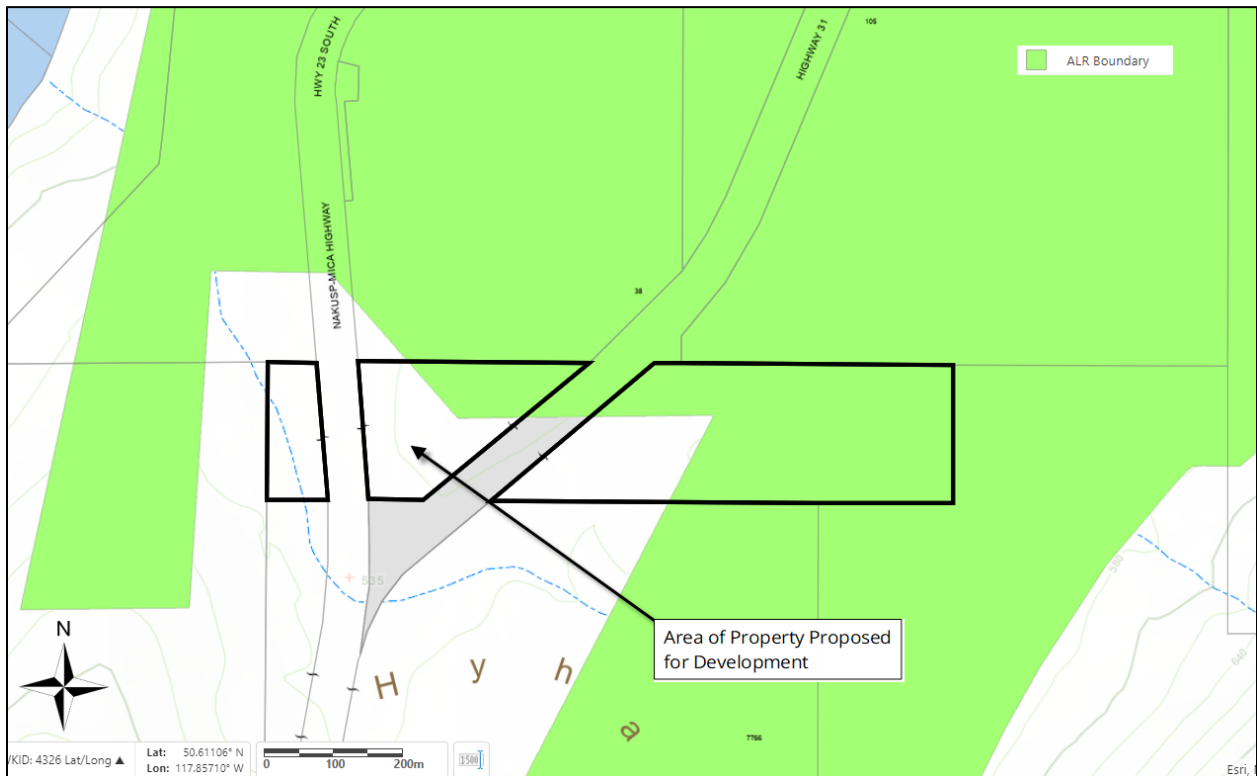
Sincerely,  
Dave Pehowich  
Owner, Stonefly Guiding Co.  
Revelstoke, BC



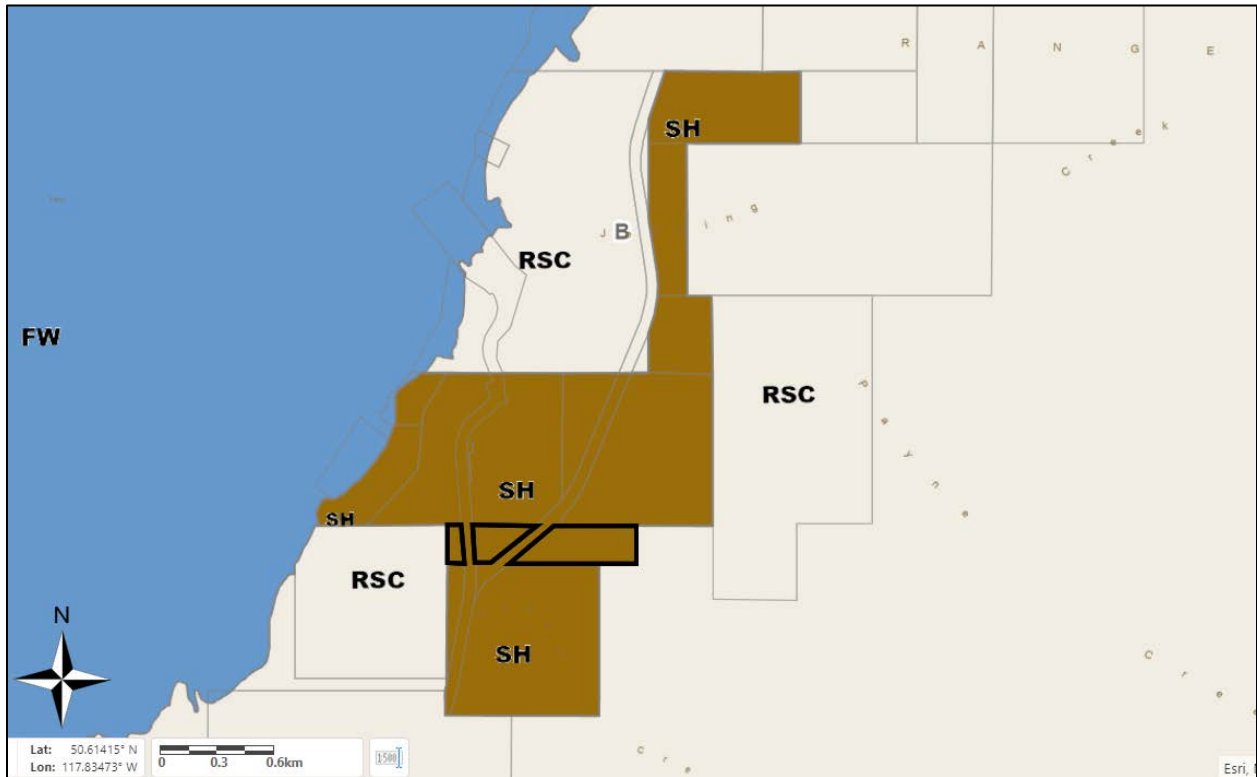
Location – 20 Highway 31



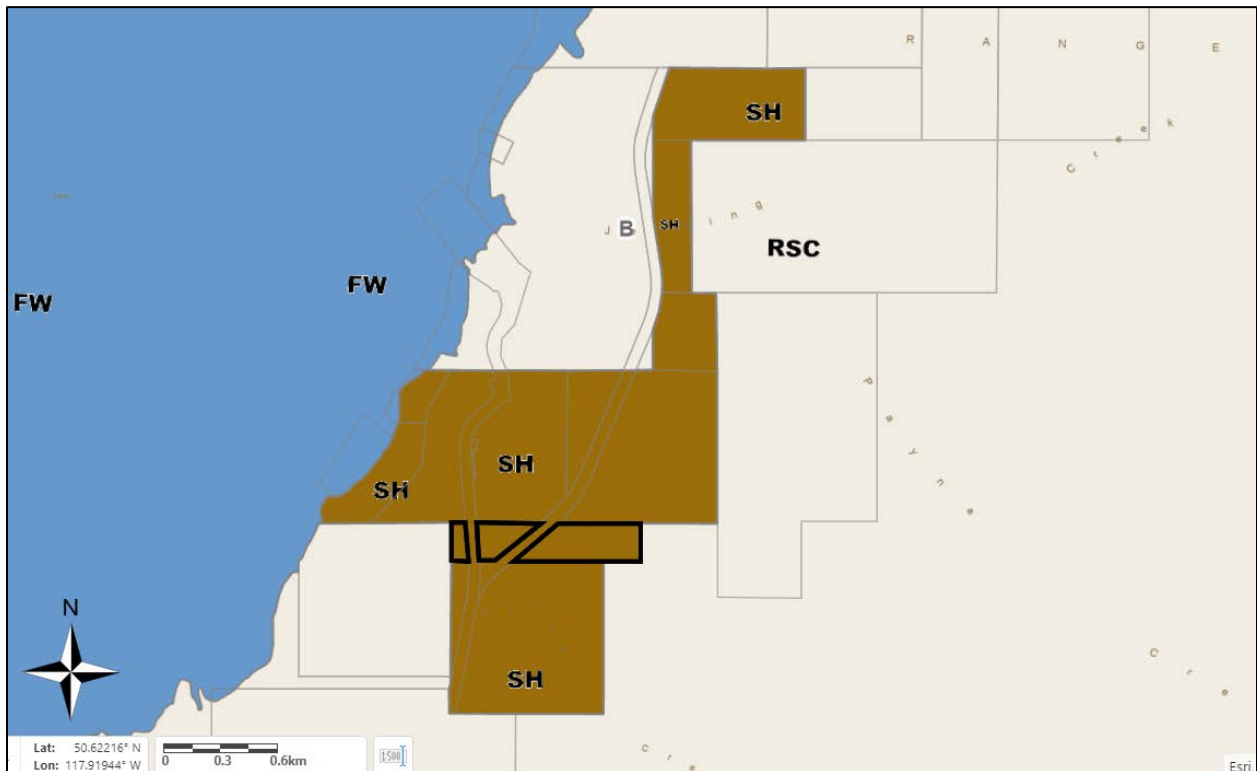
Agricultural Land Reserve



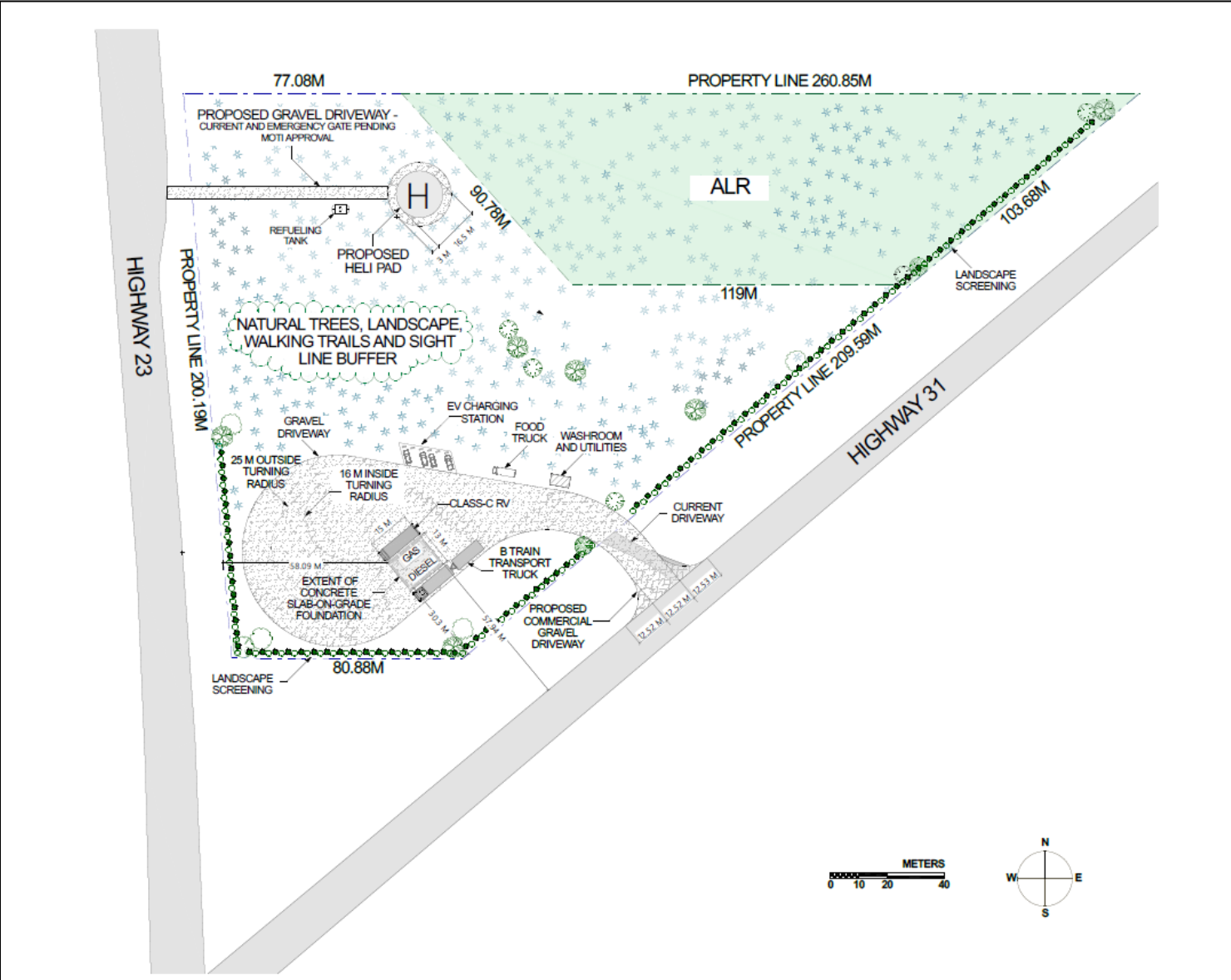
### Electoral Area B Official Community Plan Bylaw No. 850



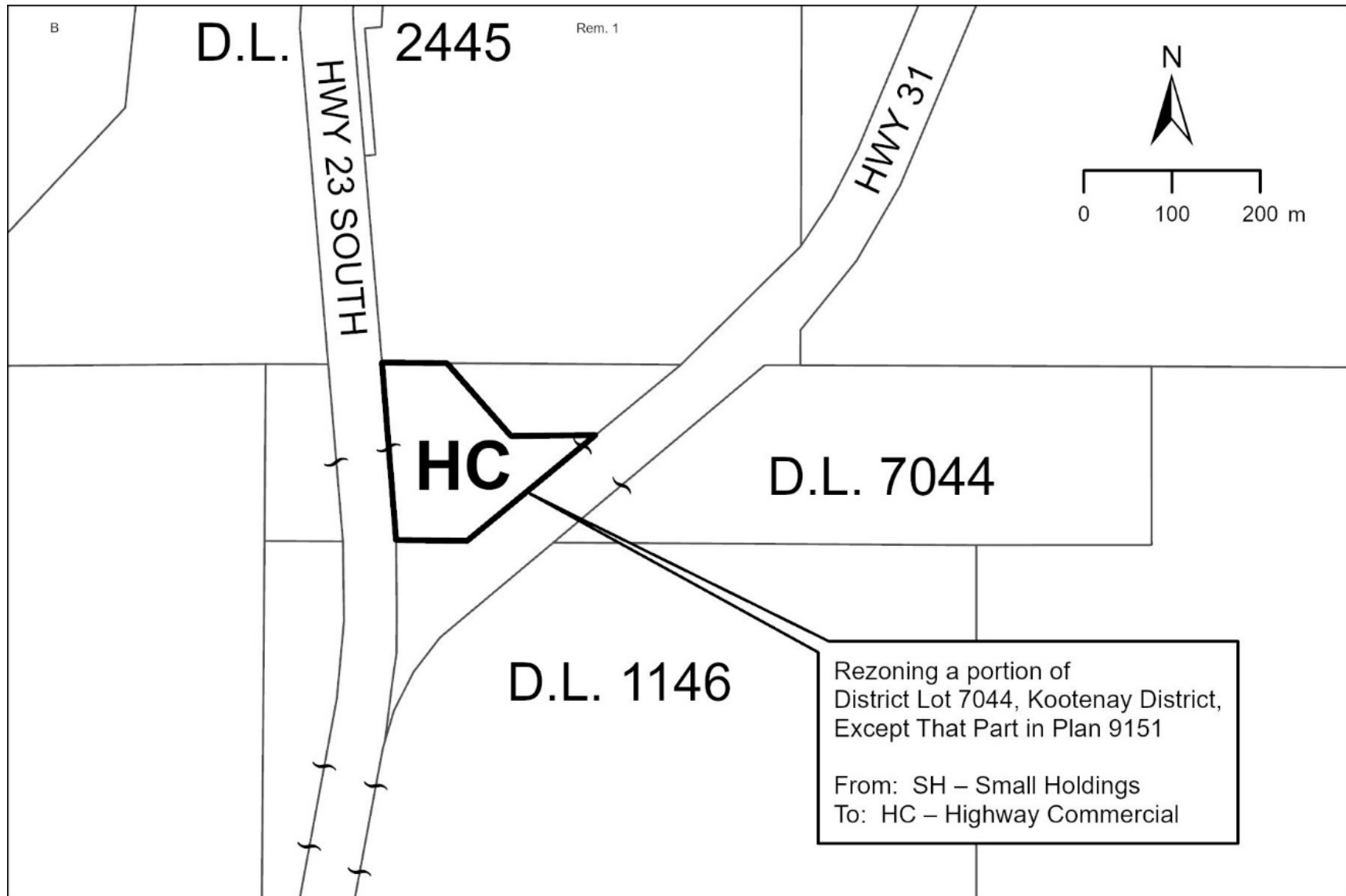
### Electoral Area B Zoning Bylaw No. 851



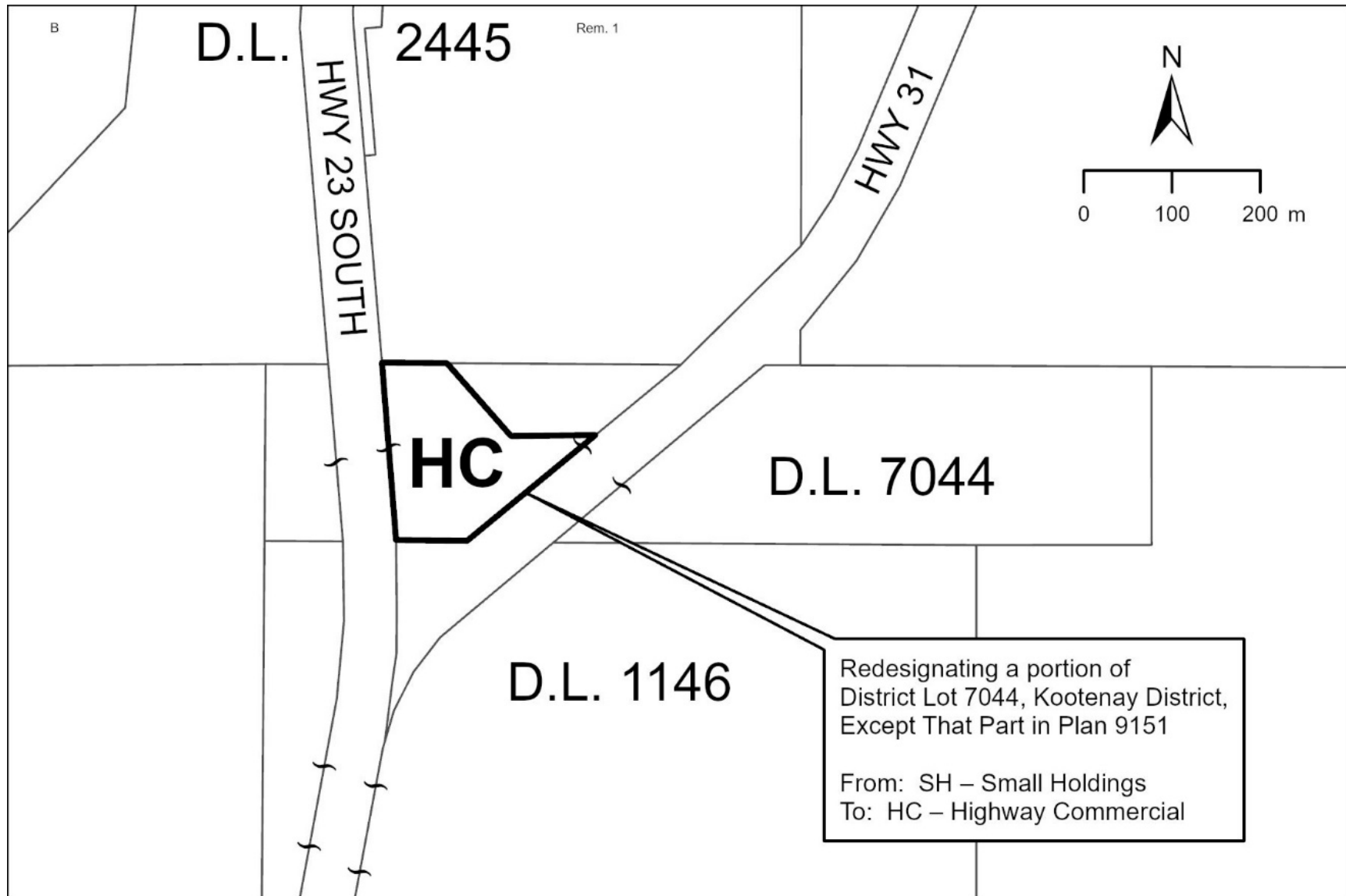
Site Plan



**BL851-25 Schedule 1** - showing the portion of the subject property proposed to be rezoned



**BL850-18 Schedule 1** – showing the portion of the subject property proposed to be redesignated



Orthophoto (CSRD 2023)



Google Streetview (August 2012) - Intersection of Hwy 31 and Hwy 23 South – looking north towards Galena Bay Ferry Terminal



Google Streetview (August 2012) - Highway 23 South looking south – subject property on the left







# BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area B: Electoral Area B Official Community Plan Amendment Bylaw No. 850-21 and Electoral Area B Zoning Amendment Bylaw No. 851-32
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated October 24, 2024. Fish River Road, Beaton
- RECOMMENDATION #1:** THAT: "Electoral Area B Official Community Plan Amendment Bylaw No. 850-21" be read a third time, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #2:** THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-32" be read a third time, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #3:** THAT: "Electoral Area B Official Community Plan Amendment Bylaw No. 850-21" be adopted, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #4:** THAT: "Electoral Area B Zoning Amendment Bylaw No. 851-32" be adopted, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

The applicant is proposing to change the Official Community Plan (OCP) land use designation and the zoning designation for a portion of the subject property from RSC Rural and Resource to SH Small Holdings. This zone would permit a maximum of seven 4 ha lots to be created. The applicant has applied for subdivision of the subject property to create three new lots of 4.5, 4.1, and 23.7 ha each, leaving a remainder of 71.36 ha. The area comprised of the remainder is proposed to remain designated and zoned RSC Rural and Resource. A public hearing was held on October 8, 2024 to hear representations from members of the public regarding the proposed amendments. Notes from the public hearing are attached to this board report. It is now appropriate for the Board to consider the amending bylaws for third reading and adoption.

## BACKGROUND:

Please see [Item 17.2 on the April 18, 2024 Board Agenda](#) for the staff report recommending First Reading. The report provides the full background and supporting documents for this application.

Please see [Item 17.1 on the September 12, 2024, 2024 Board Agenda](#) for the staff report recommending Second Reading. This report includes agency and First Nations referral comments.

## POLICY:

Please see "[BL850-21 BL851-32 Excerpts BL850 BL851.pdf](#)" for all applicable policies and regulations. [Electoral Area B Official Community Plan Bylaw No. 850, as amended](#)

- 2.1 – Growth Patterns (Upper Arrow Lake – Galena Bay, Beaton, Shelter Bay, Halcyon North & Arrowhead)
- 3.0 Rural Resource
- 4.3 Land Use & Density Policies (4.3.20, 4.3.24, 4.3.26)
- 4.4 Community Specific Policies (Upper Arrow Lake – Galena Bay, Beaton, Shelter Bay, Halcyon North & Arrowhead)
- 12.6 Riparian Areas Regulation Development Permit Area

#### Electoral Area B Zoning Bylaw No. 851, as amended

- 1.0 Definitions
- 3.0 Uses and Buildings Permitted in Each Zone
- 3.8 Establishment of Floodplains
- 3.10 Application of Floodplains
- 5.3 Rural and Resource Zone
- 5.5 Small Holdings Zone

#### **FINANCIAL:**

In accordance with Section 477 of the Local Government Act, the Financial Services and Environmental and Utility Services Departments have reviewed the proposed OCP amendment and confirmed that it is consistent with the CSRD's Financial Plan and Waste Management Plan.

#### **KEY ISSUES/CONCEPTS:**

##### Public Hearing

A public hearing was held on October 8, 2024 in the Board Room of the CSRD offices to hear representations from the public regarding the proposed bylaw amendments. Ads for this public hearing were placed in the Revelstoke Review on September 26 and October 3, 2024 and notices were sent to all owners of property within 100 m of the subject property. There were 4 members of the public in attendance including 1 in person (the applicant) and 3 online. A public hearing for another application was held immediately preceding this one. Two of the persons online were the applicants from the previous public hearing.

The owner of an adjacent property provided comments regarding the proposal. He explained that he is upset about the logging that occurred on the subject property but also indicated that he respects the right of the owner to do so. He is opposed to the application due to precedent setting as he believes it is a move towards commercialization of large tracts of land in the Beaton area. He further stated that he welcomes the applicant as a new neighbour and believes that a small home on the property would improve the landscape.

