



Notice of Meeting and Meeting Agenda Capital Regional District Board

Wednesday, August 9, 2023

1:00 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. TERRITORIAL ACKNOWLEDGEMENT

2. APPROVAL OF THE AGENDA

3. ADOPTION OF MINUTES

3.1. [23-550](#) Minutes of the July 12, 2023 Capital Regional District Board Meeting

Recommendation: That the minutes of the Capital Regional District Board meeting of July 12, 2023 be adopted as circulated.

Attachments: [Minutes - July 12, 2023](#)

4. REPORT OF THE CHAIR

5. PRESENTATIONS/DELEGATIONS

The public are welcome to attend CRD Board meetings in-person.

Delegations will have the option to participate electronically. Please complete the online application at www.crd.bc.ca/address no later than 4:30 pm two days before the meeting and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

5.1. Presentations

5.2. Delegations

5.2.1. [23-561](#) Delegation - Edward Domovitch; Resident of Sooke: Re: Agenda Items: 6.7. Development Variance Permit for Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road, and 6.8. Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road

- 5.2.2. [23-562](#) Delegation - Mick Collins; Resident of Oak Bay: Re: Agenda Items: 6.5. Long-Term Biosolids Management Planning, 8.1. Notice of Motion: Academic Review - Land Application of Biosolids (Director Desjardins), 8.2. Notice of Motion: Consortium Approach - Lessons Learned on Thermal Processing of Biosolids from Australia (Director Tobias), and 8.3. Healthy Waters Project for Tod Creek on the Saanich Peninsula - Update - July 2023
- 5.2.3. [23-563](#) Delegation - Frances Pugh; Representing Saanich Inlet Protection Society and Peninsula Biosolids Coalition: Re: Agenda Items: 6.5. Long-Term Biosolids Management Planning
- 5.2.4. [23-564](#) Delegation - Jonathan O'Riordan; Resident of the Capital Regional District: Re: Agenda Items: 6.5. Long-Term Biosolids Management Planning, 8.1. Notice of Motion: Academic Review - Land Application of Biosolids (Director Desjardins), and 8.2. Notice of Motion: Consortium Approach - Lessons Learned on Thermal Processing of Biosolids from Australia (Director Tobias)

6. CONSENT AGENDA

- 6.1. [23-555](#) Capital Regional District Arts and Culture: 2022 Impact Report

Recommendation: [At the July 26, 2023 Arts Commission meeting, the recommendation was amended directing staff to also distribute the report to the next meeting of the CRD Board as follows:

That staff distribute the Capital Regional District Arts and Culture: 2022 Impact Report virtually through the Capital Regional District website and as physical copies to all council and electoral directors in the capital region and to the next regular meeting of the Capital Regional District Board.]

There is no recommendation. This report is for information only.

Attachments: [Staff Report: CRD Arts & Culture 2022 Impact Report](#)
[Appendix A: Arts Commission 2022 Impact Report](#)

- 6.2. [23-532](#) 2023 Electoral Areas Committee Terms of Reference - Revised

Recommendation: The Electoral Areas Committee recommends to the Capital Regional District Board: That the revised 2023 Electoral Areas Committee Terms of Reference be approved as presented.
(NWA)

Attachments: [Staff Report: 2023 Electoral Areas Committee ToR Revised](#)
[Appendix A: Electoral Areas Committee TOR - Revised Aug 2023](#)
[Appendix B: Electoral Areas Committee TOR - Redlined](#)

- 6.3. [23-545](#) Enforcement Practices for Alternative Forms of Housing - Recreational Vehicles
- Recommendation:** The Electoral Areas Committee recommends to the Capital Regional District Board: That occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority. Temporary service connections, and steps and decks not requiring a building permit and that are not affixed to the recreational vehicle will not be considered permanent alterations.
(NWA)
- Attachments:** [Staff Report: Enforce't Practices for Alt Forms of Housing-RVs](#)
[Appendix A: July 12, 2023 Staff Report](#)
- 6.4. [23-475](#) Implications of Increasing Fine Rates at Hartland Landfill
- Recommendation:** There is no recommendation. This report is for information only.
- Attachments:** [Staff Report: Implications of Increasing Fine Rates at Hartland Landfill](#)
[Appendix A: Proposed Fine Rate Schedule](#)
[Appendix B: GHD Enforcement Enhancements Memo - June 26, 2023](#)
- 6.5. [23-496](#) Long-Term Biosolids Management Planning
- Recommendation:** There is no recommendation. This report is for information only.
- Attachments:** [Staff Report: Long-Term Biosolids Management Planning](#)
[Appendix A: Long-Term Biosolids Beneficial Use Options Analysis \(GHD\)](#)
[Appendix B: Consulting Services - Long-term Biosolids Strategy Consultation](#)
- 6.6. [23-535](#) 2023 Governance Committee Terms of Reference - Revised
- Recommendation:** That the Governance Committee recommends to the Capital Regional District Board: That the revised 2023 Governance Committee Terms of Reference be approved as presented.
(NWA)
- Attachments:** [Staff Report: Revised 2023 Governance Committee TOR](#)
[Appendix A: Accessibility Advisory Committee TOR \(Final\)](#)
[Appendix B: Revised Governance Committee TOR \(Draft\)](#)
[Appendix C: Revised Governance Committee TOR \(Redlined\)](#)

6.7. [23-467](#) Development Variance Permit for Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road

Recommendation: The Land Use Committee recommends to the Capital Regional District Board:
That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Goodmanson), Metchosin, Sooke)

Attachments: [Staff Report: Development Variance Permit Application VA000159](#)
[Appendix A: Subject Property Map](#)
[Appendix B: Proposed Subdivision Plan](#)
[Appendix C: Permit VA000159](#)

6.8. [23-468](#) Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 - 6144 East Sooke Road

Recommendation: The Land Use Committee recommends to the CRD Board:
That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of the land value pursuant to Section 510 of the Local Government Act.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Goodmanson), Metchosin, Sooke)

Attachments: [Staff Report: Provision of Park Land for Subdivision Application SU000757](#)
[Appendix A: Subject Property Map](#)
[Appendix B: Proposed Subdivision Plan](#)
[Appendix C: Commission Minutes May 30, 2023](#)