The applicant also spoke indicating that he intends to have an archaeological overview assessment of the property completed to address First Nations concerns. After the public hearing closed, the applicant indicated to staff that he intends to have this done following completion of the rezoning application and prior to completion of the subdivision. An archaeological assessment is typically a requirement of the Provincial Approving Officer as part of subdivision approval.

There were no written public submissions received for this public hearing.

##### Analysis

The two concerns raised at the public hearing were logging of the property and the potential for precedent setting thereby enabling further subdivision of lands in the Beaton area.

### *Logging*

The subject property is currently zoned RSC Rural and Resource. Permitted uses in this zone include forestry and timber harvesting, however logging of the property is allowed regardless of these permitted uses subject to the owner adhering to any development permit requirements. The property is assessed as private managed forest. All other lands in the Beaton area with RSC zoning are Crown lands.

### *Precedent Setting*

Most of the privately held lands in Beaton are zoned SH Small Holdings, with a small portion zoned RR1 Rural Residential and RC1 Recreation Commercial. The subject property is the only privately held property in Beaton that is zoned RSC Rural and Resource. The applicant has explained that the property is co-owned by two families, and they would like to subdivide to create a parcel for each of the families plus one additional parcel which they intend to sell to cover the costs related to subdivision.

If this application is approved, the area comprising these three proposed lots would be rezoned to SH Small Holdings. The remainder of the property would remain zoned RSC Rural and Resource and the applicant has indicated that it would continue to be private managed forest. The SH zone has a minimum parcel size of 4 ha, and the proposed lots are 4.1, 4.5 and 23.7 ha. The largest of these lots would have the potential for further subdivision into a maximum of 5 lots. There are only two other properties in Beaton zoned SH that have the potential for further subdivision. Rezoning would not be required. If acted upon, subdivision of these lots could result in up to an additional eight 4 ha lots. All other lands in Beaton are held by the Crown. There are no other lands in Beaton that could be rezoned for future subdivision, therefore if approved this application would not set a precedent for future rezoning applications in the vicinity.

### Rationale for Recommendation

The applicant is proposing to change the OCP land use designation for a portion of the subject property from RSC to SH and rezone the same portion of the subject property from RSC to RR4 to allow for subdivision to a minimum parcel size of 4 ha. Staff are recommending that the proposed amending bylaws be considered for third reading and adoption for the following reasons:

- The proposal meets the OCP policies regarding Small Holdings and the proposed subdivision meets the minimum parcel size for the Small Holdings designation and zone;
- Hazardous conditions present on the property are being addressed by the Ministry of Transportation and Infrastructure through their requirements for subdivision approval;
- Issues raised in the referral comments from Electoral Area B Advisory Planning Commission, agencies and First Nations have been addressed by the applicant; and
- Concerns raised at the public hearing are related to uses that are permitted by the current zoning.

### **IMPLEMENTATION:**

If the Board agrees with the staff recommendation, the applicant will be advised of the decision and will be able to move forward with their subdivision application. Bylaw Nos. 850 and 851 will be consolidated and the website will be updated.

### **COMMUNICATIONS:**

Minutes from the Board meeting will be posted on the CSRD website and will be available to interested members of the public who may wish to learn the outcome of this decision.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_DS_BL850-21_BL851-32_Third_Adopt.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL850-21_Third_Adopt.pdf</li> <li>- BL851-32_Third_Adopt.pdf</li> <li>- BL850-21_BL851-32_PH_Notes_redacted.pdf</li> <li>- BL850-21_BL851-32_Maps_Plans_Photos.pdf</li> </ul>
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:



Corey Paiement

**No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud**

Gerald Christie

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**ELECTORAL AREA B OFFICIAL COMMUNITY PLAN BYLAW NO. 850-21**

A bylaw to amend the "Electoral Area B Official Community Plan Bylaw No. 850"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 850;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 850;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, hereby enacts as follows:

1. "Electoral Area B Official Community Plan Bylaw No. 850" is hereby amended as follows:

A. MAP AMENDMENT

1. Schedule B (Overview Maps B1-B5), which forms part of the "Electoral Area B Official Community Plan Bylaw No. 850" is hereby amended as follows:

i) Redesignating the portion of District Lot 7959, Kootenay District, Except: (1) Parcel 1 (Reference Plan 5828l) (2) Plan 1321, located north of Fish River Road; which is more particularly shown outlined in bold on Schedule 1 attached hereto and forming part of this bylaw, from RSC Rural and Resource to SH Small Holdings.

2. Schedule D (Land Use Designation Maps) which forms part of the "Electoral Area B Official Community Plan Bylaw No. 850" is hereby amended by:

i) Redesignating the portion of District Lot 7959, Kootenay District, Except: (1) Parcel 1 (Reference Plan 5828l) (2) Plan 1321, located north of Fish River Road; which is more particularly shown outlined in bold on Schedule 2 attached hereto and forming part of this bylaw, from RSC Rural and Resource to SH Small Holdings.

2. This bylaw may be cited as "Electoral Area B Official Community Plan Amendment Bylaw No. 850-21"

READ a first time this 18<sup>th</sup> day of April, 2024.

READ a second time this 12<sup>th</sup> day of September, 2024.

PUBLIC HEARING held this 8<sup>th</sup> day of October, 2024.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

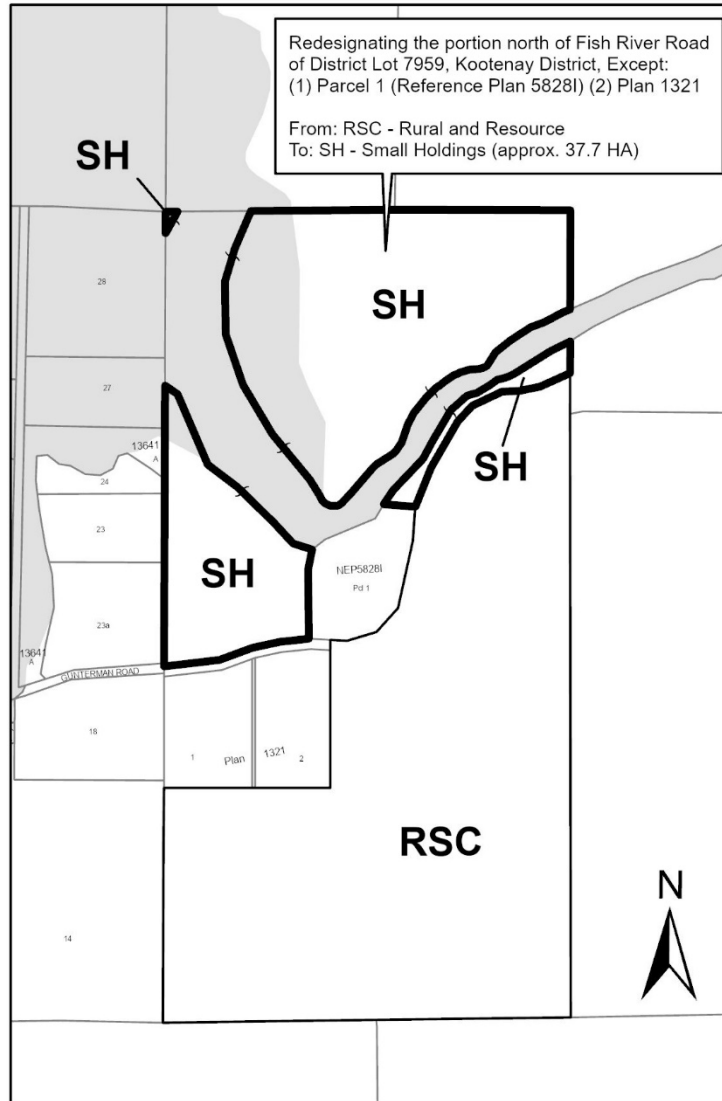
\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CHAIR

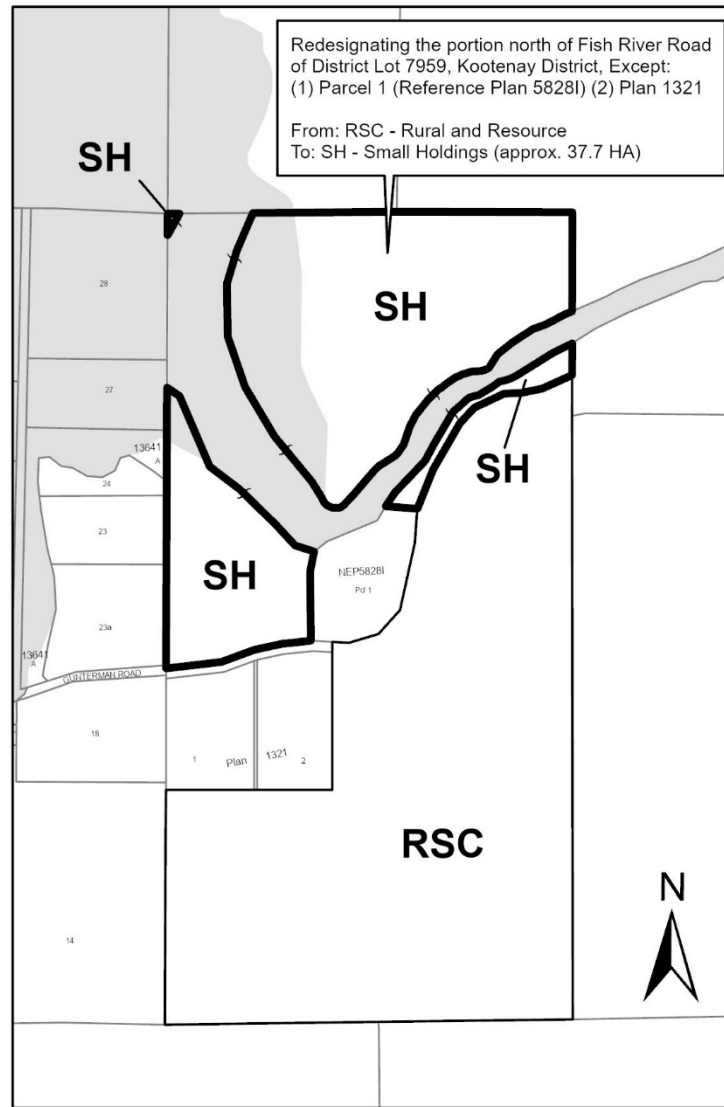
CERTIFIED a true copy of Bylaw No. 850-21 as adopted.

\_\_\_\_\_  
CORPORATE OFFICER

**Schedule 1**  
**Electoral Area B Official Community Plan Amendment Bylaw No. 850-21**



**Schedule 2**  
**Electoral Area B Official Community Plan Amendment Bylaw No. 850-21**





**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**ELECTORAL AREA B ZONING AMENDMENT BYLAW NO. 851-32**

A bylaw to amend the "Electoral Area B Zoning Bylaw No. 851"

The Board of the Columbia Shuswap Regional District, in open meeting assembled, hereby enacts as follows:

1. "Electoral Area B Zoning Bylaw No.851" is hereby amended as follows:

A. MAP AMENDMENT

1. Schedule B, Zoning Maps, which forms part of the "Electoral Area B Zoning Bylaw No. 851" is hereby amended as follows:

i) Rezoning the portion of District Lot 7959, Kootenay District, Except: (1) Parcel 1 (Reference Plan 5828I) (2) Plan 1321, located north of Fish River Road;

which is more particularly shown outlined in bold on Schedule 1 attached hereto and forming part of this bylaw, from RSC Rural and Resource to SH Small Holdings.

2. This bylaw may be cited as "Electoral Area B Zoning Bylaw No.851-32".

READ a first time this 18<sup>th</sup> day of April, 2024.

READ a second time this 12<sup>th</sup> day of September, 2024.

PUBLIC HEARING held this 8<sup>th</sup> day of October, 2024.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

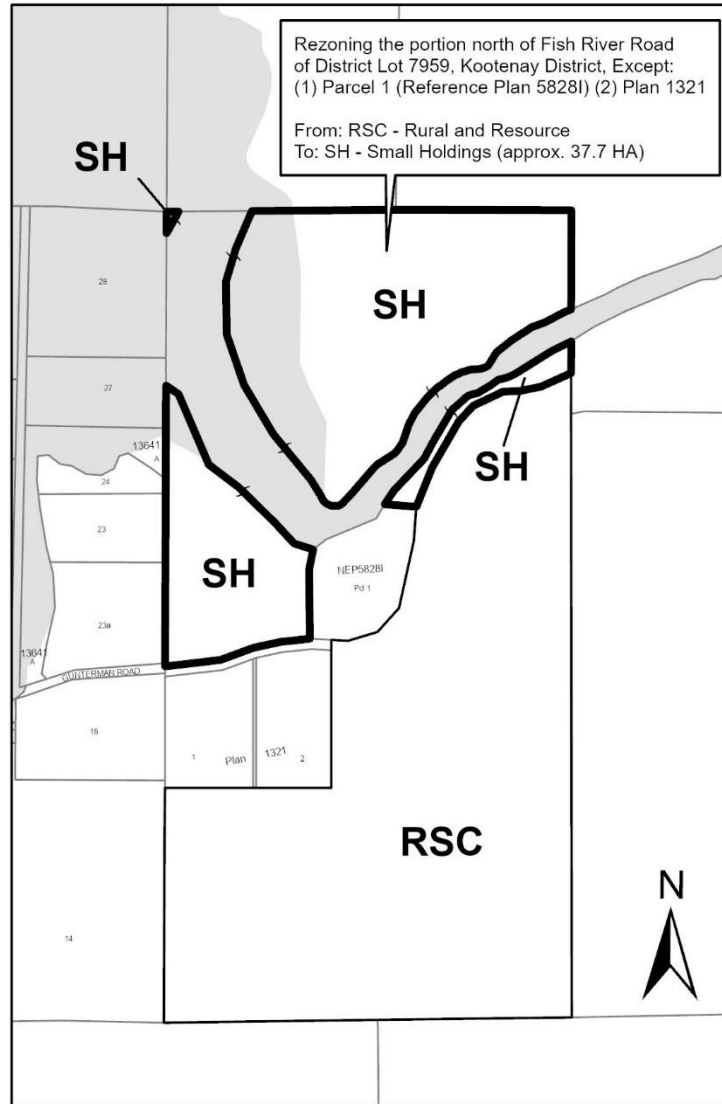
\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of Bylaw No. 851-32 as adopted.

\_\_\_\_\_  
CORPORATE OFFICER

**Schedule 1**  
**Electoral Area B Zoning Amendment Bylaw No. 851-32**



## PUBLIC HEARING NOTES

### Bylaw No. 850-21 and Bylaw No. 851-32

Notes of the Public hearing held on Tuesday, October 8<sup>th</sup>, 2024 at 6:00 PM at the CSRD Office, 555 Harbourfront Drive NE, Salmon Arm, BC, regarding Electoral Area B OCP Amendment Bylaw No. 850-21 and Electoral Area B Zoning Amendment Bylaw No. 851-32.

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PRESENT: Chair David Brooks-Hill – Electoral Area B Director – online  
 Christine LeFloch – Planner III, Planning Services  
 Laura Gibson – Planner II, Planning Services  
 Hayley Johnson - Planner I, Planning Services  
 Brad Payne, IT/ GIS Manager – online  
 1 member of the public in person (applicant)  
 3 members of the public online (including 2 applicants)

The Chair acknowledged that we are meeting in service to the Columbia Shuswap Regional District which is on the traditional and unceded territories of the Secwepemc, Sylix Okanagan, Sinixt and Ktunaxa Nations. The Chair noted that the public hearing is being held both in person and electronically then gave instructions on how to get technical assistance during the meeting. The Chair introduced the CSRD staff present and online at the public hearing and noted that he was also participating online. Then the Chair stated that this public hearing is convened pursuant to Section 464 of the Local Government Act to allow the public to make representations regarding the two proposed bylaws (BL850-21 and BL851-32).

Following instructions for the public hearing, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed Electoral Area 'B' Official Community Plan and Zoning Bylaw Amendments.

The Planner also noted the hearing has been called under Section 464 and the application is expected to be submitted to the Board for consideration at either its November 21<sup>st</sup> or December 13<sup>th</sup>, 2024 meeting. The Planner explained the notification requirements set out in the Local Government Act and noted ads for the Public Hearing were placed in the Revelstoke Review on September 26<sup>th</sup> and October 3<sup>rd</sup>, 2024. The Planner noted that property owners within 100 m of the subject property were mailed notification of this public hearing.

The Planner gave a short presentation providing background information regarding the proposed bylaw amendments and reviewed the purpose of the bylaws. The Planner also summarized the referral comments received by the CSRD to the public in attendance.

The Chair explained how to use Zoom to provide comments and also noted that written submissions could be provided until the close of the public hearing by sending them to the public planning email inbox.

The Chair opened the floor for comments.

██████████, applicant – noted that he has decided to do an Archaeological Overview Assessment of the property to address the First Nations concerns.

████████████████████ Road - stated that he owns property ██████████ the subject property. Noted that Beaton is very rural and off-grid that was established in the early 1900s. It

only has one dirt road into the community. He noted that quiet enjoyment of the area is important to him and that this is not just in reference to noise, but also includes peace in the grandeur of the place. The applicant has already clear cut logged most of the property and while he recognizes that is his right, it's affected his enjoyment and makes him feel sad. He further noted that the applicant is to be commended for choosing to do the archaeological study in response to First Nations. He is opposed to the application due to precedent setting. He feels it is a move towards commercialization of large tracts of land. He welcomes the applicant as a new neighbour and feels that a small cottage or home would improve the currently scarred landscape. He thinks that rejection of the application will contribute to their enjoyment of the land.

Chair – called for further comments.

Hearing no more representations or questions about proposed Bylaw No. 850-21 and Bylaw No. 851-32, the Chair called three times for further submissions before declaring the public hearing closed at 6:50 pm.

CERTIFIED as being a fair and accurate report of the public hearing.

Original Signed by

*David Brooks-Hill*

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Director Brooks-Hill

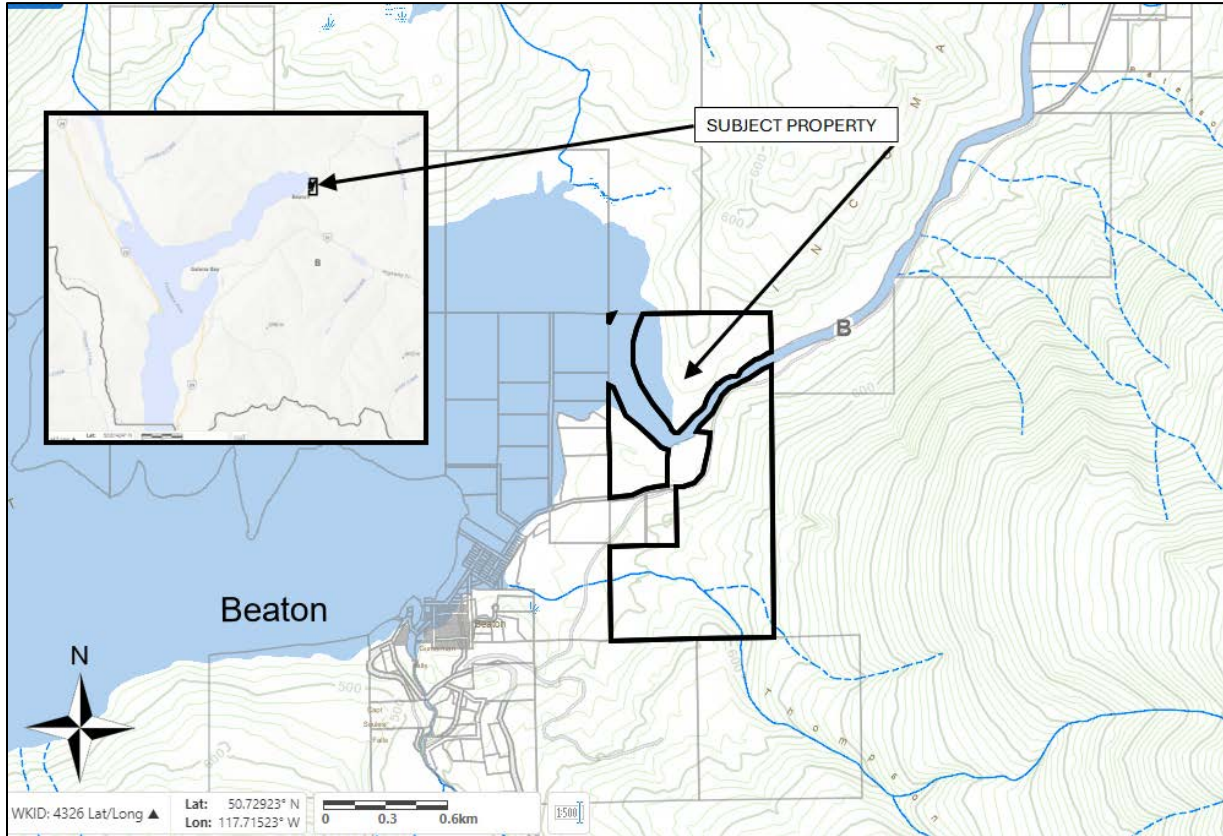
Public Hearing Chair

*C. LeFloch*

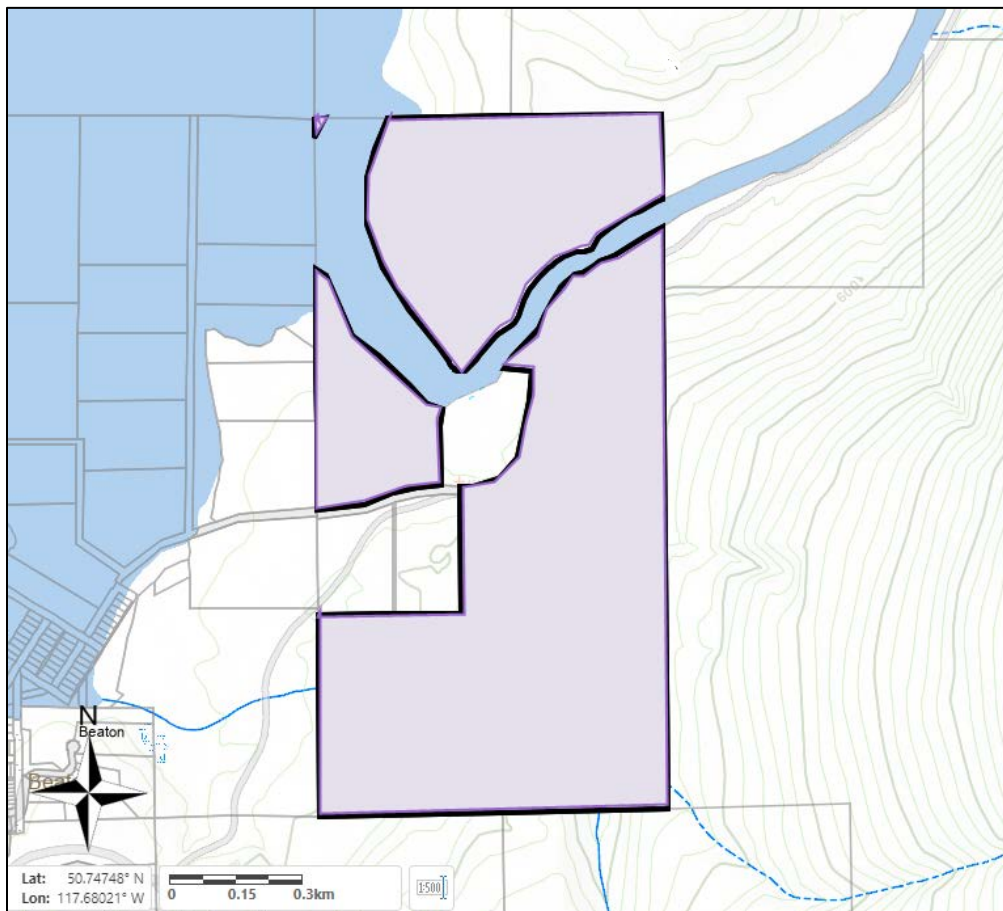
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Christine LeFloch  
Planner III

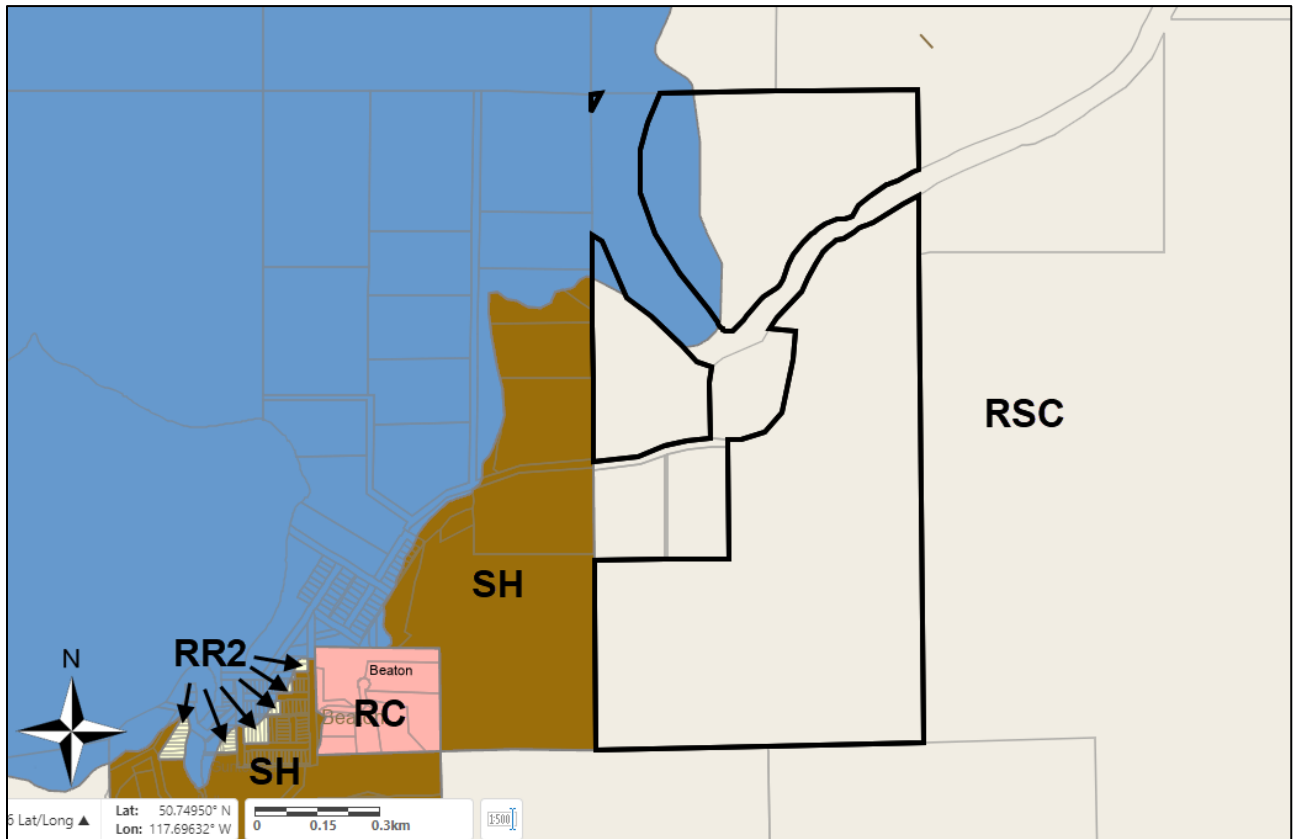
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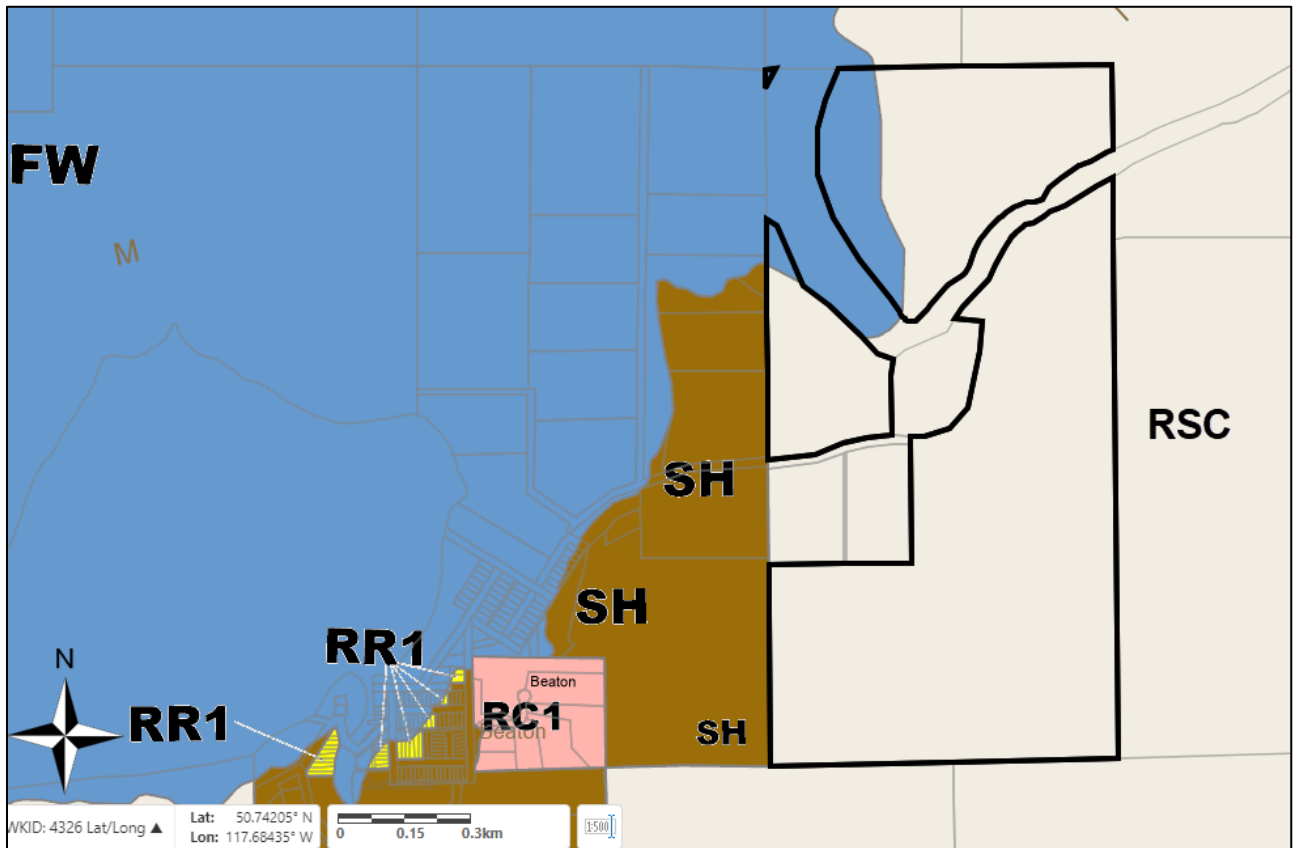
Areas highlighted purple show extent of subject property



Electoral Area B Official Community Plan Bylaw No. 850

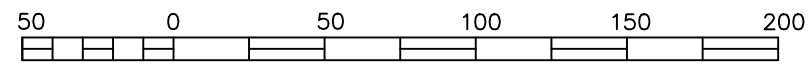


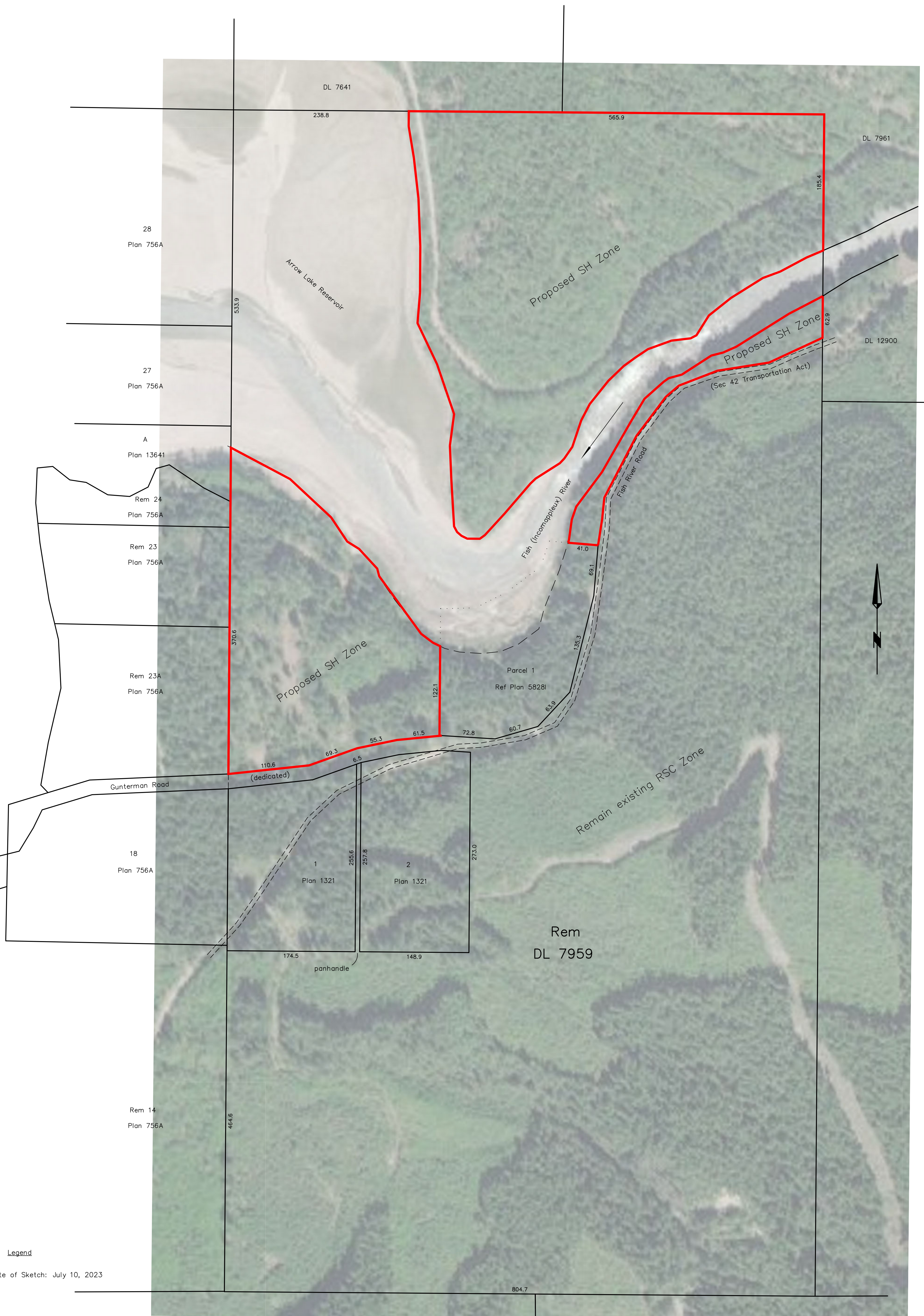
Electoral Area B Zoning Bylaw No. 851



# Sketch Plan to Accompany OCP amendment and Rezoning Application of a Portion of District Lot 7959 Kootenay District Except (1) Parcel 1(Reference Plan 2828I) and (2) Plan 1321

<u>Present</u>
OCP designation RSC – bylaw 850 Rural Resource
Zoning RSC – bylaw 851 Rural Resource – 60ha min size
<u>Requested Partial rezoning</u>
OCP designation SH Small Holdings
Zoning SH Small Holdings – 4ha min size

Scale 1:2500  
  
 All distances are in metres.  
 The intended plot size of this plan is 560mm in width  
 by 864mm in height (D size) when plotted at a scale of 1:2500



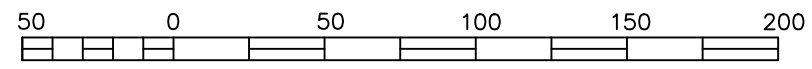
Legend

Date of Sketch: July 10, 2023

# Sketch Plan of Proposed Subdivision of Part of District Lot 7959 Kootenay District

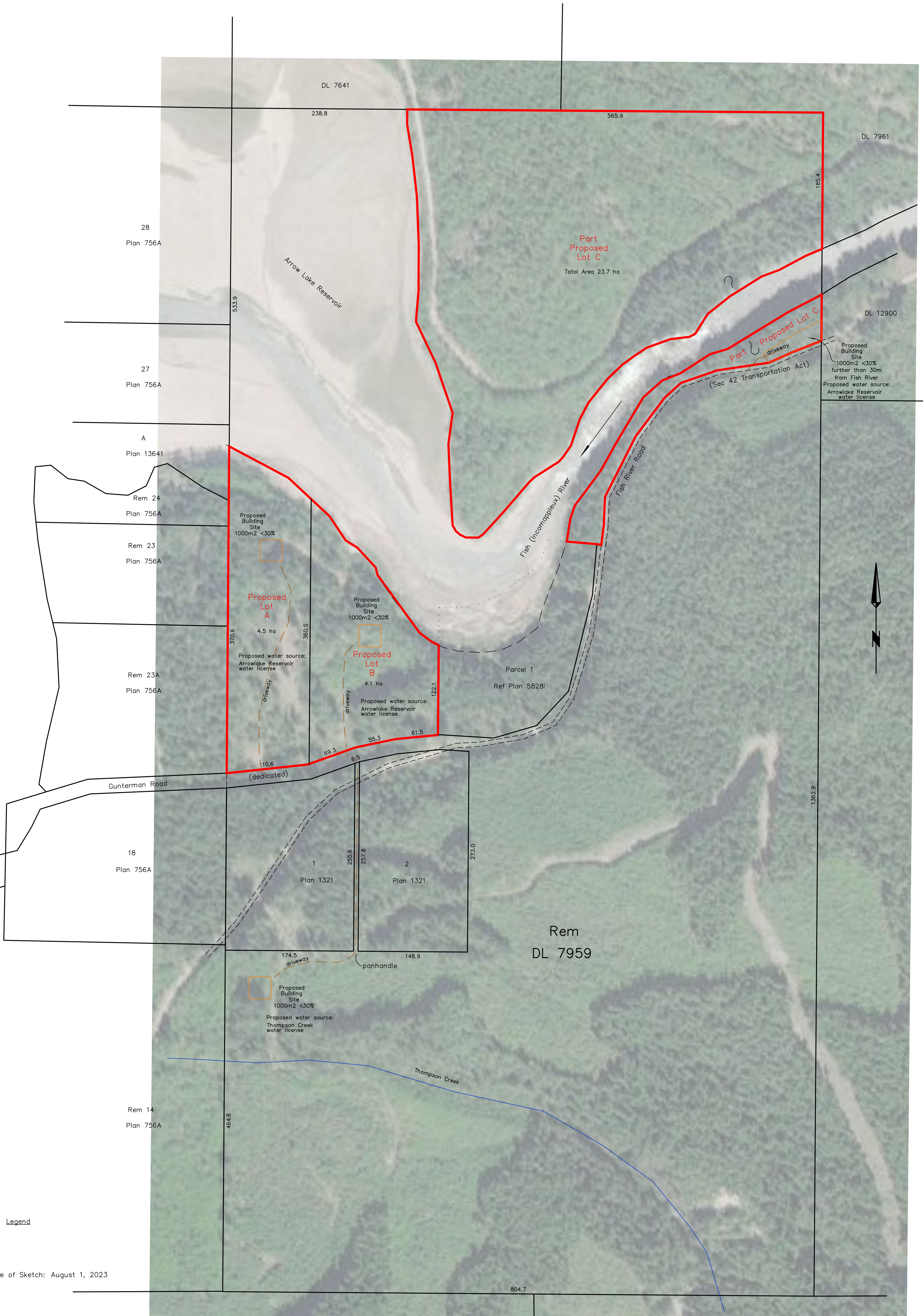
Except (1) Parcel 1(Reference Plan 2828I) and (2) Plan 1321

Scale 1: 2500



All distances are in metres.

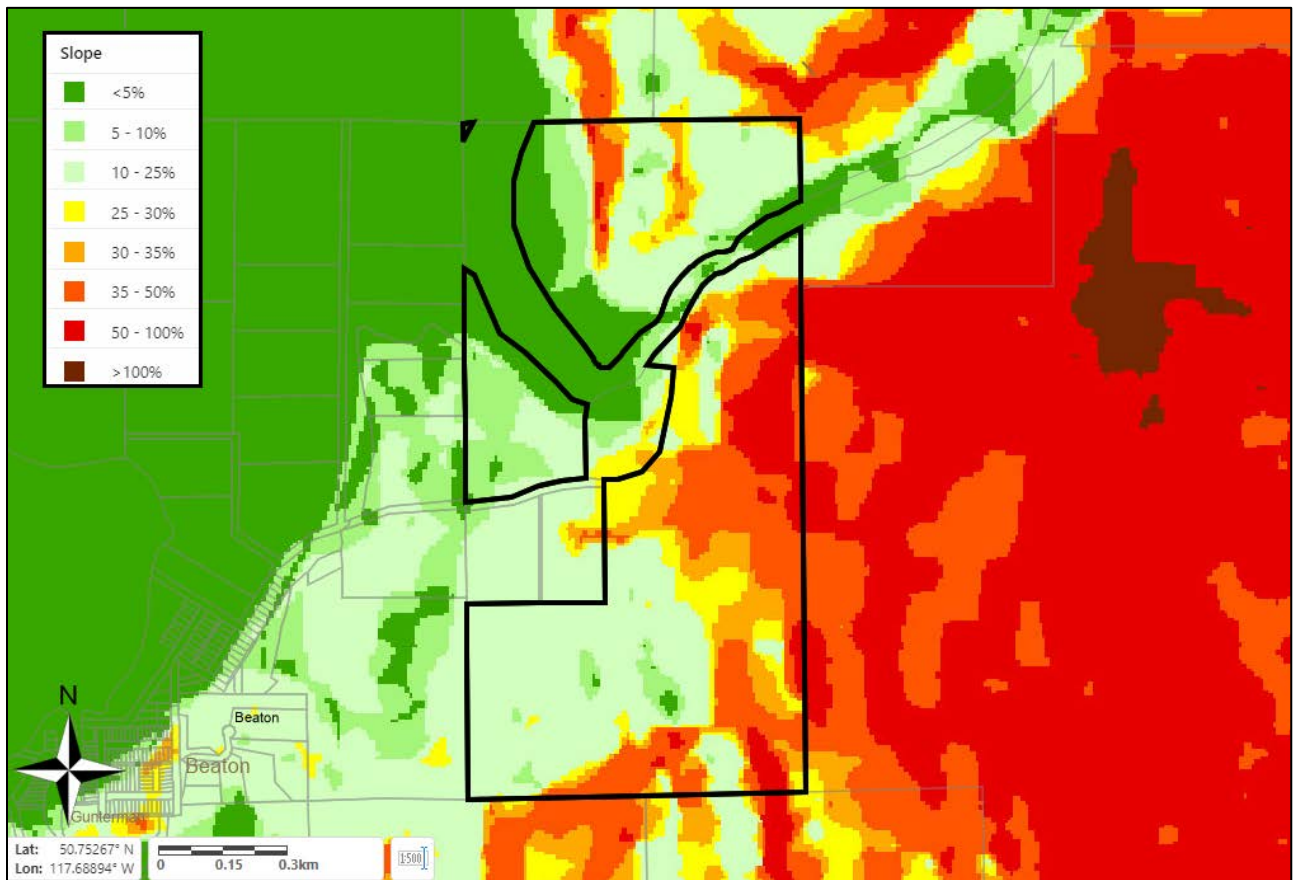
The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:2500