6.9. [23-465](#) Watershed Security Officer Designation

Recommendation: That the Regional Water Supply Commission recommends that the Capital Regional District Board:
Appoint Jim Harradine and Derek Hall as Watershed Security Officers; and that Devon Barnes be removed from appointment; for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act, and in accordance with Capital Regional District Bylaw No. 2681.
(NWA)

Attachments: [Staff Report: Watershed Security Officer Designation](#)

6.10. [23-533](#) Disaster Mitigation and Adaptation Fund Grant Application

Recommendation: The Regional Water Supply Commission and the Saanich Peninsula Water Commission recommend to the Capital Regional District Board:
That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting Disaster Mitigation and Adaptation grant funds and overseeing grant management for the proposed projects.
(NWA)

Attachments: [Staff Report: DMAF Grant Application](#)

 [Appendix A: Regional Water Supply Commission Staff Report July 19, 2023](#)
 [Appendix B: Saanich Peninsula Water Commission Staff Report July 20, 2023](#)

6.11. [23-493](#) Merchant Mews Pathway Design - Additional Funding

Recommendation: That the Salt Spring Island Local Community Commission recommends to the Capital Regional District Board:
That the Salt Spring Island Transportation Service 2023 Capital Plan be amended to increase the budget for the Merchant Mews project by \$16,400 funded from the Capital Reserve Fund.
(WA)

Attachments: [Staff Report: Merchant Mews Pathway Design](#)

7. ADMINISTRATION REPORTS**8. REPORTS OF COMMITTEES****Environmental Services Committee****8.1. [23-456](#) Notice of Motion: Academic Review - Land Application of Biosolids
(Director Desjardins)**

Recommendation: [At the June 21, 2023 Environmental Services Committee, the following notice of motion was given same-day consideration and carried:]
The Environmental Services Committee recommends to the Capital Regional District Board:
That staff report back with a proposal that CRD Environment Service fund University of Victoria or other suitable independent academic institution to prepare a review:
a) of available literature, to determine whether there are validated examples and/or peer reviewed papers assessing the risks of the application of biosolids on environmental and human health, and
b) based on this and on The Precautionary Principle, whether CRD may have a legal liability for such application. The institution may receive submissions from the public.
(NWA)

8.2. [23-457](#) Notice of Motion: Consortium Approach - Lessons Learned on Thermal Processing of Biosolids from Australia (Director Tobias)

Recommendation: [At the June 21, 2023 Environmental Services Committee, the following notice of motion was given same-day consideration and carried:]
The Environmental Services Committee recommends to the Capital Regional District Board:
That staff look to the example of Logan, Australia for lessons learned on thermal processing of biosolids and a consortium approach.
(NWA)

8.3. [23-500](#) Healthy Waters Project for Tod Creek on the Saanich Peninsula - Update - July 2023

Recommendation: [At the July 19, 2023 Environmental Services Committee meeting, this report was presented for information. Following committee discussion, the following motion arising was carried:]
That the Environmental Services Committee recommends to the CRD Board:
That the CRD move forward with the study of Healthy Waters Project for Tod Creek on the Saanich Peninsula.
(WP - All)

Attachments: [Staff Report: Healthy Waters Project for Tod Creek - Update - July 2023](#)
[Appendix A: Summary of Background Data Available](#)

Finance Committee

8.4. [23-405](#) Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement

Recommendation: The Finance Committee recommends to the Capital Regional District Board:
1. That the March 9, 2022 Board resolution pertaining to the approved Service Agreement be rescinded;
2. That the Chief Administrative Officer be authorized to enter into a further revised Service Agreement to provide emergency communications services, as attached at Appendix C; and,
3. That Staff be directed to amend the Financial Plan to reflect the increased service agreement payments for 2022 to 2027.
(WA)
[At the July 5, 2023 Finance Committee meeting, the following motion arising was passed:]
4. That the CRD Board ask the CREST Board to present funding options to update the Call Answer Levy revenue.
(NWA)

Attachments: [Staff Report: CREST Service Agreement](#)
[Appendix A: Staff Report 8 Dec 2021 Board CREST](#)
[Appendix B: Staff Report 9 Mar 2022 Board CREST](#)
[Appendix C: Service Agreement 2022-27- tracked changes](#)

Governance Committee

8.5. [23-531](#) Capital Regional District Advocacy Strategy

Recommendation: [At the August 2, 2023 Governance Committee meeting, committee discussion ensued on the listing of federal and provincial ministries by name as some references were outdated. Attached is a revised CRD Advocacy Strategy that refers more broadly to federal and provincial ministries:]
The Governance Committee recommends to the Capital Regional District Board:
That the updated CRD Advocacy Strategy be approved.
(NWA)

Attachments: [Staff Report: CRD Advocacy Strategy](#)
[Appendix A: CRD Advocacy Strategy \(August 2023\) - Revised Aug. 2](#)

8.6. [23-534](#) Capital Regional District Mission Statement

Recommendation: [At the August 2, 2023 Governance Committee meeting, the recommended mission statement wording was amended and carried as follows:]
The Governance Committee recommends to the Capital Regional District Board:
That the following mission statement be adopted:
"We are a regional federation working together to serve the public good, plan for the future, and help build a livable, sustainable and resilient region. We work across municipal and electoral area boundaries to deliver services to residents regionally, sub-regionally and locally through an inclusive, efficient and open organization."
(NWA)

Attachments: [Staff Report: Capital Regional District Mission Statement](#)

8.7. [23-516](#) Bylaw No. 4556: Capital Regional District Public Notice Bylaw No. 1, 2023

Recommendation: The Governance Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" be introduced and read a first, second, and third time;
(NWA)
2. That Bylaw No. 4556 be adopted.
(NWA, 2/3 on adoption)

Attachments: [Staff Report: Bylaw No. 4556 - Public Notice Bylaw](#)
[Appendix A: Bylaw No. 4556](#)
[Appendix B: Public Notice Regulation, B.C. Reg. 52/2022](#)
[Appendix C: Principles for Effective Public Notice Publication](#)
[Appendix D: Draft Public Notice Policy](#)