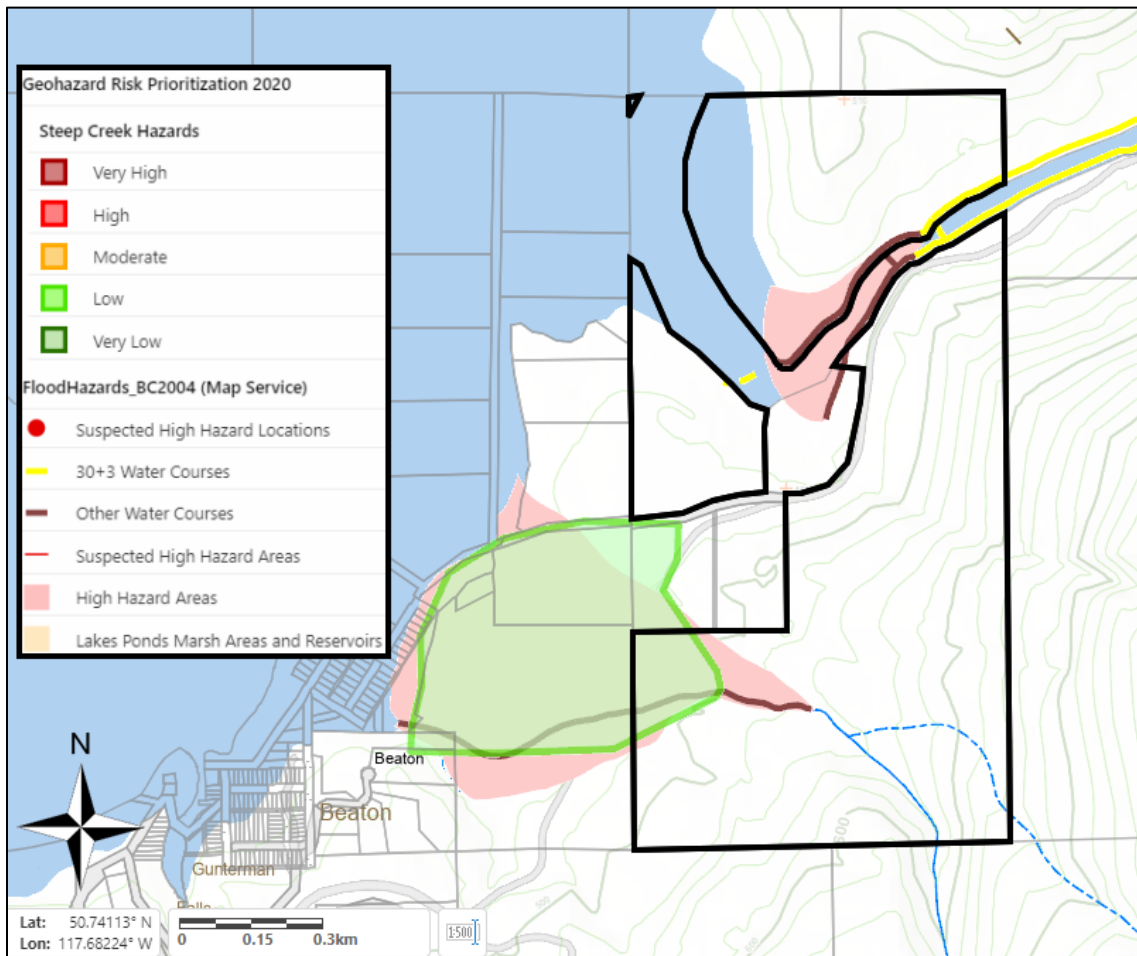
Legend

Date of Sketch: August 1, 2023

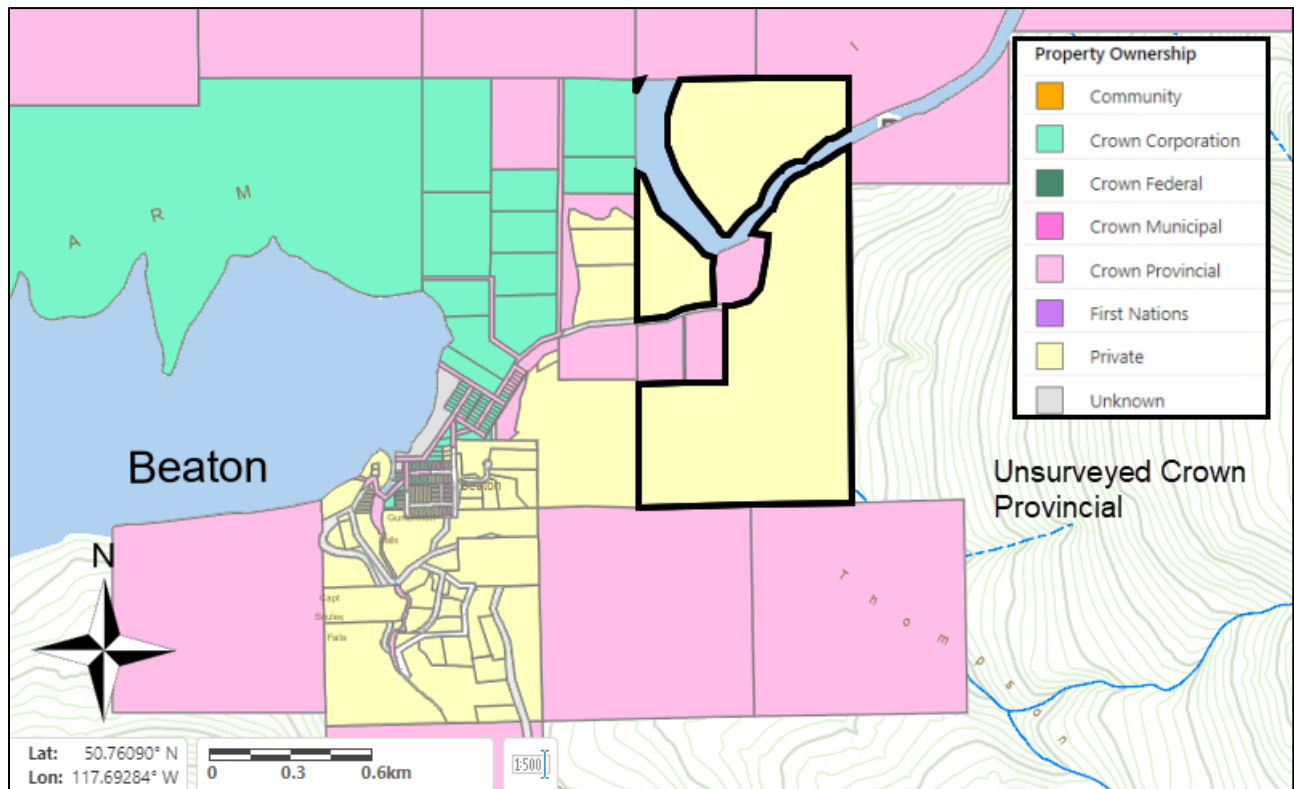




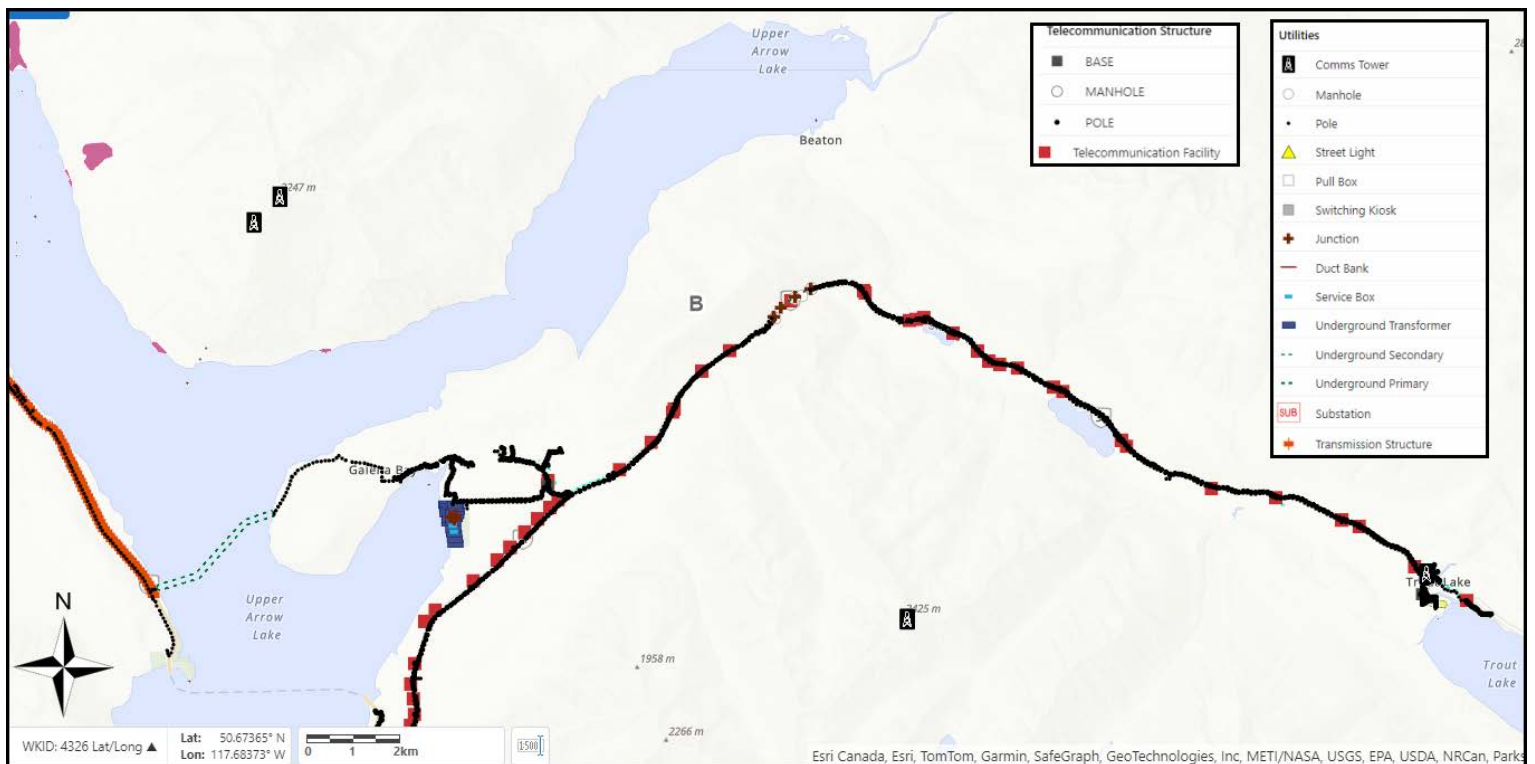
### Flood Hazard Mapping



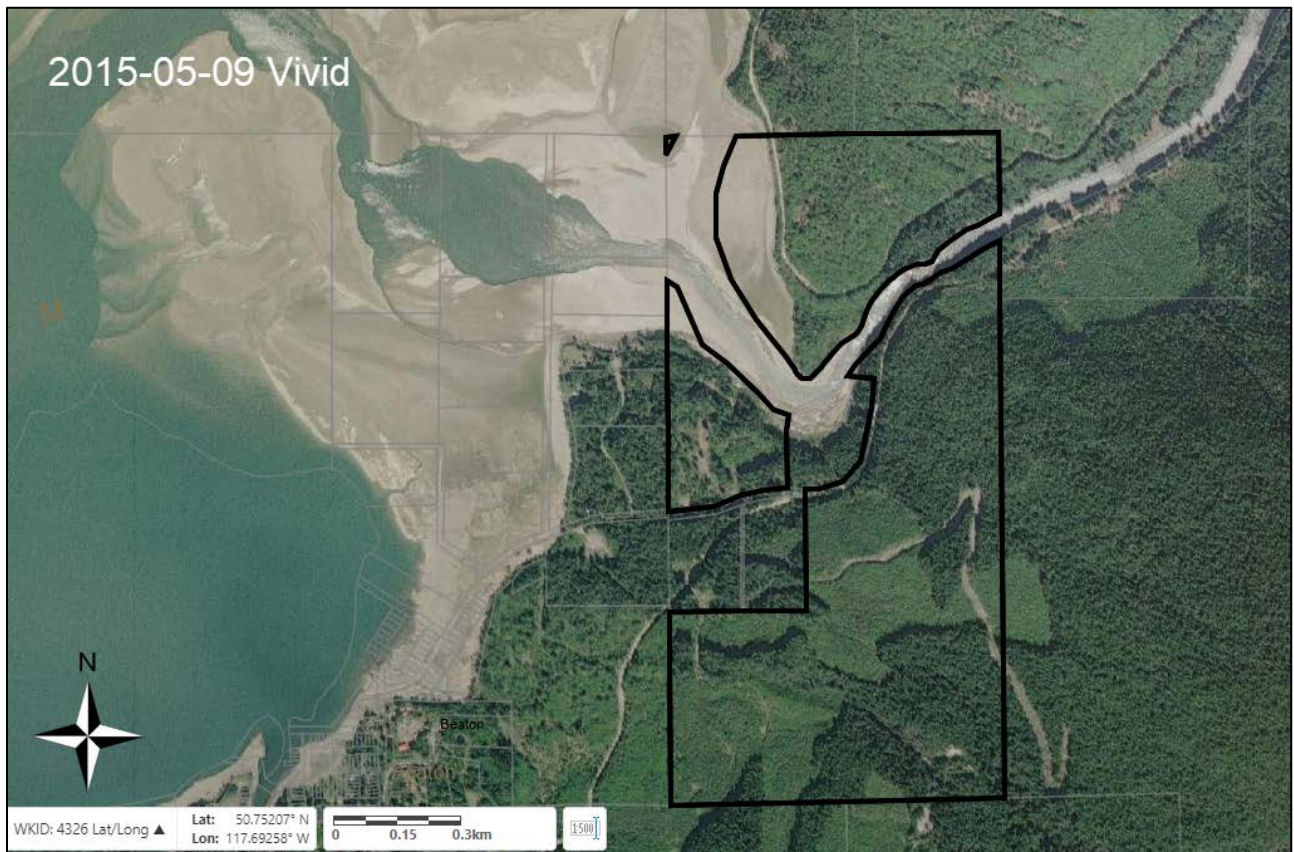
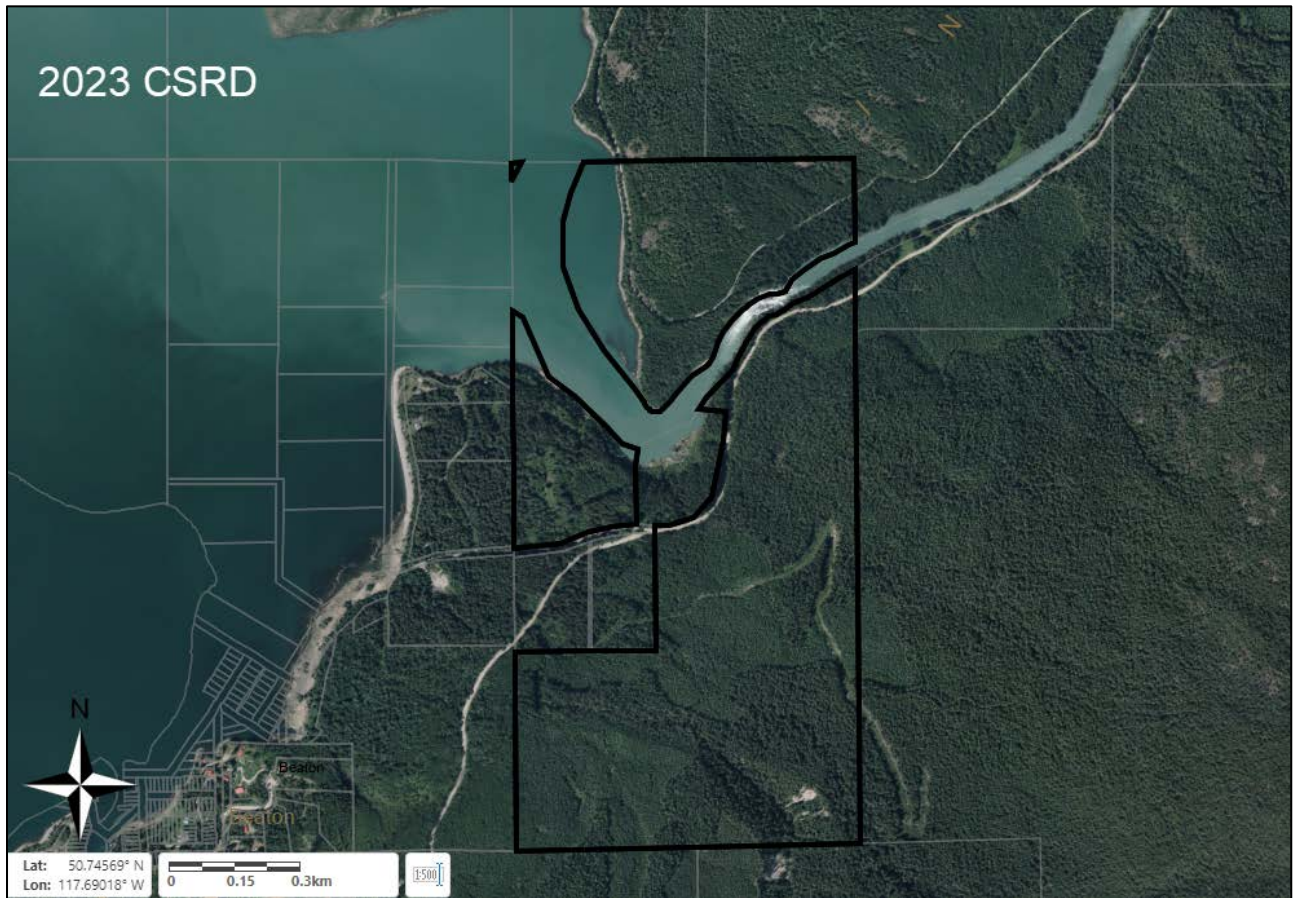
Property Ownership



Utilities Infrastructure (Hydro and Telecommunications)



Orthophotos





# BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area C: Electoral Area C Official Community Plan Amendment Bylaw No. 725-25 and South Shuswap Zoning Amendment Bylaw No. 701-107
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated October 29, 2024. 6169 Armstrong Road, Wild Rose Bay
- RECOMMENDATION #1:** THAT: Pursuant to Section 477 of the Local Government Act, the Board has considered "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25" in conjunction with the Columbia Shuswap Regional District's Financial Plan and Waste Management Plan.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #2:** THAT: "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25" be read a second time, as amended this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #3:** THAT: "South Shuswap Zoning Amendment Bylaw No. 701-107" be read a second time as amended, this 21<sup>st</sup> day of November, 2024.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*
- RECOMMENDATION #4:** THAT: a public hearing to hear representations regarding "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25" and "South Shuswap Zoning Amendment Bylaw No. 701-107" be held in the Board Room at the CSR D Office;  
AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;  
AND FURTHER THAT: the holding of the public hearing be delegated to Director Marty Gibbons, as Director of Electoral Area C being that in which the land concerned is located, or Alternate Director Margaret McCormick, if Director Gibbons is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.  
*Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

The applicant is proposing to change the Official Community Plan (OCP) land use designation for a portion of the subject property from LH Large Holdings to RR2 Rural Residential 2 and rezone a portion of the property from LH Large Holdings to RR4 Rural Residential 4 to facilitate subdivision into 3 new lots with a minimum size of 2.24 ha plus a ~12.27 ha Remainder. The site plan and schedules to the

amending bylaws were amended between first and second reading to increase the area of Proposed Lots 1 and 2 to address zoning considerations related to panhandle lots and a new policy was added to the OCP amending bylaw to permit two buildings to be located within 50 m but no closer than 30 m of the natural boundary of the lake for the two proposed waterfront lots.

The Board gave first reading to the amending bylaws at their meeting held on November 16, 2023 and directed staff to use the complex consultation process which includes referrals to applicable agencies and First Nations and a public information meeting. A public hearing is also required for this application because it includes an OCP amendment. Referral responses and the public information meeting notes are attached to this Board report. It is now appropriate for the Board to consider the amending bylaws for second reading, as amended, and delegate a public hearing to hear representations from the public regarding the proposed amendments.

### **BACKGROUND:**

Please see [Item 18.2 on the November 16, 2023 Board Agenda](#) for the staff report recommending First Reading. The report provides the full background and supporting documents for this application. Updated maps, plans and photos reflecting changes proposed at second reading are attached to this Board report.

### **POLICY:**

Please see "BL725-25\_BL701-107\_Excerpts\_BL725\_BL701\_2024-09-13.pdf," attached for all applicable policies and regulations.

[Electoral Area C Official Community Plan Bylaw No. 725, as amended](#) (Sections 1.2, 3.1, 3.4, 3.6, 12.1, 12.2, 12.3, 12.4)

1.2 Sustainable Planning Principles

3.1 General Land Use Management

3.4 Residential

3.6 Waterfront Development

12.1 Hazardous Lands Development Permit Area (Steep Slope)

12.2 Foreshore and Water Development Permit Area

12.3 Lakes 100 m Development Permit Area

12.4 Riparian Areas Regulation Development Permit Area

[South Shuswap Zoning Bylaw No. 701, as amended](#) (Sections 1, 3.16, 3.17, 3.18, 10, 15)

Part 1 Definitions

3.16 Floodplain Designations

3.17 Floodplain Specifications

3.18 Application of Floodplain Specifications

3.20 Subdivision Regulations for Panhandle Lots

10. RR4 Rural Residential Zone

## 15. LH Large Holding Zone

[Lakes Zoning Bylaw No. 900, as amended](#) (Section 4.4)

### 4.4 FR1 Foreshore Residential 1

#### **FINANCIAL:**

In accordance with Section 477 of the Local Government Act, the Financial Services and Environmental and Utility Services Departments have reviewed the proposed OCP amendment and confirmed that it is consistent with the CSRD's Financial Plan and Waste Management Plan.

#### **KEY ISSUES/CONCEPTS:**

The amending bylaws applicable to this application were read a first time at the November 16, 2023 Board Meeting and referred to applicable agencies and First Nations. The Complex Consultation process was recommended and approved for this application because it includes an OCP amendment. The Complex Consultation process includes referrals to agencies and First Nations and a public information meeting hosted by the applicant. A statutory public hearing is also required because an amendment to the OCP is required. The Local Government Act requires that public hearings be held for all OCP amendments.

The site plan was amended between first and second reading to increase the area of Proposed Lots 1 and 2 to address zoning considerations related to panhandle lots. This change has been reflected in the Schedules to the OCP and zoning amendment bylaws, which staff are recommending for second reading, as amended. There is also a new OCP policy reducing the 50 m setback from the natural boundary of Shuswap Lake to 30 m specific to Proposed Lots 1 and 2 that has been included in amending Bylaw No. 725-25. Details of this are explained further below. Bylaw No. 725-25 is also being recommended for second reading as amended.

#### Referrals

Following first reading of the amending bylaws referrals were sent to applicable agencies and First Nations. A summary of all comments received is provided in the Communications section below.

Of note, the Archaeology Branch indicated that while there are no known archaeological sites recorded on the subject property, its waterfront location means that there is high potential for previously unidentified archaeological sites to exist on the property. Skw'lax te Secwepemc also noted that the project is within an area of potential for archaeology and that they may require a field assessment by their Guardians before any land altering activities commence. The applicant engaged Antiquus Archaeological Consultants who made application to the Archaeology Branch and were issued Heritage Inspection Permit No. 2023-0262. A copy of this permit was provided to Adams Lake, Neskonlith, Shuswap, and Skeetchestn Indian Bands, Simpcw and Splatstsin First Nations, Skw'lax te Secwepemc and Tk'emlups te Secwepemc for their information. Due to the sensitivity around archaeological information the permit is not attached to this Board report.

#### Public Information Meeting

The public information meeting was held on September 18, 2024 at 2:00 PM at the Eagle Bay Community Hall. The meeting was advertised in the September 12, 2024 edition of the Salmon Arm Observer. Notes from the meeting are attached to the Board report as "BL725-25\_BL701-107\_PIM\_Notes\_redacted.pdf." The meeting was hosted by the owners of the subject property and their agent and attended by two members of the public. Technical information and reports that were

prepared for the CSRD were available for public review including the proposed subdivision plan, the Riparian Areas Assessment Report, septic report, draft archaeology report and natural hazard assessment. The only issue raised was regarding dedication of Armstrong Road and whether this would improve maintenance. The agent explained that Armstrong Road is already a public road under Section 42 of the Transportation Act and that maintenance would continue to be taken care of by AIM Roads.

#### Secondary Dwelling Units (SDU)

First reading of the amending bylaws applicable to this application occurred at the November 16, 2023 Board meeting. In June of 2024 bylaw amendments were adopted to implement the SDU project which increased the number of SDUs permitted in residential and rural zones. The proposed RR4 Zone now permits SDUs, where they were formerly not a permitted use. Further, the number and type of SDUs is regulated by Section 3.22 of Bylaw No. 701. Proposed Lots 1 and 2 of this proposed subdivision are 2.242 and 2.427 ha respectively and are currently vacant. Each lot would be permitted 1 attached SDU and 1 detached SDU under the new regulations. Proposed Lot 3 is 3.2 ha and contains one single detached dwelling at this time. 1 attached SDU and 1 detached SDU would be permitted on this property following subdivision completion. The Proposed Remainder is ~12 ha and is already developed with one single detached dwelling and one detached SDU. The Remainder is proposed to remain zoned LH Large Holdings. This zone permits 2 single detached dwellings plus 1 attached or detached SDU per single detached dwelling for a maximum of 4 dwelling units.

#### Setback from the Natural Boundary of Shuswap Lake

At first reading it was noted that the proposed development does not meet the OCP Waterfront Development policy pursuant to Section 3.6.2.1d) requiring a 50 m setback for all new development from the natural boundary of Shuswap Lake. This policy was included in the OCP due to public interest in protecting the remaining intact shoreline and riparian area along Shuswap Lake. Staff recommended that a Section 219 covenant specifying that buildings and structures be set back a minimum 50 m from the natural boundary of Shuswap Lake be required as a condition prior to adoption of the amending bylaws to ensure that the setback is noted by future owners and Building Services at the time of application for building permits. It was further suggested that the proposal and the terms of the covenant be discussed with the applicant prior to second reading.

The applicant met with staff to discuss the 50 m setback and requested that the setback be reduced due to topographical considerations including an escarpment that is about 70 m back and parallel to the lakeshore, and consistency with adjacent development. There is also a geotechnical setback from the toe of the escarpment that reduces the area available for development behind the 50 m setback. The applicant has provided a letter with rationale regarding the proposed reduction to the 50 m setback along with a site plan demonstrating the applicable setbacks along with proposed driveways. See "BL725-25\_BL701-107\_Applicant\_Letter\_2024-10-21.pdf," attached.

With the original proposal that was considered at first reading, the applicant had requested that "accessory buildings with or without accommodation" (essentially an SDU located in an accessory building) be allowed to be sited at the 30 m setback and the principal single detached dwelling would be located to meet the 50 m setback. The revised proposal requests that the principal single detached dwelling and an accessory building be located at a minimum of 30 m from the natural boundary of Shuswap Lake. Staff suggested that as the proposed zone permits one attached SDU and one detached SDU, that the principal single detached dwelling and an attached SDU, along with one accessory building be permitted to be sited no closer than 30 m from the natural boundary of Shuswap Lake, and that the detached SDU be located at a minimum of 50 m from the natural boundary. This would likely place one SDU above the escarpment as there is limited room to construct between the 50 m setback line and

the toe of the escarpment. The applicants are agreeable to this. As supporting rationale, the applicant also notes that the existing single detached dwelling on the Proposed Remainder parcel is located at 30 m from the natural boundary, in accordance with the Streamside Protection and Enhancement Area (SPEA) determined by the Qualified Environmental Professional, and single detached dwellings on adjacent properties to the west which predate the Riparian Areas Protection Regulations are located closer than 30 m from Shuswap Lake.

To permit this setback reduction a specific policy needs to be added to Section 3.6 of the OCP. This has been included in the proposed OCP amendment Bylaw No. 725-25. The policy specifies that for Proposed Lots 1 and 2 of the proposed subdivision, one principal single detached dwelling and an attached SDU, along with one accessory building may be sited no closer than 30 m from the natural boundary of Shuswap Lake. The Section 219 covenant is required to be registered on title following third reading and prior to adoption.

### Analysis

The applicant has held the required Public Information Meeting and there were no planning related issues or concerns in the comments received. Further, questions raised through the referral process regarding the need for archaeological study have been addressed by the applicant by hiring an archaeologist and obtaining a Heritage Inspection Permit.

The applicant has revised their requested reduction to the 50 m setback from Shuswap Lake to allow for the single detached dwelling on each proposed waterfront lot to be sited at the 30 m riparian setback. The proposed zoning for the property would permit one single detached dwelling plus one attached and one detached SDU. The revised proposal from the applicant does not take into account the ability for an attached SDU to be included as part of the principal building (attached to the single detached dwelling), but staff have considered this as part of the potential future development and have discussed with the applicant who is in agreement. Due to the topographic constraints on the property, the large parcel size and overall low density of proposed development, staff support the proposed setback reduction to a minimum of 30 m for one single detached dwelling which may include an attached secondary dwelling unit, along with one accessory building on each property. This reduced setback has been included in the OCP amending bylaw which is recommended for second reading as amended. If the Board reads the bylaw a second time, staff will continue to work with the applicant to prepare a Section 219 covenant which will be used to ensure compliance with the reduced setback at the time of building permit application. The applicant has offered that the covenant could also include a requirement that the septic systems be located beyond the 50 m setback. Staff support this and continue to recommend that the proposed covenant be registered on title after third reading and prior to staff bringing the bylaw back to the Board for consideration of adoption.

Staff continue to support this proposal to amend the OCP and zoning bylaw designations along with the request for a reduced setback.

### Rationale for Recommendation

The applicant is proposing to change the OCP land use designation for a portion of the subject property from LH to RR2 and rezone the same portion of the subject property from LH to RR4 to allow for subdivision of 3 new lots plus a Remainder. A site specific OCP amendment allowing a single detached dwelling with attached SDU and one accessory building to be sited between 50 m and 30 m from the natural boundary of Shuswap Lake is also proposed. Staff are recommending that the proposed amending bylaws be read a second time, as amended, and that a public hearing be delegated to hear representations from the public regarding the proposed amendments for the following reasons:



- Redesignating a portion of the subject property to RR2 and rezoning to RR4 can be considered because the proposed rural uses and densities are consistent with OCP policies regarding Residential use outside secondary settlement areas and the land use is consistent with adjacent and nearby properties;
- The proposal for the subject property meets most of the OCP policies regarding Waterfront Development, including density, lake frontage, and residential use;
- Staff support the applicant's request to reduce the 50 m setback from the natural boundary of Shuswap Lake to 30 m only for one single detached dwelling that may include an attached secondary dwelling unit and one accessory building if proposed Policy 3.6.2.3 is included in the OCP, and the recommended covenant is registered prior to adoption of the amending bylaws;
- There were no significant issues raised in the referral comments from agencies and First Nations that have not been addressed by the applicant; and
- Holding a public hearing will provide the opportunity to hear feedback from members of the public with regard to the proposed amending bylaws.

Prior to consideration of third reading a Section 219 covenant specifying building and septic system setbacks from the natural boundary of Shuswap Lake will need to be registered on title.