8.8. [23-530](#) Membership in the Institute of Corporate Directors

Recommendation: [At the August 2, 2023 Governance Committee meeting, the recommendation was revised to extend membership until the end of 2024.]
The Governance Committee recommends to the Capital Regional District Board:
That the Board renew its membership with the Institute of Corporate Directors until the end of 2024.
(NWA)

Attachments: [Staff Report: ICD Membership](#)
[Appendix A: ICD Membership Brochure](#)

8.9. [23-539](#)**Bylaw No. 4350 and 4566 - Proposed Amendments to Recreation
Commission Bylaws for Sooke and EA (2788) and Peninsula (2397)**

Recommendation: [At the August 2, 2023 Governance Committee meeting, staff advised the committee of a housekeeping update to s.1(d) of Bylaw No. 4350. Attached are the revised Amendment Bylaw No. 4350 and Parent Bylaw No. 2788 (Redlined):]
That the Governance Committee recommends to the Capital Regional District Board:
1. That Bylaw No. 4350, "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000, Amendment Bylaw No. 4, 2023" be introduced and read a first, second and third time.

(NWA)

2. That Bylaw No. 4350 be adopted.

(NWA, 2/3 on adoption)

3. That Bylaw No. 4566, "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 6, 2023" be introduced and read a first, second, and third time.

(NWA)

4. That Bylaw No. 4566 be adopted.

(NWA, 2/3 on adoption)

Attachments:

[Staff Report: Proposed Amendments to Panorama and SEPARC Bylaws](#)

[Appendix A: Bylaw No. 4350 - Revised Aug. 2](#)

[Appendix B: Bylaw No. 4566](#)

[Appendix C: Bylaw No. 2788 \(Redlined\) - Revised Aug. 2](#)

[Appendix D: Bylaw No. 2397 \(Redlined\)](#)

Juan de Fuca Land Use Committee

8.10. [23-382](#) Development Permit with Variance for Lot 30, Section 98, Sooke District, Plan 33263 - 6067 Brecon Drive

Recommendation: (At its June 20, 2023, meeting the Juan de Fuca Land Use Committee amended the recommendation as noted below and resolved non-support of the application)
The Land Use Committee recommends to the CRD Board:
That Development Permit with Variance DV000091, as amended, for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:
1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
2. Part 1, Section 4.01 (2)(a) to increase the height permitted from 6 m to 6.392 m; and
3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m² be denied.
(NWP - Voting Block A: JDF EA, Colwood, Langford (Goodmanson), Metchosin, Sooke)

Attachments: [Staff Report: Development Permit with Variance Application DV000091](#)
 [Appendix A: Subject Property Map](#)
 [Appendix B: Site Plan](#)
 [Appendix C: Concept Building and Elevation Drawings](#)
 [Appendix D: Permit DV000091](#)
 [Appendix E: Development Permit Guidelines](#)

Transportation Committee

8.11. [23-492](#) Regional Trails Widening and Lighting Project - Funding Options

Recommendation: The Transportation Committee recommends to the Capital Regional District Board:

1. That the Regional Trails Widening and Lighting Project be accelerated by the inclusion of the Project in the 2024-2028 Financial Plan and that project funds be secured by way of debt; and
(WP - All)
2. That staff continue to develop partnerships, pursue grant opportunities and report back to the Regional Parks Committee at the September 27, 2023 meeting with options to generate additional funds through non-tax revenue.
(NWA)

[At the July 19, 2023 Transportation Committee meeting, the following motions arising were carried:]

3. That the CRD Chair and CRD staff work with the province including a letter to the Minister of Transportation to secure opportunities for supporting the work identified in the Trails Widening and Lighting Project; and
4. That going forward the project be referred to as the regional trestle renewal, trails widening and lighting project.
(NWA)

Attachments: [Staff Report: Regional Trails Widening and Lighting Project - Funding Options](#)
 [Appendix A: Regional Trail Widening & Lighting - Map](#)
 [Appendix B: Separated Use Pathway Design/Implementation Priorities](#)
 [Appendix C: Project Scope and Timing - Alternative 1](#)
 [Appendix D: Alternative 1 - Debt Servicing Profile & Requisition Increase](#)
 [Appendix E: Project Scope and Timing - Alternative 2](#)
 [Presentation: CRD Regional Trails Widening and Lighting Funding Model](#)

9. BYLAWS**9.1. [23-537](#) Bylaw 4546 - "Saanich Peninsula Recreation Services (Centennial Park Multi-Sport Box) Loan Authorization Bylaw No. 1, 2023"**

Recommendation: That Bylaw 4546 - "Saanich Peninsula Recreation Services (Centennial Park Multi-Sport Box) Loan Authorization Bylaw No. 1, 2023" be adopted.
(WA)

Attachments: [Bylaw No.4546](#)

9.2. [23-538](#) Bylaw 4547 - "Saanich Peninsula Recreation Services (Panorama Heat Recovery System) Loan Authorization Bylaw No. 1, 2023"

Recommendation: That Bylaw 4547 - "Saanich Peninsula Recreation Services (Panorama Heat Recovery System) Loan Authorization Bylaw No. 1, 2023" be adopted.
(WA)

Attachments: [Bylaw No.4547](#)

10. NOTICE(S) OF MOTION**11. NEW BUSINESS**

12. MOTION TO CLOSE THE MEETING**12.1. [23-552](#) Motion to Close the Meeting**

- Recommendation:**
1. That the meeting be closed for Appointments in accordance with Section 90(1)(a) of the Community Charter. [2 items]
 2. That the meeting be closed for Labour Relations in accordance with Section 90(1)(c) of the Community Charter. [2 items]
 3. That the meeting be closed for Land Acquisition in accordance with Section 90(1)(e) of the Community Charter. [1 item]
 4. That such disclosures could reasonably be expected to harm the interests of the Regional District. [1 item]
 5. That the meeting be closed for Legal Advice in accordance with Section 90(1)(i) of the Community Charter. [2 items]
 6. That the meeting be closed for Contract Negotiations in accordance with Section (90)(1)(k) of the Community Charter. [1 item]
 7. That such disclosures could reasonably be expected to harm the interests of the Regional District. [1 item]
 8. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter. [1 item]

13. RISE AND REPORT**14. ADJOURNMENT****Voting Key:****NWA - Non-weighted vote of all Directors****NWP - Non-weighted vote of participants (as listed)****WA - Weighted vote of all Directors****WP - Weighted vote of participants (as listed)**

Meeting Minutes

Capital Regional District Board

Wednesday, July 12, 2023

1:05 PM

6th Floor Boardroom
625 Fisgard Street
Victoria, BC

PRESENT

DIRECTORS: C. Plant (Chair), M. Tait (Vice Chair), M. Alto, S. Brice, J. Brownoff (1:15 pm) (EP), J. Caradonna, C. Coleman, Z. de Vries, B. Desjardins, R. Fenton (for P. Brent), S. Goodmanson (1:12 pm), C. Harder (for L. Szpak), G. Holman, D. Kobayashi, M. Little, C. McNeil-Smith, K. Murdoch, D. Murdock, S. Riddell (for R. Windsor), D. Thompson, S. Tobias (EP), A. Wickheim, K. Williams

STAFF: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; L. Hutcheson, General Manager, Parks and Environmental Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; C. Neilson, Senior Manager, Human Resources; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Directors Brent, Jones, Szpak, Windsor

The meeting was called to order at 1:05 pm

1. TERRITORIAL ACKNOWLEDGEMENT

A Territorial Acknowledgement was provided in the preceding meeting.

2. APPROVAL OF THE AGENDA

MOVED by Director Tait, **SECONDED** by Director Murdoch,
That the agenda for the July 12, 2023 Session of the Capital Regional District Board be approved with the following amendment:
- Item 6.1. be moved to be considered under Reports of Committees as Item 8.1.b.
CARRIED

3. ADOPTION OF MINUTES

- 3.1. [23-480](#) Minutes of the June 7, 2023 and the minutes of the June 14, 2023 Capital Regional District Board Meeting

MOVED by Director de Vries, **SECONDED** by Director Coleman,
1. That the minutes of the Special Session of Capital Regional District Board meeting of June 7, 2023 be adopted as circulated.
2. That the minutes of the Capital Regional District Board meeting of June 14, 2023 be adopted as circulated.
CARRIED

4. REPORT OF THE CHAIR

I want to begin by thanking the staff and directors who participated in our tour last week of Salt Spring Island (SSI). It was a great opportunity for us to see a part of our regional district where we help govern. We regularly rely on Director Holman and staff for their recommendations on how to operate our services on SSI most effectively; to see the impact of our work was very positive. It was also a positive experience to meet the newly elected members of the Local Community Commission. While we all witness the impact of drought on Vancouver Island and the province, I want to acknowledge and thank previous boards, water commissions and staff for their vision regarding the adequate provision of water for future generations. It should not be lost on the region that despite the province declaring drought level 4 in the Vancouver Island east basin zone we are only in Stage 1 of our CRD watering restrictions in the Greater Victoria area. The water system serving Greater Victoria is an excellent example of our organizational planning and thinking ahead for the benefit of our region, but we acknowledge the drought conditions are likely going to stress the small systems in the Electoral Areas and we know staff will manage the situation with the local communities. Yesterday I had the pleasure to meet with the Pacheedaht leadership team with Director Wickheim, Mr. Robbins, Ms. Morley and our First Nations Relations Manager. This is one of our regular twice annual government to government meetings and I was particularly pleased that at this meeting we introduced and discussed an MOU for the Nation and the CRD to conduct our interactions and to have better relations. This document is still being worked on and will be reviewed by the Board, but this is a great indicator of progress with our First Nations partners. I also would note this would be our first official MOU with a Local First Nation and I hope it can be a model for future such documents. Later in this meeting we will again be discussing biosolids. This is a topic that I recognize has caused division on this board. To date I have valued the respectful way we have operated as a board where we have been focussed on debating the issues and not on the personal politics that we regularly see elsewhere in politics. Indeed, I would offer that other than this issue, we have been a very united board. I encourage us to continue down this path of seeking a unified voice. I request that today we continue to debate and consider matters respectfully and that regardless of the outcome we respect that a decision was made democratically. And finally, I wish to inform the Board that there will be an August Board meeting but that after the August meeting we will stand down our standing committees until September. I wish you all well for a pleasant summer.

Director Goodmanson joined the meeting at 1:12 pm.

Director Brownoff joined the meeting at 1:15 pm.

5. PRESENTATIONS/DELEGATIONS

5.1. Presentations

- 5.1.1. [23-481](#) Presentation: Robert Lewis-Manning (CEO) and Christine Willow (Chair), Greater Victoria Harbour Authority; Re: Member Agency Report

Director Coleman declared a personal conflict and recused himself from the meeting at 1:11 pm.

R. Lewis-Manning and C. Willow spoke to Item 5.1.1. and provided a PowerPoint presentation.

Discussion ensued regarding:

- grant funding
- waste management

Director Coleman returned to the meeting at 1:29 pm.

5.2. Delegations

- 5.2.1. [23-495](#) Delegation - Christopher Devlin & Franz Lehrbass; Representing Royal and McPherson Theatres Society; Re: Agenda Item 8.9. Modernizing the Bylaws of the Royal Theatre and McPherson Playhouse Services - Bylaw No. 4560 and 4561

C. Devlin & F. Lehrbass spoke to Item 8.9.

- 5.2.2. [23-494](#) Delegation - Philippe Lucas; Representing Biosolid Free BC; Re: Agenda Items: 6.4. Amendment to Environmental Resource Management Capital Plan, 8.2. Biosolids Update - June 2023, and 8.3. Notice of Motion: Academic Review - Land Application of Biosolids

P. Lucas spoke to Item 6.4.

6. CONSENT AGENDA

**MOVED by Director Tait, SECONDED by Director Desjardins,
That consent agenda items 6.2. through 6.12. be approved.
CARRIED**

- 6.2. [23-435](#) Core Area Liquid Waste Management Committee Mid-Year Update

That staff be directed to amend the Core Area Wastewater Operations Service Financial Plan (3.717) to increase expenditures in 2023 by up to \$3,021,000 due to Biosolids Disposal and Residual Treatment Facility Revenue budget variances with such expenditures to be funded from Operational Reserves (3.717).