### **IMPLEMENTATION:**

If the Board endorses the staff recommendations staff will arrange for a public hearing to be held and undertake the communications related to advertising a public hearing as outlined below. Policy P-25 Public Hearings indicates that public hearings will be organized to provide for in person attendance and remote participation by way of electronic attendance via Zoom or telephone. Public hearings are to be held in the Board room of the CSRD Office in Salmon Arm unless there are unique circumstances that necessitate holding the public hearing at an alternative location. In this case, there has not been much interest expressed through inquiries regarding the proposed development from the local community and limited attendance at the public information meeting. Also, the public hearing is expected to be held in the winter and at this time there are likely less potential in-person public hearing attendees in the community as most seasonal residents have returned to their primary homes.

Staff have verified that the Area Director is supportive of holding the public hearing in the Board Room of the CSRD Office in this case. As such, it is recommended that the public hearing be held at the CSRD office to save time for Planning and IT staff arranging and attending a public hearing in the community, with the closest venue in Eagle Bay. Interested parties will be able to participate remotely if they are unable to attend in person. The public hearing chair can also attend via Zoom.

If a PH is held and the Board provides third reading, prior to staff bringing the amending bylaws back to the Board for adoption a Section 219 covenant specifying building and septic system setbacks from the natural boundary of Shuswap Lake will need to be registered on title.

### **COMMUNICATIONS:**

#### Notice of Development Sign

Notice of Development Signs were placed on the subject property on Eagle Bay Road following first reading and photos of the signs on the property were provided to staff.

#### Public Hearing

If the Board reads Bylaw Nos. 725-25 and 701-107 a second time as amended, and delegates a public hearing, staff will make arrangements for the public hearing, including: placing ads in local newspapers, posting the ad to the CSRD website and social media, and sending notices to all property owners of land located within 100 m of the subject property. The public hearing package will be made available on the CSRD website at least 10 days in advance of the public hearing.

#### Referral Responses

Bylaw Nos. 725-25 and 701-107 were referred to the following agencies and First Nations. Responses are briefly noted. Full referral comments are attached to the Board agenda as "BL725-25\_BL701-107\_Agency\_First\_Nations\_Referral\_Responses.pdf."

<b>AGENCY/FIRST NATION</b>	<b>RESPONSE</b>
CSRD Financial Services	The proposed bylaw has been reviewed as per S. 477 of the Local Government Act and is consistent with the CSRD's current financial plan.
CSRD Environmental and Utility Services	The proposed bylaw has been reviewed as per S. 477 of the Local Government Act and is consistent with the CSRD's current Solid Waste Management Plan.
CSRD Community & Protective Services	No response.
Ministry of Forests – Archaeology Branch	There are no known archaeological sites recorded on the subject property. However, given the property's waterfront location there is high potential for previously unidentified archaeological sites to exist on the property. Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land altering activities.
Ministry of Transportation & Infrastructure	No objections. Application for subdivision as proposed in rezoning has been received. Rezoning does not require formal MOTI approval under Section 52 of the Transportation Act.
Interior Health Authority	No response.
Adams Lake Indian Band	No response.
Skw'lax te Secwepemcúłecw	Skw'lax may require a field assessment by their Guardians before any land altering activities commence.
Neskonlith Indian Band	No response.

#### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

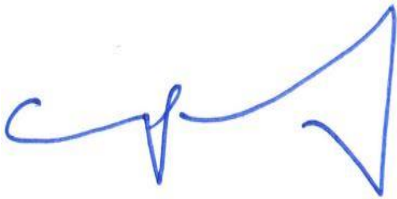
**BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_DS_BL725-25_BL701-107_Second_amended.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL725-25_Second_amended.pdf</li> <li>- BL701-107_Second_amended.pdf</li> <li>- BL725-25_BL701-107_Applicant_Letter_2024-10-21.pdf</li> <li>- BL725-25_BL701-107_PIM_Notes_redacted.pdf</li> <li>- BL725-25_BL701-107_Agency_First_Nations_Referral_Responses.pdf</li> <li>- BL725-25_BL701-107_Excerpts_BL725_BL701_2024-08-12.pdf</li> <li>- BL725-25_BL701-107_Maps_Plans_Photos_2024-10-22.pdf</li> </ul>
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:



Corey Paiement

**No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud**

Gerald Christie

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean

**COLUMBIA SHUSWAP REGIONAL DISTRICT****ELECTORAL AREA C OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW NO. 725-25**A bylaw to amend the "Electoral Area C Official Community Plan Bylaw No.725"

The Board of the Columbia Shuswap Regional District, in open meeting assembled, hereby enacts as follows:

1. "Electoral Area C Official Community Plan Amendment Bylaw No.725" is hereby amended as follows:

**A. MAP AMENDMENT**

1. Schedule B, Land Use Designations – Overview, which forms part of the "Electoral Area C Official Community Plan Bylaw No. 725" is hereby amended as follows:
  - i) Redesignating part of the Fractional Southeast  $\frac{1}{4}$  of Section 13, Township 23, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Except (1) Fractional LS 2, (2) Plans 6627, 9273, 10957, 11976, and 14951, which part is more particularly shown outlined in bold on Schedule 1 attached hereto and forming part of this bylaw, from LH Large Holdings to RR2 Rural Residential 2;
2. Schedule C, Land Use Designations – Mapsheets, which forms part of the "Electoral Area C Official Community Plan Bylaw No. 725" is hereby amended as follows:
  - ii) Redesignating part of the Fractional Southeast  $\frac{1}{4}$  of Section 13, Township 23, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Except (1) Fractional LS 2, (2) Plans 6627, 9273, 10957, 11976, and 14951, which part is more particularly shown outlined in bold on Schedule 2 attached hereto and forming part of this bylaw, from LH Large Holdings to RR2 Rural Residential 2.

**B. TEXT AMENDMENT**

1. Schedule A, Official Community Plan text which forms part of the "Electoral Area C Official Community Plan Bylaw No. 725" is hereby amended by adding a new subsection to Section 3.6.2 Waterfront Development as follows:
  - 3) Notwithstanding Section 3.6.2.1(d), for a proposed subdivision of the SE  $\frac{1}{4}$  of Section 13, Township 23 Range 9, W6M, KDYD, Except (1) Fractional LS2 (2) Plans 6627, 9273, 10957,11976 & 14951 to create 2 new waterfront lots and 1 new upland lot plus a Remainder, the 50 m setback from the natural boundary of Shuswap Lake for the 2 waterfront lots shall be reduced to 30 m applicable to 1 single detached dwelling which may include 1 attached secondary dwelling unit, and 1 accessory building per lot.

2. This bylaw may be cited as "Electoral Area C Official Community Plan Amendment Bylaw No. 725-25"

READ a first time this 16<sup>th</sup> day of November, 2023.

READ a second time, as amended this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
CORPORATE OFFICER

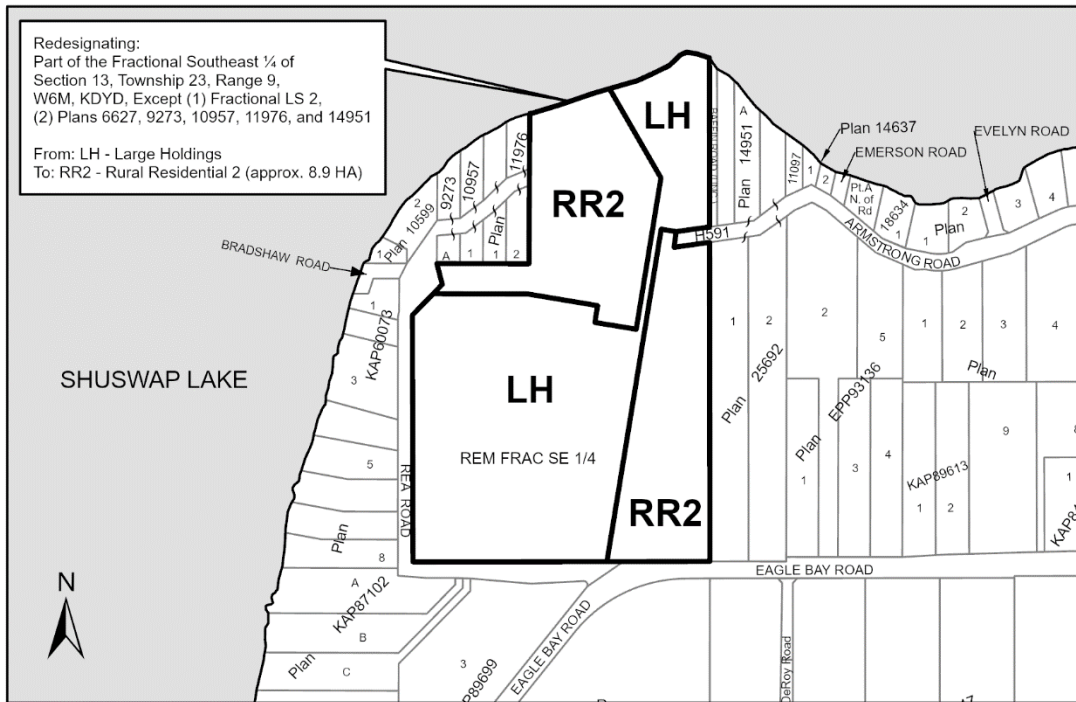
\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of Bylaw No. 725-25  
as adopted.

\_\_\_\_\_  
CORPORATE OFFICER



### Schedule 2 Electoral Area C Official Community Plan Amendment Bylaw No. 725-25





**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**SOUTH SHUSWAP ZONING AMENDMENT BYLAW NO. 701-107**

A bylaw to amend the "South Shuswap Zoning Bylaw No.701"

The Board of the Columbia Shuswap Regional District, in open meeting assembled, hereby enacts as follows:

1. "South Shuswap Zoning Bylaw No.701" is hereby amended as follows:

**A. MAP AMENDMENT**

1. Schedule C, Zoning Maps, which forms part of the "South Shuswap Zoning Bylaw No. 701" is hereby amended as follows:

i) Rezoning part of Fractional Southeast ¼ of Section 13, Township 23, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Except (1) Fractional LS 2, (2) Plans 6627, 9273, 10957, 11976, and 14951, which part is more particularly shown outlined in bold on Schedule 1 attached hereto and forming part of this bylaw, from LH Large Holding to RR4 Rural Residential 4.

**B. TEXT AMENDMENT**

1. Schedule A, Zoning Bylaw text, which forms part of the "South Shuswap Zoning Bylaw No. 701" is hereby amended as follows:

ii) Deleting Section 15.5.1 in its entirety.

2. This bylaw may be cited as "South Shuswap Zoning Amendment Bylaw No. 701-107 "

READ a first time this \_\_\_\_\_ 16<sup>th</sup> \_\_\_\_\_ day of \_\_\_\_\_ November \_\_\_\_\_, 2023.

READ a second time, as amended this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

PUBLIC HEARING held this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

READ a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

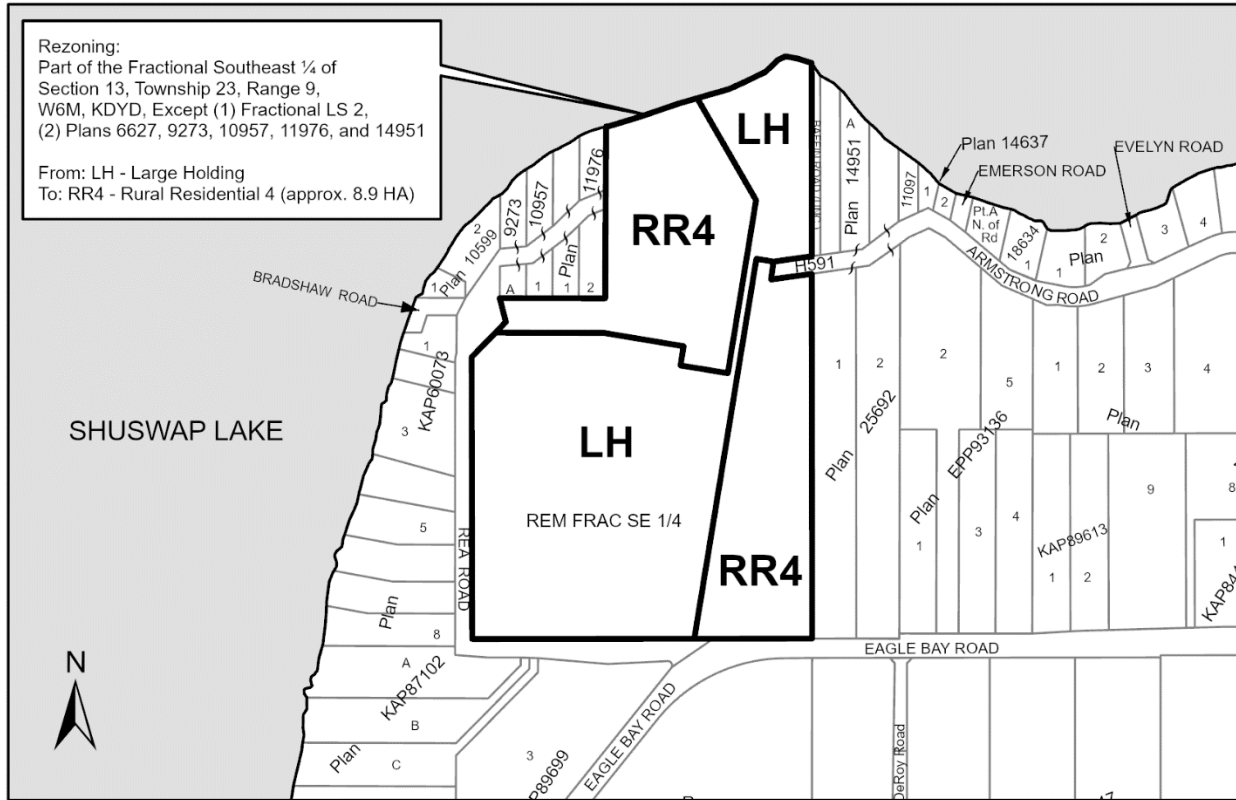
\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED a true copy of Bylaw No. 701-107 as adopted.

\_\_\_\_\_  
CORPORATE OFFICER

**Schedule 1**  
**South Shuswap Zoning Amendment Bylaw No. 701-107**



**D.S.Cunliffe, P.Eng.  
Consulting Services**

8 – 5260 SQUILAX ANGLEMONT ROAD, CELISTA, B.C. V0E 1M6

**Consulting Engineering**CELL (250) 851-6852 FAX (800) 831-5791  
EMAIL: [DaveCunliffe@AirspeedWireless.ca](mailto:DaveCunliffe@AirspeedWireless.ca)

August 30, 2019

Christine LeFloch  
555 Harbourfront Drive NE  
PO Box 978  
Salmon Arm, BC V1E 4P1

Dear Sir:

Subject: Proposed Rezoning – Armstrong Point Resort Ltd. – BC1059504  
Part of Frac SE ¼, Sec 13 TP 23 Rg 9 W6M KDYD – CA4931524

I am writing to clarify the proposed variation to the requirements in the South Shuswap OCP Bylaw 725 - Section 3.6 – Waterfront Development.

Section 3.6.2 states in part that *“New waterfront development will only be supported if it is located a minimum of 50 metres away from the natural boundary of Shuswap Lake, White Lake, and Little White Lake:”*

We want to reduce that to 30 m to reflect the geographic constraints of the site. I have attached drawing 1591-023-FIG 1 prepared by TRUE Engineering to illustrate the rationale for this request.

1. A driveway has been plotted for both proposed Lots 1 and 2 that conforms to Bylaw 680 requirements; a minimum width of 6.0 m and a maximum grade of 12.5%.
2. Available building sites have been shown between the 50 m setback and the 9.0 m slope setback as recommended by On-Site Engineering in their Natural Hazard report of May 23, 2023.
3. The area available for development below the escarpment on both lots is 260 m<sup>2</sup> on Lot 1 and 11 m<sup>2</sup> on Lot 2. Neither is suitable for residential building.

The net effect of the geographic constraint presented by the escarpment in conjunction with a 50 m setback will be to push back residential development to approximately 100 m from the lake. This seriously compromises the value of the lots and is out of step with the neighbouring properties to the east and west that have setbacks that vary between 10 m and 15 m.

To summarize, we want to achieve 2 things with the proposed OCP amendment.

1. Reduce the setback required in the OCP from 50 m to 30 m for both principle and accessory buildings. A 30 m setback will also conform to the RAPR SPEA setback.
2. We are prepared to register a covenant requiring that the 50 m setback apply to the ground disposal portion of septic systems.

Please contact me if you require further information.

Yours truly,

A handwritten signature in blue ink, appearing to read 'D.S. Cunliffe', written over a faint, dotted grid background.

D.S. Cunliffe, P.Eng.



**From:** [davecunliffe@cablelan.net](mailto:davecunliffe@cablelan.net)  
**To:** [Christine LeFloch](#)  
**Cc:** [REDACTED]  
**Subject:** FW: Tear Sheet  
**Date:** September 19, 2024 4:33:44 PM  
**Attachments:** [SAAN240912\\_A26.pdf](#)  
[240918 Open House Sign In Sheet.pdf](#)

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Christine: We held the Public Information Meeting yesterday. It was attended by 2 people, one of which was Margaret McCormick who opened the hall for us and coincidentally is the Alternate for Area C. The sign in sheet is attached. [REDACTED] and [REDACTED] and myself attended on behalf of the development.

1. Documents made available for public review:
  - a. Proposed subdivision plan
  - b. RAPR assessment prepared by Triton Environmental January 4, 2023
  - c. Kala septic report May 4, 2023
  - d. May 30, 2023 letter from DSC to Ken Gobeil outlining proposed zoning and OCP changes
  - e. Draft Archaeology report prepared by Antiquus August 23, 2024
  - f. Natural Hazard Assessment prepared BY On-Site Engineering May 23, 2023
2. Issues raised – dedication of Armstrong Point Road and whether this would improve maintenance. I explained that this is already a public road under Section 42 of the Transportation Act and that maintenance would continue as always by AIM.

Please let me know if further information on the PIM is required.

Dave

**D.S. Cunliffe Consulting Services**  
**8 - 5260 Squilax Anglemont Road**  
**Celista BC V0E 1M6**  
**Permit to Practice 1003805**  
**Phone: (250) 851-6852**  
**Fax: (800) 831-5791**

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## COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1

**Staff Contact:** Christine LeFloch, Planner III

[plan@csrd.bc.ca](mailto:plan@csrd.bc.ca) | [clefloch@csrd.bc.ca](mailto:clefloch@csrd.bc.ca)

**FILE:** BL725-25/BL701-107

**CV:** PL:20230000088

PL:20230000089

**DATE:** November 22, 2023

## REFERRAL RESPONSE


### RECOMMENDATION:

Please check one. Where indicated or required, please explain your answer below.

- |   |   |
|---|---|
| <input type="checkbox"/> Approval recommended for reasons outlined below  | <input checked="" type="checkbox"/> Interests unaffected by bylaw               |
| <input type="checkbox"/> Approval recommended subject to conditions below | <input type="checkbox"/> Approval not recommended due to reasons outlined below |
| <input type="checkbox"/> No objections                                    |   |

### RESPONSE TEXT:

The proposed bylaw has been reviewed as per S.477 of the Local Government Act and is consistent with the CSRD's current financial plan.

Signed By: 

Title Chief Financial Officer

Date: December 15, 2023

Agency CSRD



## COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1

**Staff Contact:** Christine LeFloch, Planner III

[plan@csrd.bc.ca](mailto:plan@csrd.bc.ca) | [clefloch@csrd.bc.ca](mailto:clefloch@csrd.bc.ca)

**FILE:** BL725-25/BL701-107

**CV:** PL:20230000088

PL:20230000089

**DATE:** November 20, 2023

## REFERRAL RESPONSE

### RECOMMENDATION:

Please check one. Where indicated or required, please explain your answer below.

Approval recommended for reasons outlined below

Interests unaffected by bylaw

Approval recommended subject to conditions below

Approval not recommended due to reasons outlined below

No objections

### RESPONSE TEXT:

The proposed bylaw has been reviewed as per S.477 of the Local Government Act and is consistent with the CSRD's current Solid Waste Management Plan.

Signed By: 

Title: General Manager, Environmental and Utility Services

Date: August 12, 2024

Agency: Columbia Shuswap Regional District



**From:** [Partridge, Erin FOR:EX](#)  
**To:** [Karen Riopel](#)  
**Subject:** RE: BL725-25/BL701-107 Referral Request - correct links  
**Date:** November 28, 2023 9:43:06 AM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image011.png](#)  
[image012.png](#)

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Good morning Karen,

Thank you for your archaeological information request regarding PID 014008777, FRACTIONAL SOUTHEAST 1/4 OF SECTION 13 TOWNSHIP 23 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT EXCEPT: (1) FRACTIONAL LEGAL SUBDIVISION 2 (2) PLANS 6627, 9273, 10957, 11976 AND 14951. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your information request.

### Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, given the property's waterfront location, there is high potential for previously unidentified archaeological sites to exist on the property.

### Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned on the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

If there are no plans for land-altering activities on the property, no action needs to be taken at this time.

### **Rationale and Supplemental Information**

- There is high potential for previously unidentified archaeological deposits to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 15 to 35 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

### **How to Find an Eligible Consulting Archaeologist**

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website ([www.bcapa.ca](http://www.bcapa.ca)) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

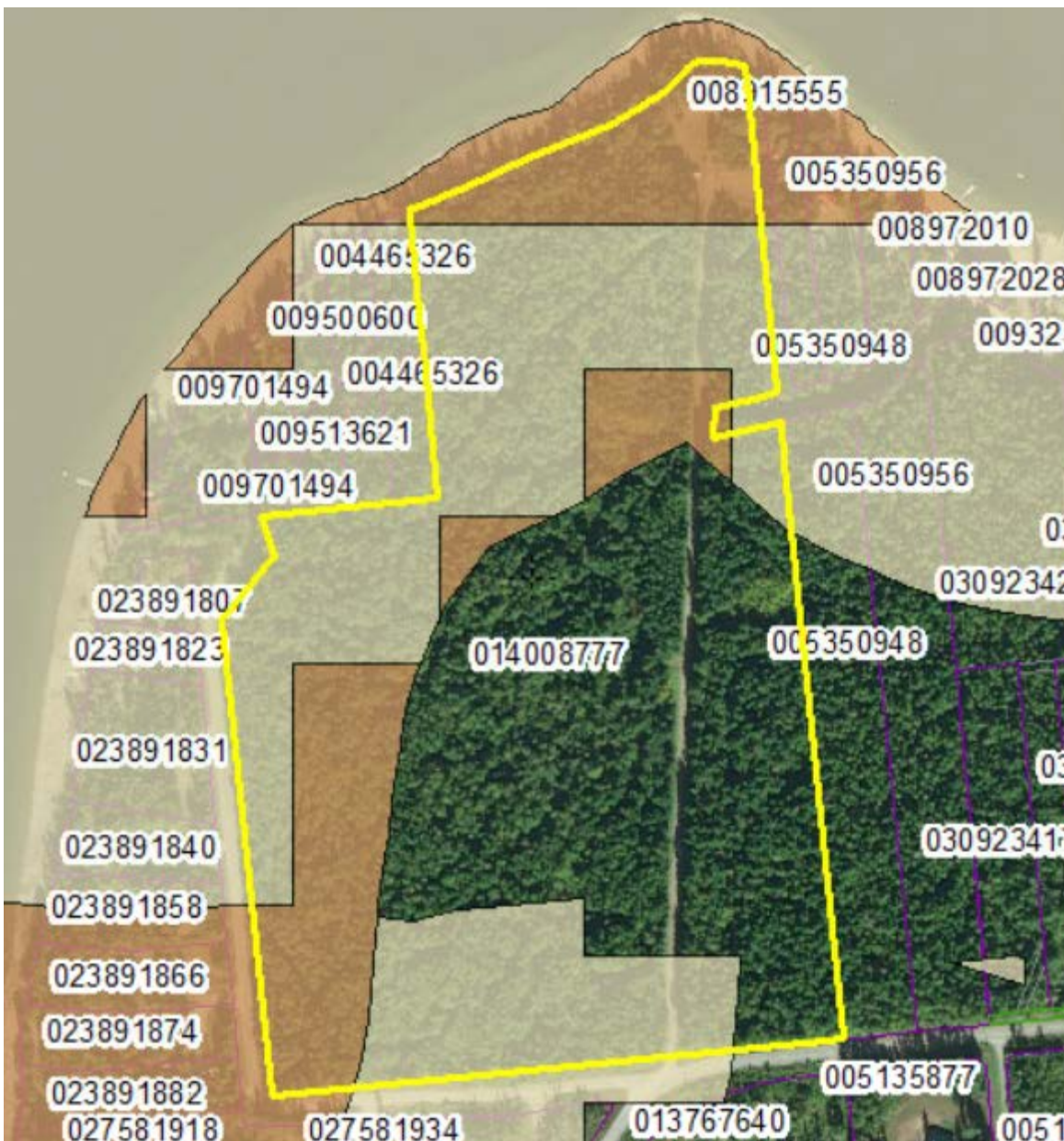
### **Questions?**

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or [archaeology@gov.bc.ca](mailto:archaeology@gov.bc.ca).