CARRIED

- 6.3. [23-431](#) Liquid Waste Management Plan - Amendment 13
1. That staff be directed to:
- a) retain an engineering consultant to review options regarding the CRD's proposed amendments to the Inflow and Infiltration section of the Core Area Liquid Waste Management Plan;
 - b) reconvene the Technical and Community Advisory Committee to review and provide recommendations to staff on Liquid Waste Management Plan updates and scope of public consultation; and
 - c) return to the Core Area Liquid Waste Management Committee with a report detailing the results of the consultant review and the Technical and Community Advisory Committee prior to making a submission to the Province regarding Amendment 13 to the Core Area Liquid Waste Management Plan.
2. That the revised Terms of Reference for the Technical and Community Advisory Committee be adopted with the following amendments:
- a) 1 - Chair of the Core Area Liquid Waste Management Committee - TCAC Chair
 - b) The Committee shall meet on a monthly basis, and have special meetings, as required, at the call of the Chair.
- CARRIED**
- 6.4. [23-410](#) Amendment to Environmental Resource Management Capital Plan
- That the following capital items be approved: \$300,000 for a new project to create a Beneficial Use Processing Area; \$200,000 for a new project to create a Biosolids Mixing Area; and an increase of \$400,000 to the existing capital project New Scale Software to account for additional IT costs associated with the north scale.
- CARRIED**
- 6.5. [23-394](#) Zero Emission Vehicle Infrastructure Program - Delivery Organizations Grant Application
- That staff be directed to apply for, negotiate and, if successful, enter into an agreement and do all such things necessary for accepting grant funds and overseeing grant management to implement a regional Electric Vehicle Charger Assistance Program under the Zero Emissions Vehicle Infrastructure Program - Delivery Organizations grant.
- CARRIED**
- 6.6. [23-330](#) Capital Regional District External Grants Update
- This report was received for information.
- 6.7. [23-417](#) Union of BC Municipalities Complete Communities Program - Growth and Mobility Study
- That the CRD Board support a grant application to the Union of BC Municipalities Complete Communities Program to prepare a CRD regional growth and mobility study, and direct staff to provide for overall grant management, including apply for, receive, and manage the grant funding.
- CARRIED**

- 6.8. [23-418](#) Update on Foodlands Access Service
This report was received for information.
- 6.9. [23-453](#) First Nations Feedback on the Interim Regional Parks and Trails Strategic Plan 2022-2032
That the Capital Regional District Regional Parks and Trails Strategic Plan 2022-2032 be approved.
CARRIED
- 6.10. [23-429](#) Ditch Maintenance for Mosquito Control - Island View Beach Regional Park
This report was received for information.
- 6.11. [23-430](#) Consideration of Regional Parks Land for Foodlands Access Program
That conditional approval be given to use the Bear Hill site as a test location for the Foodlands Access Program's new farmer incubator.
CARRIED
- 6.12. [23-445](#) Island View Beach Regional Park Campground - Operating Season Extension Pilot Project
1. That the 2023 operating season for the Island View Beach Regional Park Campground be extended to the end of the Thanksgiving long weekend, October 9, 2023, as a pilot project; and
2. That CRD staff review the success of the pilot project and report back to the Regional Parks Committee and Board in early 2024.
CARRIED

7. ADMINISTRATION REPORTS

- 7.1. [23-460](#) CAO Quarterly Progress Report No. 2, 2023
T. Robbins presented Item 7.1. for information and provided a PowerPoint presentation.
Discussion ensued regarding:
- alternate work options program and policy
- consent process related to borrowing for regional housing projects

7.2. [23-466](#) City of Victoria Regional Context Statement

K. Lorette spoke to Item 7.2.

Discussion ensued regarding:

- Salt Spring Island and Southern Gulf Islands Electoral Areas exemption from regional context statement
- alignment of census data related to updating the Regional Growth Strategy

MOVED by Director Alto, SECONDED by Director Coleman,

That the City of Victoria's amended regional context statement be considered in relation to the 2018 Regional Growth Strategy (Bylaw No. 4017) and be accepted in accordance with the requirements of section 448 of the Local Government Act.

CARRIED

8. REPORTS OF COMMITTEES**Electoral Areas Committee****8.1. [23-486](#) Zero Carbon Step Code Introduction - Bylaw No. 4564, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023"**

MOVED by Director Holman, SECONDED by Director Wickheim,

1. That Bylaw No. 4564, "Building Regulation Bylaw No. 5, 2010, Amendment Bylaw No. 6, 2023" be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Holman, SECONDED by Director Wickheim,

2. That Bylaw No. 4564 be adopted.

CARRIED

8.1.b. [23-482](#) Enforcement Practices for Alternative Forms of Housing (Updated)

MOVED by Director Holman, SECONDED by Alternate Director Fenton,

1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units;

2. That item number 2 be referred back to staff for further discussion with Electoral Area Directors.

3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

4. That the legal opinions received by staff be provided to EAC Directors prior to the next EAC meeting for review and discussion at the next EAC meeting which will be held in camera.

CARRIED

Environmental Services Committee

8.2. [23-409](#) Biosolids Update - June 2023

**MOVED by Director Desjardins, SECONDED by Director Kobayashi,
That staff maintain the short-term contingency plans for biosolids management
and expedite the thermal processing pilot.**

Discussion ensued regarding:

- contractor update
- relationship with Regional District of Nanaimo
- jurisdictional issues related to land application
- implications of land filling of biosolids
- alternative regions for land application
- mine reclamation options
- short-term and long-term contingency planning
- requirement for consultation

**MOVED by Director de Vries, SECONDED by Alternate Director Harder,
That the main motion be amended by replacing the word "maintain" with the
word "amend" and add the words "to preclude the Nanaimo option and seek
alternative out of region options" after the word 'management'.**

Director Goodmanson left the meeting at 2:51 pm.

**MOVED by Director Brice, SECONDED by Director Caradonna,
That the amendment be amended by deleting the words "to preclude the
Nanaimo option".**

**Opposed: Alto, de Vries, Harder, Plant, Wickheim
CARRIED**

Director Goodmanson returned to the meeting at 2:54 pm

Director Tobias left the meeting at 2:56 pm.

**MOVED by Director Kobayashi, SECONDED by Director Thompson,
That the question on the amendment be called.
CARRIED**

The question was called on the amendment as amended:

**That the main motion be amended by replacing the word "maintain" with the
word "amend" and add the words "and seek alternative out of region options"
after the word 'management'.**

CARRIED

**Opposed: Brice, Brownoff, de Vries, Harder, McNeil-Smith, Riddell, Tait
Director Tobias was not present for vote.**

Discussion ensued regarding:

- thermal pilot program planning
- future operational update
- in-region application options
- splitting the motion into two parts

**MOVED by Director Thompson, SECONDED by Director Williams,
That the question be called.**

CARRIED

OPPOSED: Alto, Coleman, Murdoch

The previous question was called on the main motion as amended and divided by the Chair:

1. That staff amend the short-term contingency plans for biosolids management and seek alternative out of region options.

DEFEATED

Opposed: Alto, Brice, Brownoff, de Vries, Harder, Murdoch, Murdock, Plant

**MOVED by Director de Vries, SECONDED by Director Murdoch,
That the meeting be recessed.**

CARRIED

The meeting recessed at 3:39pm.

The meeting reconvened at 3:42 pm.

The previous question was called:

2. To expedite the thermal processing pilot.

CARRIED

MOVED by Director de Vries, SECONDED by Director Murdoch,

1. That staff be directed to pursue non-agricultural land application of biosolids within the region as a short-term contingency option for biosolids management; and

2. That staff be directed to update the CRD's short-term contingency plan accordingly.

**MOVED by Director Thompson, SECONDED by Director Little,
That the motion be referred to the July 19, 2023 Environmental Services Committee meeting.**

DEFEATED

Opposed: Brice, Brownoff, de Vries, Fenton, Harder, Holman, McNeil-Smith, Murdoch, Murdock, Plant, Riddell, Tobias, Wickheim

**MOVED by Director McNeil-Smith, SECONDED by Director de Vries,
That the meeting be extended past the 3 hour scheduled time.**

CARRIED

Director Tobias returned to the meeting at 4:03 pm.

Discussion ensued regarding:

- consultation
- potential contaminants in sewage
- risks associated with hauling
- provincial regulations

**MOVED by Director Caradonna, SECONDED by Director Thompson,
That the previous question be called.**

CARRIED

Opposed: de Vries, Fenton, Goodmanson, Little, McNeil-Smith, Wickheim, Williams

The question was called on the main motion:

1. That staff be directed to pursue non-agricultural land application of biosolids within the region as a short-term contingency option for biosolids management; and

2. That staff be directed to update the CRD's short-term contingency plan accordingly.

DEFEATED

Opposed: Alto, Caradonna, Coleman, Desjardins, Goodmanson, Kobayashi, Thompson, Tobias

MOVED by Director Murdoch, **SECONDED** by Director Little,
That the meeting be recessed.

CARRIED

The meeting recessed at 4:46 pm.

The meeting reconvened at 4:49 pm.

Motion Arising:

MOVED by Director Desjardins, **SECONDED** by Director Williams,
That staff interpret the February board motion on biosolids as not including in-region land application.

MOVED by Director Thompson, **SECONDED** by Director Caradonna,
That the question be called.

CARRIED

Opposed: Coleman, de Vries, Little, McNeil-Smith, Wickheim

The question was called on the motion arising:

That staff interpret the February board motion on biosolids as not including in-region land application.

CARRIED

Opposed: de Vries, Harder, Murdock

MOVED by Director de Vries, **SECONDED** by Director Tait,
That agenda Items 8.3., 8.4., 8.10., and 8.11. be postponed to the next meeting of the CRD Board.

CARRIED

Director Murdock left the meeting at 5:00 pm.

Director Alto left the meeting at 5:03 pm.

8.3. [23-456](#) Notice of Motion: Academic Review - Land Application of Biosolids
(Director Desjardins)

This item was postponed to the next meeting.

8.4. [23-457](#) Notice of Motion: Consortium Approach - Lessons Learned on Thermal
Processing of Biosolids from Australia (Director Tobias)

This item was postponed to the next meeting.

Finance Committee

- 8.5. [23-384](#) Bylaw No. 4558: 2023 to 2027 Financial Plan Bylaw, 2023, Amendment No. 1, 2023

MOVED by Director Brice, **SECONDED** by Director Tait,

1. That Bylaw No. 4558, "2023 to 2027 Financial Plan Bylaw, 2023, Amendment Bylaw No. 1, 2023", be introduced and read a first, second and third time.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Tait,

2. That Bylaw No. 4558 be adopted.

CARRIED

- 8.6. [23-391](#) Municipal Finance Authority 2023 Fall Issue - Capital Regional District Security Issuing Bylaws No. 4562 and 4563

MOVED by Director Brice, **SECONDED** by Director Tait,

1. That Bylaw No. 4562, Security Issuing Bylaw No. 2, 2023, be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Tait,

2. That Bylaw No. 4562 be adopted.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Tait,

3. That Bylaw No. 4563, Security Issuing Bylaw No. 3, 2023, be introduced and read a first, second, and third time.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Tait,

4. That Bylaw No. 4563 be adopted.

CARRIED

- 8.7. [23-389](#) Bylaw No. 4559: Temporary Borrowing (Regional Parks Land Acquisition) Bylaw No. 1, 2023

MOVED by Director Brice, **SECONDED** by Director Tait,

1. That Bylaw No. 4559, "Temporary Borrowing (Regional Parks Land Acquisition) Bylaw No. 1, 2023", be introduced and read a first, second and third time.