For more general information, visit the Archaeology Branch website at [www.gov.bc.ca/archaeology](http://www.gov.bc.ca/archaeology).

Warm regards,  
Erin





*Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown = high potential, beige = moderate potential) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.*



**Erin Partridge (they/them)**

Archaeological Information Specialist  
| Inventory Archaeologist

Archaeology Branch  
Ministry of Forests  
[Erin.Partridge@gov.bc.ca](mailto:Erin.Partridge@gov.bc.ca)



Your File #: BL725-25 &  
BL701-107  
eDAS File #: 2023-05504  
Date: Nov/30/2023

Columbia Shuswap Regional District  
Box 978  
Salmon Arm, British Columbia V1E 4P1  
Canada

Attention: Christine LeFloch

**Re: Proposed Bylaw 701 for PID: 014-008-777; Fractional SE ¼ of Section 13, Township 23, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Except 1) Fractional LS 2, 2) Plans 6627, 9273, 10957, 11976, and 14951, 6169 Armstrong Road, Wild Rose Bay**

The Ministry of Transportation and Infrastructure (Ministry) has received and reviewed your referral dated November 16, 2023 to amend the Official Community Plan land use designation for a portion of the subject property from LH Large Holdings to RR2 Rural Residential 2 and rezone a portion of the property from LH Large Holdings to RR4 Rural Residential 4 to facilitate subdivision into 3 new lots with a minimum size of 2.1 ha plus a 12.74 ha Remainder. The property does not fall within Section 52 of the Transportation Act and will not require Ministry formal approval.

The Ministry has no objections to the proposal, however, please note we have received a conventional subdivision application from the owner to subdivide the subject lot as shown in this referral package. The proposed subdivision lot layout as submitted is not guaranteed, as it is dependent on review and approval by the Provincial Approving Officer –conditions of subdivision have not been determined.

If you have any questions please feel free to call Jake Lee at (778) 824-0109.

Yours truly,

Jake Lee  
Assistant Development Technician

Local District Address
Salmon Arm Area Office Bag 100 Stn Main 850C 16th Street NE Salmon Arm, BC V1E 4S4 Canada Phone: (250) 712-3660 Fax: (250) 833-3380

**From:** [Kwusen Support](#) on behalf of [NationsConnect](#)  
**To:** [Karen Riopel](#)  
**Subject:** NationsConnect: Feedback regarding PL20230000088 and PL20230000089  
**Date:** November 30, 2023 1:13:12 PM

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A new conversation has been started and you were indicated as a person to notify.

**Subject:** Feedback

Weytk,

**Body:** This project is within an area of moderate potential for archaeology (RAAD, BC Archaeology Branch). Skwlax may require a field assessment by their Guardians before any land altering activities commence. I have reached out to our Guardian Coordinator (Cammeo Goodyear) and will update you on their availability to visit the site. Due to current capacity issues, and impacts from recent wildfires on community, Skwlax archaeology department is unable to supply their own fieldcrew, likely until spring 2024. If Skwlax Guardians are unavailable, Skwlax will designate another Secwepemc community (ALIB) as leads on any cultural heritage decisions associated with this referral. Continue to update Skwlax here, and to share any related decisions and reports as they become available.

Kukstemc,

Celia Nord, Archaeologist

[View message and reply via NationsConnect](#)

**Relevant Excerpts from**  
**Electoral Area C Official Community Plan Bylaw No. 725**  
**South Shuswap Zoning Bylaw No. 701 and**  
**Lakes Zoning Bylaw No. 900**

(See [Bylaw No. 725](#), [Bylaw No. 701](#) and [Bylaw No. 900](#) for all policies and land use regulations)

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**Bylaw No. 725**

**1.2 Sustainable Planning Principles**

*Principle 1*

All measures to protect and restore the natural environment will be used, and emphasis placed on Shuswap Lake, White Lake and their interlinked watersheds and foreshores. The CSRD will collaborate with all other jurisdictions that have impact on these Lakes.

*Principle 2*

To maintain large areas of rural landscape throughout the South Shuswap while encouraging gradual, sustainable, moderate and efficient development in the existing settled areas.

*Principle 3*

A range of housing choices is supported, taking into account affordability for existing residents, particularly for young families and seniors. Only ground oriented housing is appropriate near the Lakes; more dense forms of housing must be located away from the Lakes.

**3.1 General Land Use Management**

*3.1.1 Objectives*

- .1 To be thoughtful and careful stewards of the lands and waters of the South Shuswap to allow future generations an opportunity to appreciate and benefit from wise choices made by today's elected decision makers.
- .2 To manage growth by directing development and redevelopment in existing settled areas and to discourage development outside these areas.
- .3 To provide a clear separation between rural and non-rural lands to preserve both rural and non-rural lifestyle choices.

- .4 To prevent inappropriate uses of shorelines, especially in areas with high fish habitat values.

### 3.1.2 *Policies*

- .1 Land uses and activities that adversely affect safety, health, or liveability within Area C are not supported. Temporary use permits are not supported.

## 3.4 Residential

### 3.4.1 *Policies*

- .1 New residential development will be directed to the Village Centre and Secondary Settlement Areas identified on Schedules B and C. Outside these areas, residential development is discouraged unless co-located with an agricultural use.
- .2 Residential development is subject to the following land use designations, housing forms and maximum densities:
  - Rural Residential 2 (RR2); Housing Form – Detached, Semi-detached; 1 unit per 2 ha
  - Large Holdings (LH); Housing Form – Detached, Semi-detached; 1 unit per 10 ha
- .6 Agricultural uses are appropriate in all designations. Outside ALR lands, agricultural uses are supported to an intensity compatible with surrounding uses. On ALR lands, agricultural uses are subject to the Agricultural Land Commission Act and Regulations.

## 3.6 Waterfront Development

### 3.6.1 *Objective*

- .1 To maintain the near shore areas of Shuswap Lake, White Lake and Little White Lake ecologically intact by focusing development away from the shoreline and by minimizing impacts from moorage facilities.

### 3.6.2 *Policies*

- .1 New waterfront development will only be supported if it:
  - a) Is residential in nature;
  - b) Has maximum densities of:
    - i. 1 unit/1 ha on the waterfront in Secondary Settlement Areas and the Sorento Village Centre; or
    - ii. 1 unit/2 ha in all other areas;
  - c) Creates lots each with a minimum of 30 m of water frontage;



- d) Is located a minimum of 50 m away from the natural boundary of Shuswap Lake, White Lake and Little White Lake: Development Permit Areas may apply. See Section 12 of this plan; and
  - e) Provides adequate moorage subject to the moorage policies in Section 3.7.
- .2 Development on waterfront parcels should be clustered to minimize impact on the landscape and preserve natural open space. Applications that do not include Section 219 covenants to prohibit additional subdivision, protect natural areas from further development and address other site specific considerations will not be supported.

## 12.1 Hazardous Lands Development Permit Areas (*Steep Slope*)

### 12.1.1 *Purpose*

The Hazardous Lands Development Permit Area is designated under the Local Government Act for the purpose of protecting development from steep slope hazardous conditions.

### 12.1.2 *Justification*

Whereas steep slopes pose a potential landslide risk, a Hazardous Lands Development Permit Area is justified so that DP guidelines and recommendations from qualified engineering professionals are utilised prior to development in steep slope areas in order to provide a high level of protection from ground instability and/or slope failure.

### 12.1.3 *Area*

All properties, any portion of which, contain slopes 30% or greater are designated as Hazardous Lands Development Permit Area (Steep Slope). These are referred to as 'steep slope' areas below. The CSRD requires a slope assessment of slope conditions as a condition of development permit issuance. Provincial 1:20,000 TRIM mapping, using 20m (66ft) contour information, may provide preliminary slope assessment; however, a more detailed site assessment may be required.

### 12.1.4 *Exemptions*

A Hazardous Lands Development Permit is not required for the following:

- .1 A single storey accessory building with a gross floor area less than 10 m<sup>2</sup> (107.4 ft<sup>2</sup>) which are placed on slopes of less than 30%;
- .2 Non-structural **external** repairs or alterations exempted by the BC Building Code; or

- .3 Non-structural **internal** repairs or alterations exempted by the BC Building Code which do not create sleeping accommodations or bedrooms.

#### 12.1.5 *Guidelines*

- .1 Whenever possible placement of buildings and structures should be considered first in non-steeply sloped areas, i.e. less than 30% slope;
- .2 In order to protect against the loss of life and to minimize property damage associated with ground instability and/or slope failure, development in steep slope areas is discouraged;
- .3 Occupant and public safety shall be the prime consideration of the qualified geotechnical professional and the CSRD prior to approval of development in steeply sloped areas; and,
- .4 Geotechnical reports from qualified geotechnical professionals must address best engineering practices in the field of geotechnical engineering and provide detailed recommendations. At the discretion of CSRD staff an independent third party review of the submitted report(s) may be undertaken.

Where steep slope areas are required for development, development permits addressing Steep Slopes shall be in accordance with the following:

For subdivision, either 12.1.5.5 or 12.1.5.6 applies:

- .5 Submission of a geotechnical report by an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering.
  - a. The geotechnical report, which the Regional District will use to determine the conditions and requirements of the development permit, must certify that the land may be used safely for the use intended.
  - b. The geotechnical report must explicitly confirm all work was undertaken in accordance with the APEGBC Legislated Landslide Assessment Guidelines.
  - c. The report should include the following types of analysis and information:
    - i. site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features, including watercourses;

- ii. strength and structure of rock material, bedding sequences, slope gradient, landform shape, soil depth, soil strength and clay mineralogy;
  - iii. surface & subsurface water flows & drainage;
  - iv. vegetation: plant rooting, clear-cutting, vegetation conversion, etc.
  - v. recommended setbacks from the toe and top of the slope;
  - vi. recommended mitigation measures; and
  - vii. recommended 'no-build' areas.
- d. Development in steep slopes should avoid:
- i. cutting into a slope without providing adequate mechanical support;
  - ii. adding water to a slope that would cause decreased stability;
  - iii. adding weight to the top of a slope, including fill or waste;
  - iv. removing vegetation from a slope;
  - v. creating steeper slopes; and
  - vi. siting Type 1, 2 and 3 septic systems and fields within steep slopes.
- e. A Covenant may be registered on title identifying the hazard and remedial requirements as specified in the geotechnical or engineering reports for the benefit and safe use of future owners.
- .6 Registration of a Covenant on title identifying hazards and restrictions regarding construction, habitation or other structures or uses on slopes of 30% and greater.

For construction of, addition to or alteration of a building or other structure:

Compliance with and submission of the relevant geotechnical sections of Schedule B-1, B-2 and C-B of the BC Building Code by an Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) registered professional with experience in geotechnical engineering. A Covenant may be registered on title identifying hazards and restrictions regarding construction, habitation or other structures or uses on slopes of 30% or greater.

## 12.2 Foreshore and Water Development Permit Area

### .1 Purpose

The Foreshore and Water Development Permit Area is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

### .2 Justification

The Foreshore and Water Development Permit Area arises from the growing impact that structures, including (but not limited to) docks, swimming platforms, and private mooring buoys, are having on the lakes in the Electoral Area. Evidence of these impacts is documented in the Shuswap Watershed Mapping Project, which was completed in conjunction with Fisheries & Oceans Canada, the BC Ministry of Environment and environmental consultants.

The intent of the Foreshore and Water Development Permit Area is to:

- .1 Allow for proper siting of structures on the foreshore and swimming platforms in the water to prevent or minimize negative impacts on lake ecology, including fish habitat; and
- .2 Complement the Riparian Areas Regulation (RAR) and Shuswap Lake 100 m Development Permit Areas, recognizing the important and sensitive interrelationship of these shoreline areas.

### .3 Area

The Foreshore and Water Development Permit Area extends from the lake's natural boundary across the entire area of Shuswap Lake, White Lake and Little White Lake. In the case of Shuswap Lake, the DPA extends to the Electoral Area 'C' boundary.

### .4 Exemptions

A Foreshore and Water DPA is not required for the following:

- .1 Structures and works associated with a public park use;
- .2 Installation and maintenance of utilities and utility corridors;
- .3 Subdivision;
- .4 Commercial and multi-family moorage facilities, including marinas and strata moorage structures, requiring Provincial tenure. (Rational: these facilities undergo Provincial review and are referred to other government agencies, including Fisheries and Oceans Canada, through that process, thus satisfying the intent of this Development Permit Area);
- .5 Maintenance and alterations of existing structures, except:
  - a. alterations which increase the size of existing structures;
  - b. removal and reconstruction of existing structures;

- c. replacement docks and swimming platforms, as defined by the guidelines below; or
- .6 Land alterations that will demonstrably increase environmental values (e.g. creation of additional fish habitat).

#### .5 *Guidelines*

For all relevant guidelines, the Shuswap Watershed Atlas, based on the Shuswap Watershed Mapping Project, will be referenced to determine an area's Aquatic Habitat Index Rating, known fish rearing and spawning areas, natural features such as stream deltas and vegetation etc.

##### .1 For new and replacement docks and for new and replacement swimming platforms

These guidelines apply to the first-time placement of a dock or to the replacement of an existing dock or swimming platform. Docks will be considered 'replacement docks' and 'replacement swimming platforms' if more than 75% of the materials will be replaced within a 3 year period.

Docks and swimming platforms shall:

- a. Minimize impact on the natural state of the foreshore and water whenever possible;
- b. Not use concrete, pressure treated wood (i.e. creosote), paint or other chemical treatments that are toxic to many aquatic organisms, including fish, and severely impact aquatic environments.
- c. Use untreated materials (e.g. cedar, tamarack, hemlock, rocks, plastic, etc.) as supports for structure that will be submerged in water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment.
- d. Use only treated lumber that is environmentally friendly for structures that are above water;
- e. Be made by cutting, sealing and staining all lumber away from the water using only environmentally friendly stains. All sealed and stained lumber should be completely dry before being used near water;
- f. Have plastic barrel floats that are free of chemicals inside and outside of the barrel before they are placed in water;
- g. Avoid the use of rubber tires as they are known to release compounds that are toxic to fish;
- h. Be sited in a manner which minimizes potential impacts on fish spawning and rearing habitat areas;
- i. Be sited in a manner which minimizes potential impacts on water intakes and other utilities; and

- j. Avoid aquatic vegetation and minimize disturbance to the lakebed and surrounding aquatic vegetation by positioning the dock or swimming platform in water deep enough to avoid grounding and to prevent impacts by prop wash in the case of docks. A minimum 1.5 m (4.92 ft) water depth at the lake-end of the dock is recommended at all times.

.2 For other land alterations

Proposed land alterations not listed in the exemptions section and not including new and replacement docks and new private mooring buoys shall be accompanied by a written submission from a qualified environmental professional outlining the proposed alteration, expected impacts on the foreshore or water environment and any mitigation efforts which should accompany the proposed alterations.

### **12.3 Lakes 100m Development Permit Area**

*.1 Purpose*

The Shuswap Lake Development Permit Area (DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

*.2 Justification*

The intent of the Shuswap Lake DPA is to prevent or mitigate potential negative impacts on the lake environment from larger-scale development (generally defined as development beyond a single-family residence and specifically defined in the Area section below) and Type 1 and 2 sewerage systems. Larger-scale development close to the lake has the potential to impact natural drainage patterns, disrupt stormwater infiltration and increase surface runoff into the lake. Involving a qualified professional who understands soil, drainage and hydrogeology before installing Type 1 and 2 sewerage systems close to the lake will reduce potential negative impacts improper effluent drainage may have on lake water quality.

*.3 Area*

The Lakes DPA applies to areas within 100 metres (328.1 feet) of Shuswap Lake, White Lake and Little White Lake. For the purposes of calculating distance from Shuswap Lake, White Lake or Little White Lake, the 1:5 year High Water Mark shall be used.

*.4 Exemptions*

A Lakes DPA is not required for the following:

- .1 Removal, alteration, disruption, or destruction of vegetation involving less than 1000 m<sup>2</sup> (10,763.9 ft<sup>2</sup>) of vegetation coverage area;

- .2 Construction or erection of buildings and structures with a sum total footprint less than 200 m<sup>2</sup> (2,152.8 ft<sup>2</sup>); or
- .3 Creation of non-structural impervious or semi-impervious surfaces less than 100 m<sup>2</sup> (1,076.4 ft<sup>2</sup>).

*.5 Guidelines*

- .1 Preservation of natural features, functions and conditions that support fish and animal habitat is the primary objective of the Lakes DPA;
- .2 Impacts to watercourses from proposed development is not desirable. Such impacts must be minimized to the greatest extent possible and addressed in a report from a QEP, including mitigative measures;
- .3 Construction or erection of buildings and structures with a sum total footprint less than 200 m<sup>2</sup> (2,152.8 feet<sup>2</sup>); or
- .4 Disturbance of soils and removal of vegetation should be minimized in the development process;
- .5 Use of non-impervious and natural landscaping, including for driving surfaces, is desired;
- .6 Compact and cluster development is desired in order to leave natural areas untouched to the greatest extent possible;
- .7 Use of natural landscaping materials is desired as material treated with creosote, paint or other chemicals can be toxic to fish and other organisms;
- .8 A development permit may be issued based upon the above guidelines and following the submission of a report from a Qualified Environmental Professional (QEP). This written submission shall be used to determine the conditions of the development permit and shall include:
  - a. Site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features;
  - b. Existing vegetation and any proposed vegetation removal;
  - c. Assessment of hydrogeology, including soil types, drainage characteristics, seepage zones, springs and seasonally saturated areas, groundwater depth, flow direction & pathways, and shallow bedrock;
  - d. The suitability for site soils to accept stormwater infiltration and post-development landscape irrigation;
  - e. Potential impacts to other watercourses or water bodies, e.g. Shuswap Lake; and
  - f. Recommendations and mitigative measures.

## 12.4 Riparian Areas Regulation (RAR) Development Permit Area

### .1 Purpose

The Riparian Areas Regulation Development Permit Area (RAR DPA) is designated under the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity.

### .2 Justification

The primary objective of the RAR DPA designation is to regulate development activities in watercourses and their riparian areas in order to preserve natural features, functions and conditions that support fish life processes. Development impact on watercourses can be minimized by careful project examination and implementation of appropriate measures to preserve environmentally sensitive riparian areas.

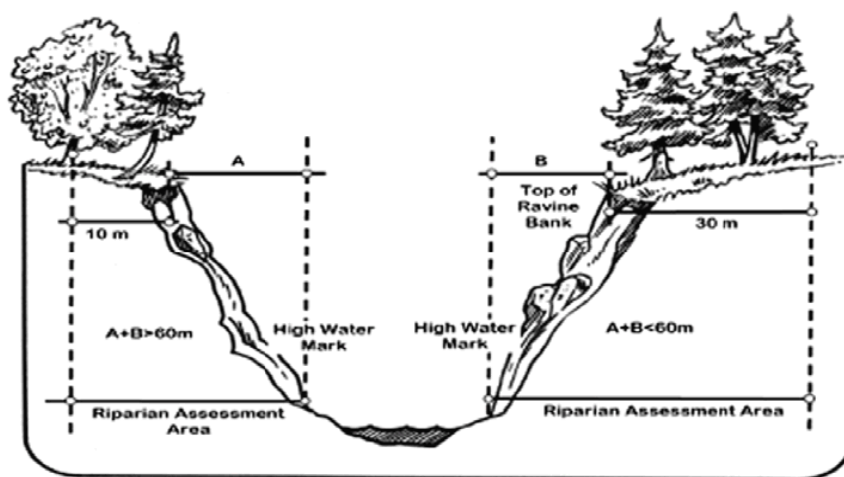
### .3 Area

The RAR DPA is comprised of Riparian assessment areas for fish habitat, which include all watercourses and adjacent lands shown on Provincial TRIM map series at 1:20,000, as well as unmapped watercourses.

As illustrated in Figure 12.1, the area comprises:

- Within 30m (98.4 feet) of the high water mark of the watercourse;
- Within 30m (98.4 feet) of the top of the ravine bank in the case of a ravine less than 60m (196.8 feet) wide;
- Within 10m (32.8 feet) of the top of a ravine bank for ravines 60 metres (196.8 feet) or greater in width that link aquatic and terrestrial ecosystems that exert an influence on the watercourse.

Figure 12.1





Unless the proposed development or alteration of land is clearly outside the riparian assessment area the location of the development shall be determined accurately by survey in relation to the RAR DPA to determine whether a development permit application is required.

#### .4 *Exemptions*

.1 The RAR DPA does not apply to the following:

- a. Construction, alteration, addition, repair, demolition and maintenance of farm buildings;
- b. Clearing of land for agriculture;
- c. Institutional development containing no residential, commercial or industrial aspect;
- d. Reconstruction, alteration, addition or repair of a legal permanent structure if the structure remains on its existing foundation. Only if the existing foundation is moved or extended into a riparian assessment area would a RAR DPA be required;
- e. A QEP can confirm that the conditions of the RAR DPA have already been satisfied;
- f. A Development Permit for the same area has already been issued in the past and a QEP can confirm that the conditions in the Development Permit have all been met, or the conditions addressed in the previous Development Permit will not be affected; and,
- g. A letter is provided by a QEP confirming that there is no visible channel.

#### .5 *Guidelines*

- .1 Preservation of water courses, waterbodies, and adjacent, natural features, functions and conditions of riparian areas that support fish and animal habitat is the primary objective of the RAR DPA;
- .2 Impacts to watercourses and riparian areas from proposed development is not desirable. Such impacts must be minimized to the greatest extent possible and addressed in a report from a QEP, including mitigative measures;
- .3 Disturbance of soils and removal of vegetation should be minimized in the development process;
- .4 Whenever possible development or land altering activities shall be located outside of the 30m setback to the riparian area unless a QEP permits a reduced setback area;
- .5 Development requiring a Development Permit shall include, but may not be limited to, any of the following activities associated with or resulting from residential,

commercial or industrial activities or ancillary activities, subject to local government powers under the Local Government Act:

- a. Removal, alteration, disruption or destruction of vegetation within 30m (98.4 feet) of a watercourse.
  - b. Disturbance of soils, within 30m (98.4 feet) of a watercourse;
  - c. Construction or erection of buildings and structures within 30m (98.4 feet) of a watercourse;
  - d. Creation of non-structural impervious or semi-impervious surfaces within 30m (98.4 feet) of a watercourse;
  - e. Flood protection works within 30m (98.4 feet) of a watercourse;
  - f. Construction of roads, trails, docks, wharves and bridges within 30m (98.4 feet) of a watercourse;
  - g. Provision and maintenance of sewer and water services within 30m (98.4 feet) of a watercourse;
  - h. Development of drainage systems within 30m (98.4 feet) of a watercourse;
  - i. Development of utility corridors within 30m (98.4 feet) of a watercourse; and
  - j. Subdivision as defined in the Land Title Act and including the division of land into 2 or more parcels within 30m (98.4 feet) of a watercourse.
- .6 A development permit may be issued following the submission of a report from a Qualified Environmental Professional (QEP). This written submission shall be used to determine the conditions of the development permit and shall include:
- a. Site map showing area of investigation, including existing and proposed: buildings, structures, septic tank & field locations, drinking water sources and natural features;
  - b. Existing vegetation and any proposed vegetation removal;
  - c. Assessment of hydrogeology, including soil types, drainage characteristics, seepage zones, springs and seasonally saturated areas, groundwater depth, flow direction & pathways, and shallow bedrock;
  - d. The suitability for site soils to accept stormwater infiltration and post-development landscape irrigation;
  - e. Potential impacts to other water courses or water bodies, e.g. Shuswap Lake; and,
  - f. Recommendations and mitigative measures.

.6 *Role of the QEP and CSRD in the RAR Development Permit Process*

The RAR regulations place considerable emphasis on QEPs to research established standards for the protection of riparian areas. It is the QEP's responsibility to consider federal and provincial regulations regarding fish, water and riparian protection and consult with appropriate agencies as necessary. Since the responsibility rests with the QEP for conducting research and providing technical information and recommendations specific to an application required under this RAR DP section the extent to which the CSRD will be involved in the technical details of the permitting process is reduced. If the RAR DP guidelines are met by the QEP, and the QEP report is submitted to and accepted by the BC Ministry of Environment, the CSRD role becomes more administrative in nature and the DP can be considered for approval.

### **South Shuswap Zoning Bylaw No. 701**

#### **PART 1: DEFINITIONS**

**ACCESSORY USE** means a use that is subordinate and supplementary to the principal building or use permitted on the same parcel.

**AGRICULTURE** means the use of land for the growing, rearing, producing, and harvesting of agricultural products, including the storing of agricultural products, the sale of agricultural products produced from the same parcel or same farm, the repair of farm machinery and related equipment used on the same farm and includes farming, ratite production, forestry, greenhouses, kennels and nursery uses and does not include intensive agricultural use or commercial garden centres.

**BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy.

**COTTAGE** means a building with a floor area not exceeding 50 m<sup>2</sup> containing living quarters which is incidental to and located on the same parcel as a single family dwelling, is on an approved sanitary sewage disposal system and does not include recreational vehicles or travel trailers and is occupied on a temporary basis.