CARRIED

MOVED by Director Brice, **SECONDED** by Director Tait,

2. That Bylaw No. 4559 be adopted.

CARRIED

- 8.8. [23-388](#) Bylaw No. 4557: Capital Regional District Recreation Services and Facilities Fees and Charges 2023-2024
- MOVED** by Director Brice, **SECONDED** by Director Tait,
1. That Bylaw No. 4557, "Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 17, 2023", be introduced and read a first, second, and third time.
CARRIED
- MOVED** by Director Brice, **SECONDED** by Director Tait,
2. That Bylaw No. 4557 be adopted.
CARRIED
- 8.9. [23-415](#) Modernizing the Bylaws of the Royal Theatre and McPherson Playhouse Services - Bylaw No. 4560 and 4561
- MOVED** by Director Brice, **SECONDED** by Director Murdoch,
1. That Bylaw No. 4560, Royal Theatre Local Service Area Establishment Bylaw No. 1, 1998, Amendment Bylaw No. 1, 2023, be read a first, second, and third time.
CARRIED
- MOVED** by Director Brice, **SECONDED** by Director Murdoch,
2. That Bylaw No. 4561, McPherson Playhouse Local Service Area Establishment Bylaw No. 1, 1999, Amendment Bylaw No. 1, 2023, be read a first, second, and third time.
CARRIED
- MOVED** by Director Brice, **SECONDED** by Director Murdoch,
3. That staff be directed to commence a council consent approval process with the relevant participants of each amending bylaw (Bylaw No. 4560 - Oak Bay, Saanich, Victoria; Bylaw No. 4561 - Victoria).
CARRIED
- 8.10. [23-405](#) Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement
- The item was postponed to the next meeting.

Juan de Fuca Land Use Committee

- 8.11. [23-382](#) Development Permit with Variance for Lot 30, Section 98, Sooke District, Plan 33263 - 6067 Brecon Drive
- The item was postponed to the next meeting.

9. BYLAWS

There were no bylaws for consideration.

10. NOTICE(S) OF MOTION

There were no notice(s) of motion.

11. NEW BUSINESS

There was no new business.

12. MOTION TO CLOSE THE MEETING**12.1. [23-483](#) Motion to Close the Meeting**

MOVED by Director Tait, **SECONDED** by Director Murdoch,

1. That the meeting be closed for Appointments in accordance with Section 90(1) (a) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

2. That the meeting be closed for Labour Relations in accordance with Section 90(1)(c) of the Community Charter.

CARRIED

MOVED by Director Tait, **SECONDED** by Director Murdoch,

3. That the meeting be closed for Legal Advice in accordance with Section 90(1) (i) of the Community Charter.

CARRIED

The Capital Regional District Board moved to the closed session at 5:10 pm.

13. RISE AND REPORT

The Capital Regional District Board rose from the closed session at 5:14 pm and reported on the following:

In accordance with Bylaw No. 3693 that the following be appointed to the Fulford Water Service Commission for a term to expire December 31, 2024: Carole Eyles

In accordance with Bylaw No. 3561 that the following be appointed to the Pender Islands Community Parks and Recreation Commission for a term to expire December 31, 2023: Richard Sullivan

14. ADJOURNMENT

MOVED by Director de Vries, **SECONDED** by Alternate Director Harder,

That the July 12, 2023 Capital Regional District Board meeting be adjourned at 5:15 pm.

CARRIED

CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER

**REPORT TO ARTS COMMISSION
MEETING OF WEDNESDAY, JULY 26, 2023**

SUBJECT **CRD Arts and Culture: 2022 Impact Report**

ISSUE SUMMARY

The CRD Arts and Culture: 2022 Impact Report has been completed and ready for review by the CRD Arts Commission before being distributed to councils and made available to the public.

BACKGROUND

Produced annually, the CRD Arts & Culture Impact Report provides a glimpse into the social, economic, and artistic impact of the CRD Arts & Culture Support Service. From 2018 to 2021, this report was called a Progress Report. In 2022, after an organization-wide review, it has been renamed to “Impact Report”, which more accurately reflects its purpose as an outreach initiative to show the impact of CRD arts funding. The 2022 Impact Report will be distributed widely, leveraging the CRD digital platforms, including mailing lists and social media.

The 2022 Impact Report presents information through infographics, statistics and storytelling around two broad themes: 1) alignment of CRD Arts and Culture to the goals of the current strategic plan, and 2) the implementation of an Equity, Diversity, and Inclusion (EDI) lens across granting and operations through multiple policy initiatives.

ALTERNATIVES

Alternative 1

That staff distribute the CRD Arts and Culture: 2022 Impact Report virtually through the CRD website and as physical copies to all councils and electoral directors in the capital region.

Alternative 2

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

IMPLICATIONS

Copies of the 2022 Impact Report will be distributed to councils of participating and non-participating jurisdictions, as well as the CRD Board. The report will be distributed to the regional arts community and broader public through links in the CRD Arts & Culture e-newsletter (which has over 800 subscribers), social media, and the CRD website.

To limit the environmental impact of printing, grant recipients are provided with a link to the impact report as a digital asset with the option to request a physical copy if they require it.

CONCLUSION

The 2022 Impact Report provides a glimpse into the crucial impact of CRD Arts and Culture grant funding and outreach activities. Once reviewed by the CRD Arts Commission, copies will be distributed to all jurisdictions and published on the CRD website.

RECOMMENDATION

That staff distribute the CRD Arts and Culture: 2022 Impact Report virtually through the CRD website and as physical copies to all councils and electoral directors in the capital region.

Submitted by:	Chris Gilpin, MPA, Manager, Arts & Culture
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer

ATTACHMENT

Appendix A: CRD Arts and Culture: 2022 Impact Report

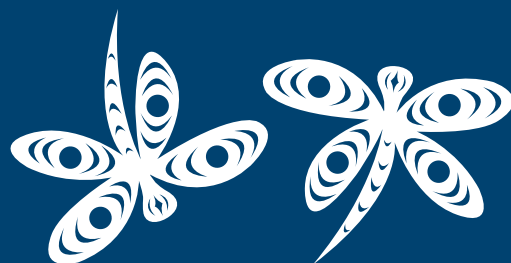
2022 Impact
Report

CRD
Arts & Culture



CRD Arts and Culture conducts its business within the traditional territories of many First Nations, including but not limited to BOŶÉĆEN (Pauquachin), MÁLEXEŁ (Malahat), P'a:chi:da?aht (Pacheedaht), Pune'laxutth' (Penelekut), Sc'ianew (Beecher Bay), Songhees, STÁUTŲ (Tsawout), T'Sou-ke, ŲJOŁEŁP (Tsartlip), ŲSIKEM (Tseycum), and x^wsepsəm (Esquimalt), all of whom have a long-standing relationship with the land and waters from time immemorial that continues to this day.