**COVERAGE** means the percentage of the parcel area covered by the area of all buildings, including accessory buildings.

**DENSITY** means the number of dwelling units per total parcel area.

**DWELLING OR DWELLING UNIT** means a self-contained set of habitable rooms containing not more than one kitchen facility.

HABITATION in respect of development proposed on properties subject to floodplain specifications, means the support of life processes within a *building*, including, but not limited to, sleeping, eating, food preparation, waste elimination, personal cleaning, and rest and relaxation areas.

HIGHWAY includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.

MEAN ANNUAL HIGH WATER MARK means an elevation of 348.3 metres Geodetic Survey of Canada Datum.

PANHANDLE DRIVEWAY means that portion of a panhandle lot that is the narrow strip fronting a *highway*.

PARCEL is any lot, block or other area in which land is held or into which it is subdivided but does not include a highway.

PARCEL LINE means any boundary of a parcel.

PARCEL LINE, EXTERIOR SIDE means a parcel line, other than a front parcel line, common to the parcel and a highway other than a lane.

PARCEL LINE, FRONT means the parcel line that is the shortest parcel boundary common to the lot and an abutting *highway* or access route in a bare land strata plan, and where and in the case of a *panhandle lot* means the line separating the *panhandle driveway* from the main part of the lot.

PARCEL LINE, INTERIOR SIDE means a parcel line other than a front parcel line or a rear parcel line which is not common to a highway other than a lane.

PARCEL LINE, REAR means the boundary of a parcel which lies the most opposite to and is not connected to the front parcel line, or, where the rear portion of the parcel is bounded by intersecting side parcel lines, it shall be the point of such intersection.

PARCEL LINE, SIDE means a parcel line other than a front parcel line or a rear parcel line.

PRINCIPAL BUILDING means the building which contains the principal use of the parcel and shall include attached garages and carports, but does not include an accessory building.

PRINCIPAL USE means the main purpose for which land, buildings or structures are ordinarily used.

SETBACK means the required minimum distance between a structure, building or use and each of the respective property lines.

SINGLE FAMILY DWELLING means any detached building on an approved sewage disposal system consisting of one dwelling unit which is capable of being occupied as the permanent home or residence of one family but does not include recreational vehicles or travel trailers.

STRUCTURE means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing.

SURVEYOR CERTIFICATE means a sketch plan provided by either a BC Land Surveyor or a Survey Technician which locates all *buildings structures* and improvements on a parcel.

USE means the purpose or function to which land, buildings, or structures are designed, intended to be put, or put.

ZONE means a zone established under this Bylaw.

### **Floodplain Designations**

3.16 The following land is designation as Floodplain:

- (a) Land lower than the Flood Construction Level;
- (b) Land within the Floodplain Setback.

### **Floodplain Specifications**

3.17 .1 Flood Construction Levels:

The following elevations are specified as Flood Construction Levels, except that where more than one Flood Construction Level is applicable, the higher elevation shall be the Flood Construction Level:

- .1 351.0 metres Geodetic Survey of Canada Datum for land adjacent to Shuswap Lake;
- .2 1.5 metres above the Natural Boundary of any other watercourse;

3.17 .2 Floodplain Setbacks:

The following distances are specified as Floodplain Setbacks, except that where more than one Floodplain Setback is applicable, the greater distance shall be the Floodplain Setback:

- .1 15.0 metres from the mean annual high water mark of Shuswap Lake, defined as 348.3 metres Geodetic Survey of Canada Datum;

- .2 30.0 metres from the mean annual high water mark of Shuswap Lake, defined as 348.3 metres Geodetic Survey of Canada Datum, for an alluvial fan defined by that portion bounded by Coates Road on the West and Gillespie Road on the East in the Sorrento area;
- .3 15.0 metres from the Natural Boundary of any other watercourse;
- .4 7.5 metres from the Natural Boundary of a lake, marsh or pond.

### Application of Floodplain Specifications

- 3.18 .1 A *building*, including a manufactured home or structure must not be constructed, reconstructed, moved or extended within a floodplain setback.
- .2 The underside of any floor system or top of concrete slab supporting any space or room that is used for *habitation*, business, or the storage of goods that are susceptible to damage by floodwater, must be above the flood construction level.
- .3 Where landfill or structural support or both are used to comply with subsection (2), they must be protected against scour and erosion from flood flows, wave action, ice and other debris and shall not extend within the flood plain setback.
- .4 Furnaces and other fixed equipment susceptible to damage by floodwater must be above the flood construction level.
- .5 The Manager of Development Services or their delegate requires that a *Surveyor Certificate* be submitted to them by the land and property owners to verify compliance with the flood construction level and flood plain setback specified in subsections 3.18.1, .2, .3, and .4.
- .6 The following are exempted from the regulations of subsection .2 as they apply to the flood construction level:
- .1 a renovation of an existing *building*, including manufactured home or *structure* that does not involve an addition to the exterior of the *building*, manufactured home or *structure*;
  - .2 an addition to a *building*, manufactured home or *structure* of less than 25 percent of the *floor area* existing the date of adoption of this bylaw, provided that the degree of non-conformity is not increased;
  - .3 carport or domestic garage;

- .4 a *building* used for *agriculture* excluding a closed-sided livestock housing and a *dwelling unit*; and
- .5 a farm *dwelling unit* that is located both on a *parcel* 8.1 ha (20.01 ac.) or larger and within the Agricultural Land Reserve and provided:
  - (i) the underside of a wooden floor system;
  - (ii) the top of a concrete slab;
  - (iii) in the case of a manufactured home, the top of the pad; or
  - (iv) the ground surface under an area used for *habitation*, is no lower than 1 m (3.28 ft.) above the natural ground elevation measured from the highest point on the perimeter of the farm *dwelling unit* or no lower than the flood construction level, whichever is the lesser.
- .7 The following are exempted from the requirements of sub-sections (1) and (2) as they apply to the flood construction level and floodplain setback:
  - (a) a floating *building* or *structure*;
  - (b) a dock or wharf;
  - (c) a boat fueling use;
  - (d) a fence constructed of wood or wire through which water can flow freely;
  - (e) *flood proofing protection* works constructed to stabilize the shoreline of a *water body* or the banks of a *watercourse*;
  - (f) a roof overhang or cantilevered deck with no footings within the setback area;
  - (g) on-loading and off-loading facilities associated with water-oriented industry and portable sawmills;
  - (h) ground level patios;
  - (i) detached *accessory building* that do not include *habitation*;
  - (j) exterior stairway not forming part of a building or attached in any way to another structure, provided it does not extend below the parcel boundary, or the natural boundary;
  - (j) electrical or mechanical equipment not susceptible to damage by floodwater; and
  - (k) storage of goods not damageable by flood waters.

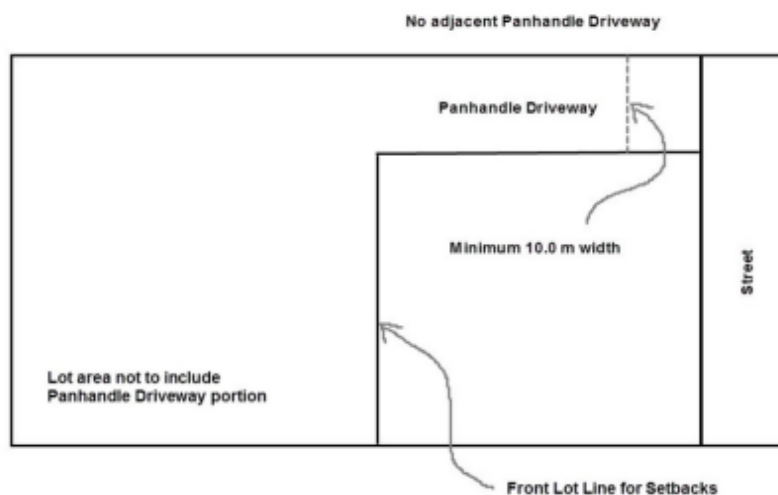
3.19 In all zones which include special regulations applying to specific lands in the zone, such lands are described by legal description and by map and in the event of any discrepancy between the legal description of the lands and the map, the map governs.

### Subdivision Regulations for Panhandle Lots

3.20 Where a subdivision application proposes to create a *panhandle lot* the *panhandle lot* must meet the following requirements:

- a) The minimum width of the *panhandle driveway* is 10.0 m;
- b) The *panhandle driveway* portion of the lot is not included in lot area calculation for minimum parcel size; and
- c) No more than 2 *panhandle lots* to be adjacent to each other.

As illustrated in the following drawing:



## RR4 - RURAL RESIDENTIAL ZONE (2 ha)

## SECTION 10

### Purpose

The purpose of the RR4 zone is to accommodate larger acreage subdivisions and hobby farms as part of a transition area between agricultural and non-agricultural uses. In general, the RR4 zone corresponds to the CR2 designation in the South Shuswap Official Community Plan.

### Permitted Uses

10.1 The following uses and no others are permitted in the RR4 zone:

- .1 single family dwelling;
- .2 hobby farm, permitted only on parcels greater than 2 ha or on parcels within the Agricultural Land Reserve;
- .3 bed and breakfast;



- .4 cottage, permitted only on parcels greater than 4,000 m<sup>2</sup>;
- .5 home business;
- .6 home industry, permitted only on parcels greater than 2 ha;
- .7 accessory use.

### Regulations

- 10.2 On a parcel zoned RR4, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations established in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I MATTER TO BE REGULATED	COLUMN II REGULATIONS
.1 Minimum Parcel Size for New Subdivisions	2 ha
.2 Maximum Number of Single Family Dwellings Per Parcel	1
.3 Maximum Number of Cottages Per Parcel	1
.4 Maximum height for: <ul style="list-style-type: none"> <li>• Principal buildings and structures</li> <li>• Accessory buildings</li> </ul>	<ul style="list-style-type: none"> <li>• 11.5 m (37.73 ft.)</li> <li>• 10 m (32.81 ft.)</li> </ul>
.5 Minimum Setback from: <ul style="list-style-type: none"> <li>• front parcel line</li> <li>• exterior side parcel line</li> <li>• interior side parcel line</li> <li>• rear parcel line</li> </ul>	5 m 4.5 m 2 m 5 m
.6 Minimum Setback of Home Industry from All Parcel Lines	5 m
.7 Maximum Coverage on Parcels Less than 4000 m <sup>2</sup>	40%

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## LH - LARGE HOLDING ZONE

## SECTION 15

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### Purpose

*The purpose of the LH zone is either: (1) to ensure appropriate use of lands not suitable for intensive development due to steep slopes and hazardous conditions or, (2) to serve as a holding designation for development which may be suitable in the future.*

### Permitted Uses

- 15.1 The following uses and no others are permitted in LH zone:

- .1 single family dwelling;
- .2 agriculture;
- .3 bed and breakfast;
- .4 cottage, permitted only if there is less than two (2) single family dwellings on the property;
- .5 home business;
- .6 home industry, permitted only on parcels greater than 2 ha;
- .7 portable sawmill, permitted only on parcels greater than 10 ha and subject to the provisions of Section 3.14;
- .8 public utility;
- .9 building set apart for public worship;
- .10 public recreation facility;
- .11 public camping;
- .12 storage;
- .13 accessory use.

### Regulation

- 15.2 On a parcel zoned LH, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations established in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

COLUMN I MATTER TO BE REGULATED		COLUMN II REGULATIONS
.1	Maximum Number of Single Family Dwellings	2
.2	Maximum Number of Cottages	1
.3	Maximum height for: <ul style="list-style-type: none"> <li>• Principal buildings and structures</li> <li>• Accessory buildings</li> </ul>	<ul style="list-style-type: none"> <li>• 11.5 m (37.73 ft.)</li> <li>• 10 m (32.81 ft.)</li> </ul>
.4	Minimum Parcel Size for New Subdivisions	8 ha

BL701-50

COLUMN I MATTER TO BE REGULATED		COLUMN II REGULATIONS
.5	Minimum Setback from: <ul style="list-style-type: none"> <li>• front parcel line</li> <li>• exterior side parcel line</li> <li>• interior side parcel line</li> <li>• rear parcel line</li> </ul>	<ul style="list-style-type: none"> <li>5 m</li> <li>4.5 m</li> <li>2 m</li> <li>5 m</li> </ul>
.6	Minimum Setback of Home Industry from All Parcel Lines	5 m
.7	Minimum Setback of Portable Sawmill from All Parcel Lines	75 m
.8	Maximum Site Area of Portable Sawmill	1 ha

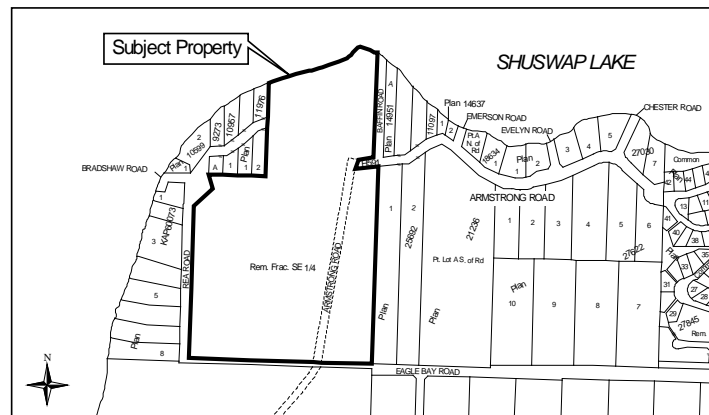
## Screening

- 15.3 All storage used for commercial purposes must be contained within a landscape screen of not less than 2 m in height so as to fully enclose the storage use from adjacent properties.

**The contents of this box are not a part of the bylaw.**

On the parcel outlined below and as of 1995 03 16, there were 2 single family dwellings, 1 cottage and the parcel area was 22.8202 ha.

- 15.5.1 This special regulation applies to part of south east 1/4 Section 13, Township 23, Range 9, W6M, KDYD except Plans 6627, 9273, 10957, 11976, 14951 and FRAC. LS2 as shown on the map below.
- .1 Notwithstanding Section 15.1, a cottage is an additional permitted use.
  - .2 Notwithstanding Section 15.2 the maximum density of cottages is 0.05/ha.
  - .3 The maximum density stated in .2 may be exceeded provided the maximum number of cottages per parcel stated in Section 15.2 is not exceeded.



**Lakes Zoning Bylaw No. 900****FR1****4.4 FR1 Foreshore Residential 1****.1 Permitted Uses:**

- (a) *Floating dock*, including *removable walkway*, that is accessory to a permitted use on an adjacent *waterfront parcel*.
- (b) *Private mooring buoy(s)* that is accessory to a permitted use on an adjacent *waterfront parcel* or an adjacent *semi-waterfront parcel*.
- (c) *Boat lift(s)* that is accessory to a permitted use on an adjacent *waterfront parcel*.

**.2 Regulations**

COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION
(a) <u>Density</u>  maximum number of <i>docks</i> and <i>private mooring buoys</i> :	<ul style="list-style-type: none"> <li>○ <i>Dock</i>: 1 <i>floating dock</i> per adjacent <i>waterfront parcel</i>.</li> <li>○ <i>Private mooring buoys</i>:               <ul style="list-style-type: none"> <li>(a) 1 per adjacent <i>semi-waterfront parcel</i>.</li> <li>(b) 1 per adjacent <i>waterfront parcel</i> having a <i>lake</i> boundary length less than 30 m (98.43 ft.).</li> <li>(c) 2 per adjacent <i>waterfront parcel</i> having a <i>lake</i> boundary length 30 m (98.43 ft.) or more.</li> </ul> </li> </ul>
(b) <u>Size</u>  of <i>dock</i> and <i>walkway</i> :	<ul style="list-style-type: none"> <li>○ <i>Floating dock</i> must not exceed 33.45 m<sup>2</sup> (360 ft<sup>2</sup>) in total upward facing surface area (not including <i>removable walkway</i>).</li> <li>○ <i>Floating dock</i> surface must not exceed 3.05 m (10 ft) in width for any portion of the dock.</li> <li>○ <i>Removable walkway</i> surface must not exceed 1.52 m (5 ft.) in width for any other portion of the walkway.</li> </ul>

BL900-25

<p>(c) <u>Location and Siting</u> of dock, private mooring buoys or boat lifts:</p>	<p>The minimum setback of a <i>floating dock, private mooring buoy</i> or <i>boat lift</i> accessory to an adjacent <i>waterfront parcel</i> (and adjacent <i>semi-waterfront parcel</i> in the case of <i>private mooring buoys</i>) is as follows:</p> <ul style="list-style-type: none"> <li>○ 5 m (16.4 ft) from the side <i>parcel</i> boundaries of that <i>waterfront parcel</i> (and <i>semi-waterfront parcel</i> in the case of <i>private mooring buoys</i>), projected onto the <i>foreshore</i> and water.</li> <li>○ 6 m (19.69 ft) from a Foreshore Park (FP) zone or <i>park side parcel</i> boundaries projected onto the <i>foreshore</i> and water.</li> </ul> <p>Additional setbacks for <i>private mooring buoys</i>:</p> <ul style="list-style-type: none"> <li>○ 20 m (65.62 ft) from any existing structures on the <i>foreshore</i> or water.</li> <li>○ 50 m (164.04 ft.) from any <i>boat launch ramp</i> or <i>marina</i>.</li> </ul>
<p>(d) <u>Site Specific Permitted Uses</u></p>	<p>For the surface of the <i>lake</i> adjacent to Lot 1, Section 11, Township 21, Range 8, W6M, KDYD, Plan 20924, a <i>fixed dock</i> with a maximum upward facing surface area of 37 m<sup>2</sup>, a maximum walkway width of 1.55 m and a setback of 5.34 m from the east property boundary is a permitted use. {Swanson Road}</p>
<p>(e) <u>Site Specific Permitted Uses</u></p>	<p>For the surface of the <i>lake</i> adjacent to Lot 4, Section 11, Township 21, Range 8, W6M, KDYD, Plan 9181, a <i>fixed dock</i> with a maximum size of 24 m, maximum walkway width of 1.52 m and a setback of 1.8 m from the west property boundary is a permitted use. {Swanbeach Road}</p> <p>For the surface of the <i>lake</i> adjacent to Lot 1, Section 11, Township 21, Range 8, W6M, KDYD, Plan 11368, a <i>fixed dock</i> with a maximum upward facing surface area of 89.77 m<sup>2</sup> (22.62 m<sup>2</sup> for the platform and 67.16 m<sup>2</sup> for the walkway at a maximum width of 1.83 m) and a 4.61 m setback from the west property boundary are permitted uses {Swanbeach Road}</p>
<p>(f) <u>Site Specific Permitted Uses</u></p>	<p>For the surface of the <i>lake</i> adjacent to Lot 2, Section 11, Township 21, Range 8, W6M, KDYD, Plan 26543, a <i>fixed dock</i> with a maximum upward facing surface area of 26 m<sup>2</sup> is a permitted use. {Swanbeach Road}</p>

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BL900-16

BL900-28

BL900-23

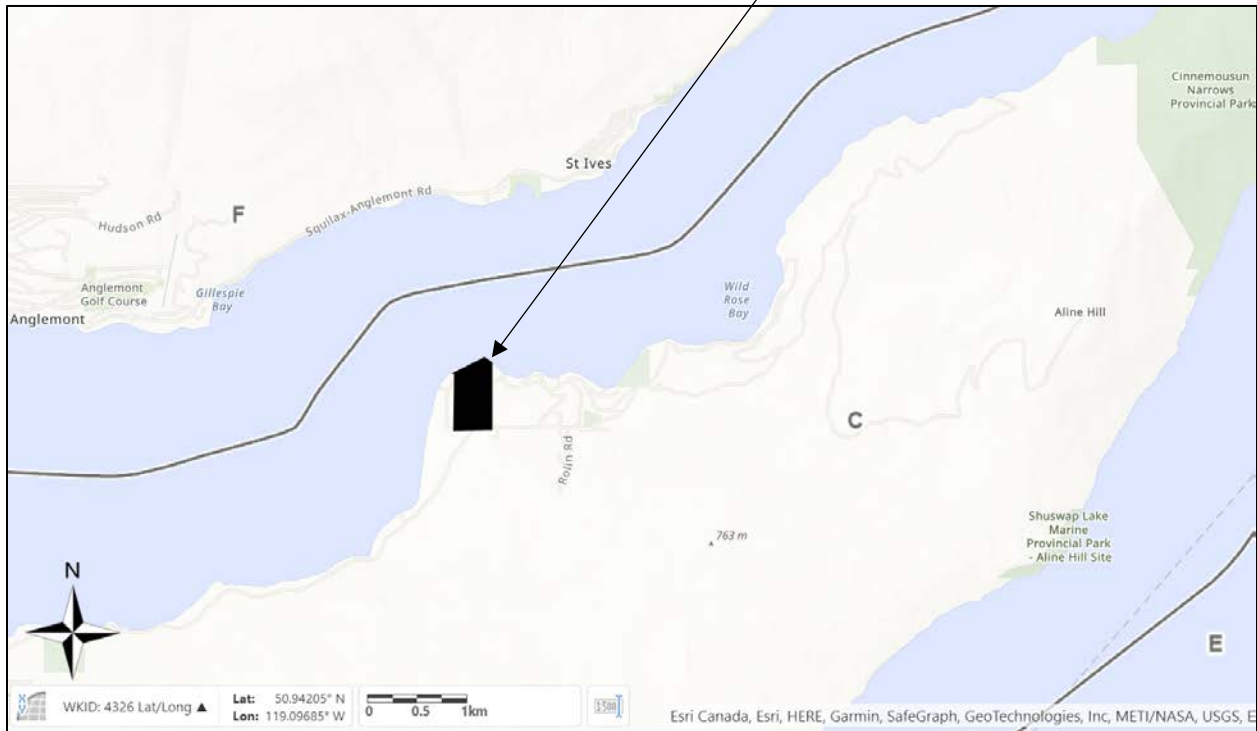
BL900-30C

<p>(g) Site Specific <u>Permitted Uses</u></p>	<p>For the surface of the lake adjacent to the land identified as Public Reserve on the Plan of Bastion Bay Summer Resort, Plan No. 2143, one floating dock with a maximum upward facing surface area of 33.45 m<sup>2</sup> per lot and one private mooring buoy per lot are permitted uses in association with Lots 1-31, 33 and 35-39, Section 5, Township 22, Range 8, West of the 6th Meridian Kamloops Division Yale District, Plan 2143; Lot 1, Section 5, Township 22, Range 8, West of the 6th Meridian Kamloops Division Yale District Plan KAP68606, and Lot 1, Section 5, Township 22, Range 8, West of the 6th Meridian Kamloops Division Yale District Plan KAP71011. {Bastion Bay}</p>
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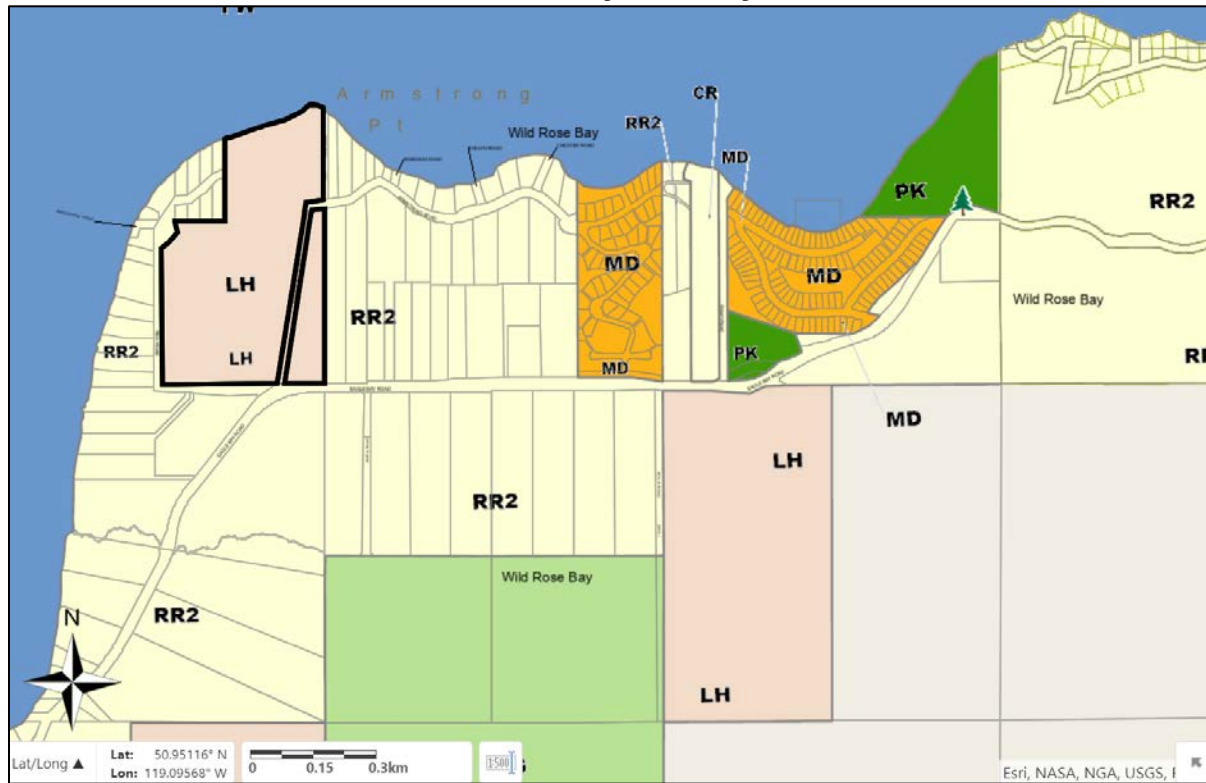
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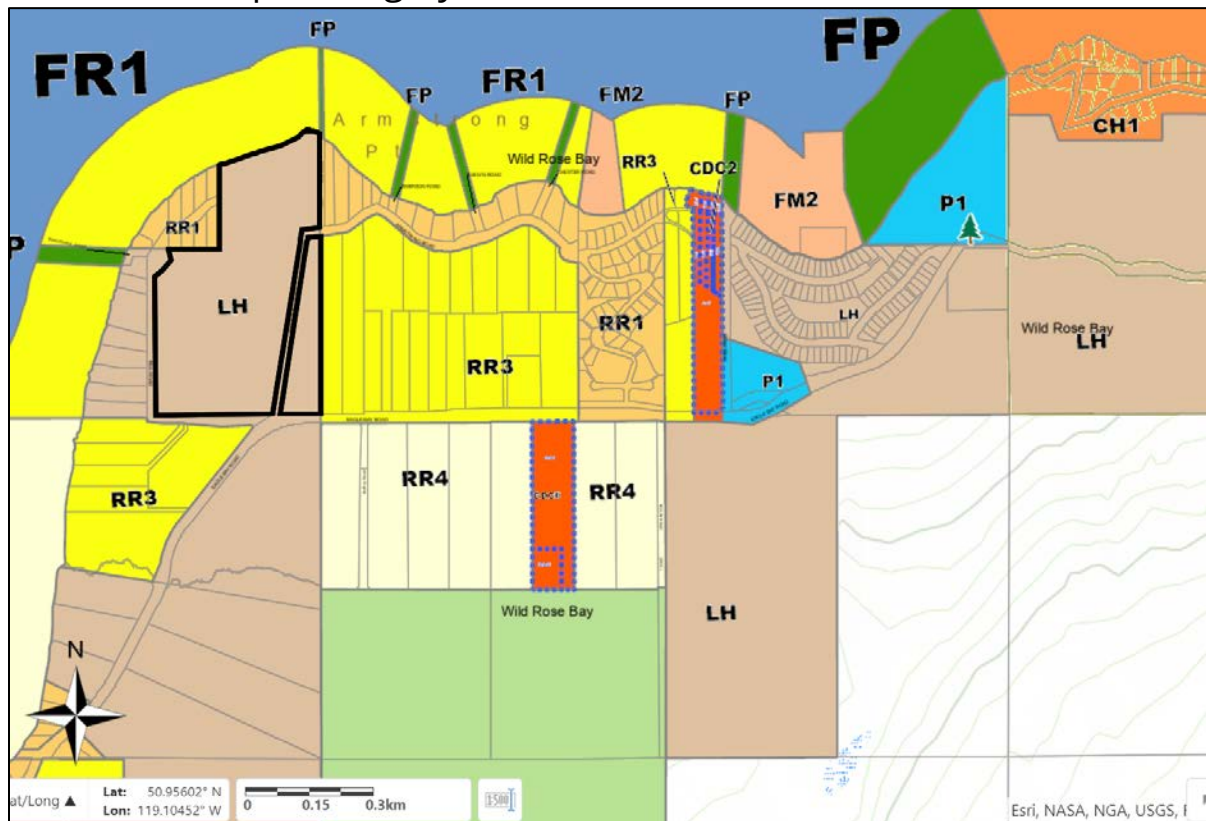
**SUBJECT PROPERTY**



### Electoral Area C Official Community Plan Bylaw No. 725

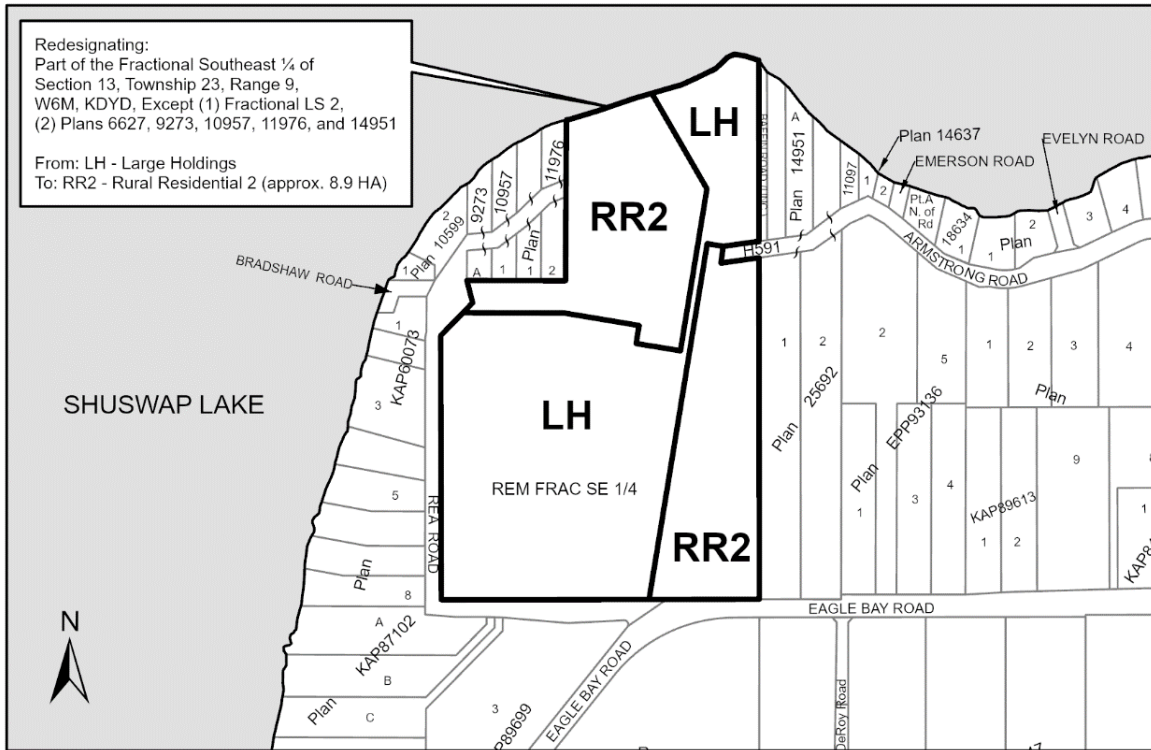


### South Shuswap Zoning Bylaw No. 701

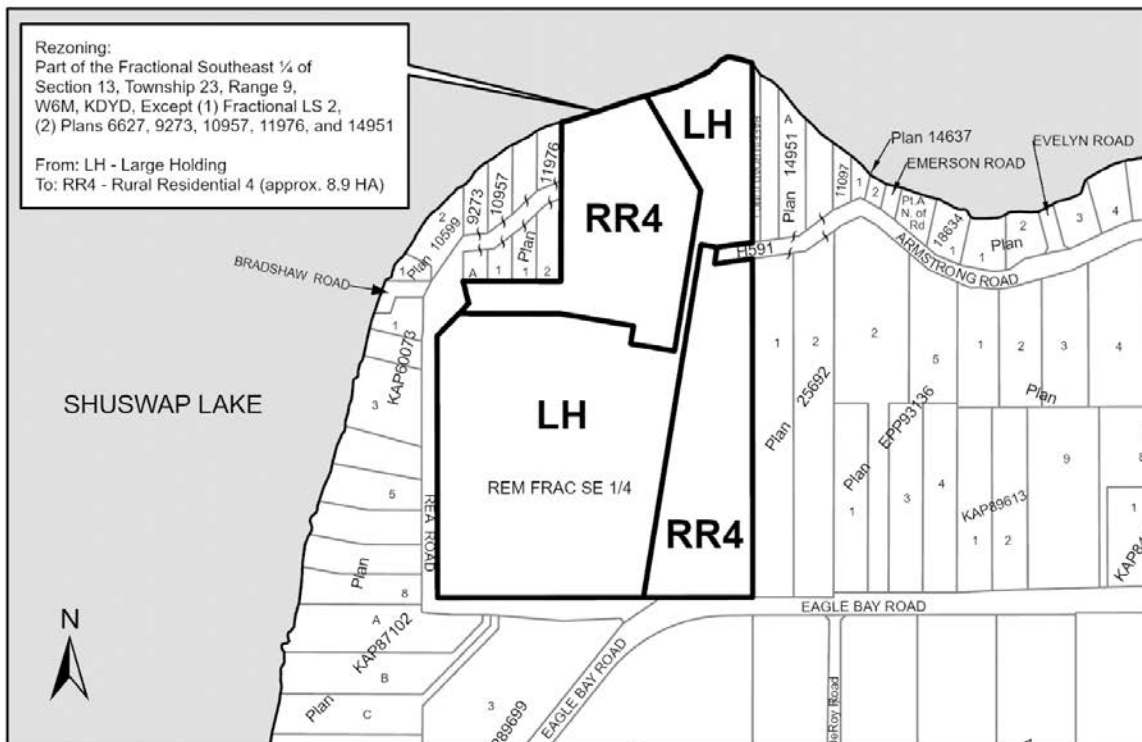




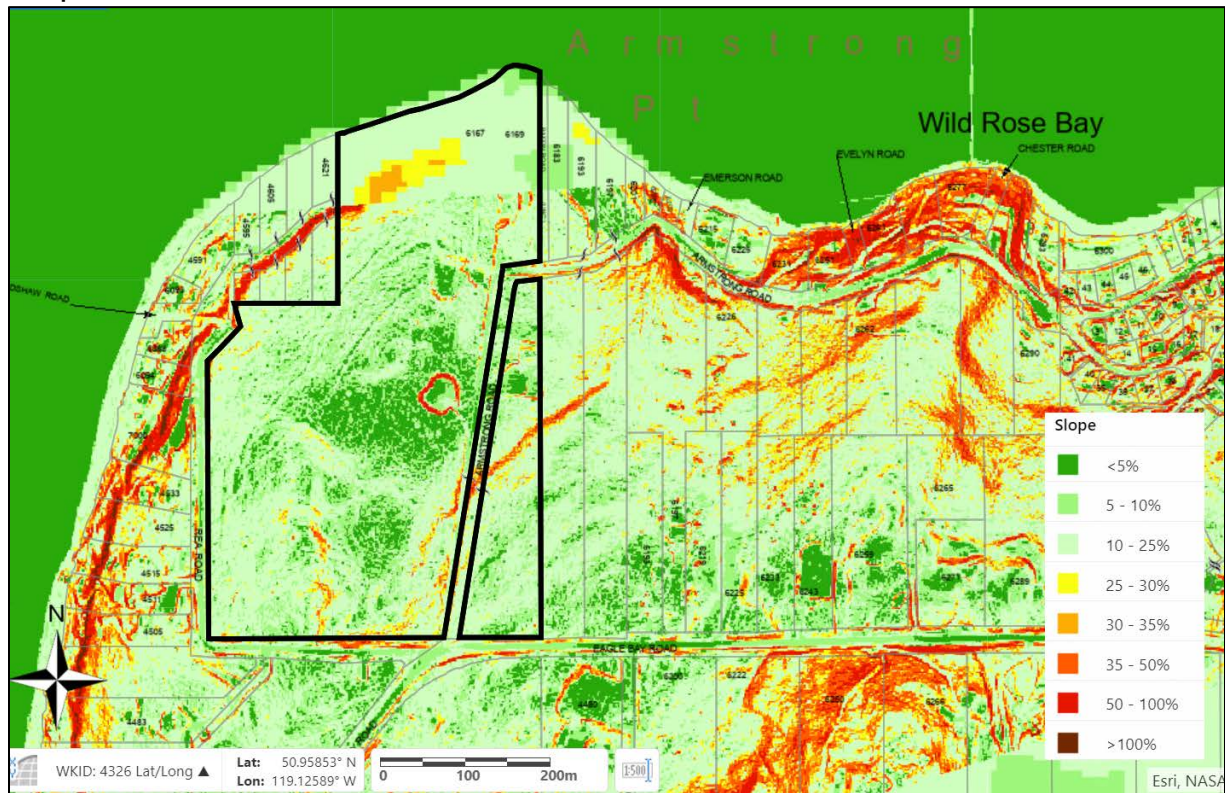
## Electoral Area C Official Community Plan Amendment Bylaw No. 725-25 Schedule 1 (as amended)



## South Shuswap Zoning Amendment Bylaw No. 701-107 Schedule 1 (as amended)



### Slopes



### 2023 Orthoimagery





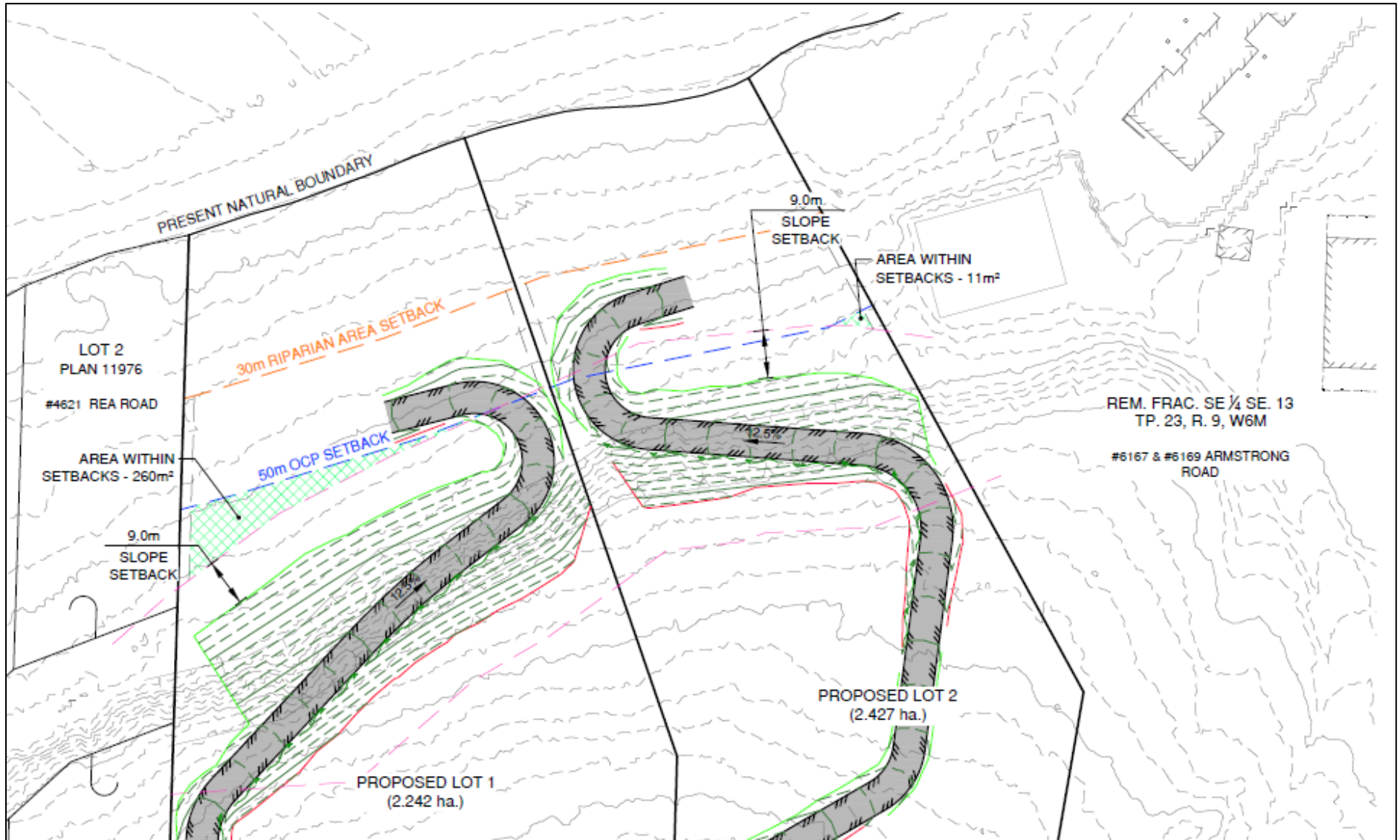


Revised Site Plan (2024-10-21)



<b>D.S. CUNLIFFE CONSULTING</b>	
<b>#6067 ARMSTRONG ROAD SUBDIVISION - ACCESS PLAN</b>	
<b>SITE PLAN</b>	
SCALE: 1:1000	
DATE: OCT 2024	
PROJECT REFERENCE NO. 1591-023	
<b>1591-023- FIG 1</b>	1 of 1 1

### Building area on Lots 1 & 2 between 50 m setback and escarpment



2023 Oblique Photos

Residences and accessory buildings on Proposed Remainder





# BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area D, E, F: Anglemont Zoning Bylaw No. 650, Electoral Area E Zoning Bylaw No. 841, and Rancho/Deep Creek Zoning Bylaw No. 751 Policy Resolution and Proposed Bylaw Amendments
- DESCRIPTION:** Report from Christine LeFloch, Planner III, dated November 1, 2024. Policy Resolution and Proposed Bylaw Amendments
- RECOMMENDATION:** THAT: the Board endorse a policy resolution to not enforce Sections 5.4.2(g), 5.4.2(h), 5.5.2(h), 5.5.2(i), 5.6.2(h), 5.6.2(i), 5.7.2(h), 5.7.2(i), 5.8.2(h), 5.8.2(i) of Anglemont Zoning Bylaw No. 650, Section 4.10.4(i) of Rancho/Deep Creek Zoning Bylaw No. 751, and Section 4.13.4(j) of Electoral Area E Zoning Bylaw No. 841;
- AND THAT: the Board direct staff to initiate amendments to remove the above noted sections from Anglemont Zoning Bylaw No. 650, Rancho/Deep Creek Zoning Bylaw No. 751, and Electoral Area E Zoning Bylaw No. 841.
- Stakeholder Vote Unweighted (LGA Part 14) Majority*

## SUMMARY:

Specific sections of Anglemont Zoning Bylaw No. 650, as amended (Bylaw No. 650) which regulate the minimum floor area and dimensions of single detached dwellings, row housing units and multiple dwellings are not permitted by the Local Government Act (LGA) and may be subject to legal challenge. Sections of Rancho/Deep Creek Zoning Bylaw No. 751, as amended (Bylaw No. 751) and Electoral Area E Zoning Bylaw No. 841, as amended (Bylaw No. 841) regulating the minimum floor area of manufactured homes are also not permitted under the LGA. Staff are recommending that the Board endorse a policy resolution to not enforce these sections and direct staff to initiate the appropriate amendments to remove these sections from the applicable bylaws.

## BACKGROUND:

The CSRD recently received a building permit application to place a manufactured home on a property in Anglemont that is zoned RS-1. The building is less than 5.0 m wide and does not meet the provisions of Section 5.6.2(i) which regulates the minimum horizontal dimensions of a single detached dwelling. Staff sought further clarification regarding this regulation and learned that Section 5.6.2(i) and Section 5.6.2(h) minimum floor area, net on the largest floor of a single detached dwelling are not permitted under the LGA. Upon further investigation it was found that other zones in BL650 contain the same provisions and there are similar provisions specific to manufactured homes contained in the MHP1 Manufactured Home Park Zone in both Rancho/Deep Creek Zoning Bylaw No. 751 and Electoral Area E Zoning Bylaw No. 841.

## POLICY:

[Anglemont Zoning Bylaw No. 650](#)



Definitions:

BUILDING is a structure used or intended for supporting or sheltering a use or occupancy and does not include a recreational vehicle.

FLOOR AREA, NET is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas.

HORIZONTAL DIMENSIONS are the horizontal distances of length and width of a floor of a building measured to the outside faces of exterior walls.

SINGLE DETACHED DWELLING means a detached building containing only one (1) principal dwelling unit and, where permitted by this Bylaw, one (1) secondary dwelling unit. For the purposes of this Bylaw, a manufactured home is considered a single detached dwelling.

RR-60 Rural Large Lot Zone

- 5.3.2(g) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m<sup>2</sup>
- 5.3.2(h) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RR-4 Rural Small Lot Zone

- Section 5.4.2(g) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m<sup>2</sup>
- Section 5.4.2(h) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

CR Country Residential Zone

- Section 5.5.2(h) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m<sup>2</sup>
- Section 5.5.2(i) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RS-1 Residential Zone

- Section 5.6.2(h) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m<sup>2</sup>
- Section 5.6.2(i) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RS-5 Residential Summer Home Zone

- Section 5.7.2(h) Minimum floor area, net of the largest floor of a single detached dwelling – 60 m<sup>2</sup>
- Section 5.7.2(i) Minimum horizontal dimensions of the largest floor of a single detached dwelling – 5 m

RM-2 Residential Townhouse Zone

- Section 5.8.2(g) Minimum floor area, net of a row house dwelling unit – 60 m<sup>2</sup>
- Section 5.8.2(h) Minimum floor area, net of a multiple dwelling unit – 40 m<sup>2</sup>

[Ranchero/Deep Creek Zoning Bylaw No. 751](#)Definitions:

FLOOR AREA, NET is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas;

MANUFACTURED HOME is a detached dwelling unit, that is factory built to comply with or exceed the CAN/CSA Z240 MH Series, "Mobile Homes"

#### MHP1 – Manufactured Home Park Zone

- Section 4.10.4(j) Minimum gross floor area of a manufactured home - 45 m<sup>2</sup>

#### [Electoral Area E Zoning Bylaw No. 841](#)

##### Definitions:

FLOOR AREA, NET is the total area of all storeys in a building measured to the outside face of exterior walls, or, as applicable, the area associated with each specific use measured to the outside face of the walls of the area. For portions of buildings without walls, the floor area is measured from the outside edges of posts. Floor area, net does not include balconies, decks, and parking areas;

MANUFACTURED HOME is either: (a) a detached dwelling unit, that is factory-built to comply with or exceed the CAN/CSA Z240 MH Series (manufactured homes), (b) a detached dwelling unit, that is factory-built to comply with or exceed the CAN/CSAA277 (modular homes);

#### MHP1 – Manufactured Home Park Zone

- Section 4.13.4(j) Minimum gross floor area of a manufactured home - 45 m<sup>2</sup>

#### **FINANCIAL:**

Financial implications for the CSRD may include costs associated with legal representation and staff time should these sections of Bylaw Nos. 650, 751 and 841 be subject to legal challenge.

#### **KEY ISSUES/CONCEPTS:**

Staff recently learned that provisions of Bylaw No. 650 which regulate the minimum area and dimensions of single detached dwellings in the RS-1 Residential 1 Zone in Anglemont are not permitted under the LGA and may be subject to legal challenge on the basis that local governments do not have the authority to require minimum width and minimum floor areas. Bylaw No. 650 was adopted in 1998.

The CSRD has learned that it may regulate the maximum size, width, length, or height with respect to siting, size and dimensions of buildings and structures but it cannot require a minimum. Regulations that set a maximum size or dimension allow for buildings and structures to be designed to be less than the maximum and are therefore not requiring that a building must be constructed to the maximum. Whereas regulations that set a minimum size or dimension require that a building must be constructed to at least the minimum size or dimension. Legislation does not permit local governments to set minimum requirements. As such, the regulations pertaining to minimum horizontal dimensions and minimum floor area with respect to dwellings are not allowed.

In response to this new information, staff have reviewed all CSRD zoning bylaws and found that regulations for the minimum floor area and dimensions of dwellings are in multiple zones contained in Bylaw No. 650. There are also regulations specifying the minimum floor of a manufactured home in Bylaw Nos. 751 and 841. These bylaws were adopted in 2018 and 2022 respectively.

Therefore, staff recommend that the Board endorse a policy not to enforce the applicable sections and further, to direct staff to remove these provisions from Bylaw Nos. 650, 751 and 841.

**IMPLEMENTATION:**

If the Board agrees with the staff recommendation, the applicable sections of Bylaw Nos. 650, 751 and 841 will not be enforced. Further, staff will initiate bylaw amendments to remove these sections from these bylaws. A subsequent Board report and amending bylaws will be prepared for Board review at a future Board meeting.

**COMMUNICATIONS:**

If the Board endorses the staff recommendations Development Services staff will be advised of the decision not to enforce sections of Bylaw Nos. 650, 751 and 841 which regulate a minimum floor area and minimum horizontal dimension for dwellings of various types.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2024-11-21_Board_DS_BL650_BL751_BL841_Policy_Resolution.docx
Attachments:	
Final Approval Date:	Nov 14, 2024

This report and all of its attachments were approved and signed as outlined below:



Corey Paiement

**No Signature - Task assigned to Gerald Christie was completed by assistant Crystal Robichaud**

Gerald Christie

**No Signature - Task assigned to Jennifer Sham was completed by assistant Crystal Robichaud**

Jennifer Sham



John MacLean