We are committed to respectfully and appropriately engaging these First Nations in regional arts and culture strategies, decision-making and shared interests, recognizing that the attitudes, policies and institutions of colonization have changed Indigenous peoples' longstanding relationships with their artistic and cultural practices.



Organizational Overview

Capital Regional District (CRD) delivers regional, sub-regional and local services to 13 municipalities and three electoral areas on southern Vancouver Island and the Gulf Islands. Governed by a 24-member Board of Directors, the CRD works collaboratively with First Nations and all levels of government to enable sustainable growth, foster community well-being, and develop cost-effective infrastructure, while continuing to provide core services to residents throughout the region.

CRD Arts and Culture Support Service (CRD Arts & Culture) is a sub-regional service supported by 9 jurisdictions providing grants to non-profit organizations for the development of local arts programming, creating artistic, social and economic benefits for the region.

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cover photo: Sarah Pitman, Jesse Wilson, Violet Brownsey, Willis Taylor and Hannah Ockenden in *As You Like It*, Greater Victoria Shakespeare Festival 2022, directed by Barbara Poggemiller.
photo: Lara Eichhorn.

All photos within this report are provided (with our thanks) courtesy of grant recipients. Unless otherwise noted, images are of 2022 programming.

Message from the Chair of the Arts Advisory Council

While it seems like a lifetime ago, 2022 was an extraordinary year of revival for the arts in the capital region. As the pervasive impact of the pandemic subsided, there was so much joy to seeing performing arts venues open with a full audience once again. Every opportunity to be in a gathering at festivals, gallery openings and various arts events come with gratitude and greater appreciation for in-person interaction. It is incredible that the region's arts sector did not just recover but rebounded stronger than ever with new skills and a renewed vision.

As I write this, we are wrapping up the last of the 2023 grant adjudications. As a diverse volunteer group bonded by our passion for the arts, the Arts Advisory Council takes the responsibility of making funding recommendations with sincere and thoughtful reflection. We witness the impact of our decisions in activating arts events and understand that our choices have implications across the region. We are delighted to share that the CRD Arts & Culture distributed more grants in 2022 than any previous year.

In addition to adjudicating grant applications, the Arts Advisory Council spent much of 2022 occupied with reviewing the CRD Arts & Culture's existing processes and granting programs from the perspective of equity, as directed



by the Arts Commission. We were fortunate to have Cathy Charles Wherry join our EDI (Equity, Diversity and Inclusion) Subcommittee, bringing 27 years of experience as an Arts Administrator at the First People's Cultural Council. We grounded our understanding of how we would define equity with community knowledge from the Arts Champions Summit in December 2021, which focused on equity and cultural self-determination. We also benefitted from the work of arts funders from across the country, many of which have been deeply engaged in this work for many years. We're proud of the work we've done so far, knowing that it's just part of a much longer journey, but nevertheless gratified to see the work we've done thus far having a tangible effect.

As we begin developing the 2024-2027 Strategic Plan, the Arts Advisory Council is thrilled to be part of the process in helping shape the Arts Commission's vision of renewing the CRD Arts & Culture's priorities. We are fortunate to be living in a community full of artists and art lovers and anticipate the opportunities we'll have to benefit from the creativity and knowledge of communities across this region.

Joanna Verano
Chair, CRD Arts Advisory Council



Message from the Chair of the Arts Commission

As the new Chair of the CRD Arts Commission, I've long been a champion and supporter of arts, knowing the many pivotal roles it plays in building and vitalizing community, improving health and quality of life – and, of course, in making life richer and more meaningful. The past few years of isolation and limited access to “in person” arts and culture experiences have demonstrated just how essential access to arts is to our wellbeing and to building community.

This is a pivotal time for arts in the region. As Arts Commission Chair, I'm committed to working toward support for the arts sector that matches the extraordinary impact it has on residents and communities across the region. The new Arts Commission, full of diverse representatives from across the region, is already strategizing to broaden and advance the influence of CRD Arts & Culture, acting as advocates and champions for the sector across governments, and exploring how all municipalities in the CRD can inform, and participate in, regional and local arts and endeavours.

The previous Arts Commission and Arts Advisory Council did incredible work to grow the impact of CRD Arts & Culture's funding. The reintroduction of the IDEA grant program and the expansion of the Equity Grant program continues to broaden who has access to arts and the types of programming to which the region has access. Making the grant application process faster and more straightforward is reducing the barriers to access funding.

I'm looking forward to building on that work. Over the next few months, we will be collaborating with arts communities across the region to develop our next strategic plan. This engagement process will provide us with an opportunity to revitalize our collective vision of a well-supported arts sector and will guide CRD Arts & Culture over the coming years.

Marianne Alto
Chair, CRD Arts Commission

Supporting Non-Profit Arts Initiatives Through Grant Programs

CRD Arts & Culture Support Service (CRD Arts & Culture) is a sub-regional service that distributes grants to non-profit organizations to develop local arts programming. Supported by nine jurisdictions, funding creates artistic, social and economic benefits for the region. Through outreach, CRD Arts & Culture fosters collaboration between arts organizations, funders and audiences.

2022 grant distribution

Multi-year Operating
\$1.7M

Annual Operating
\$565K

Project
\$240K

IDEA
\$32K

Equity
\$38K

Incubator
0

\$2.59 million
invested in arts through grant programs in 2022

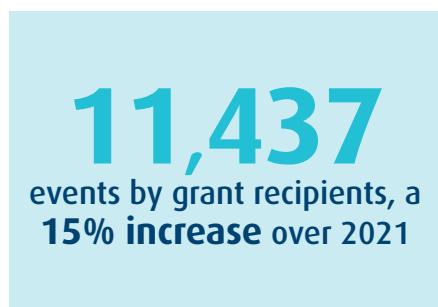
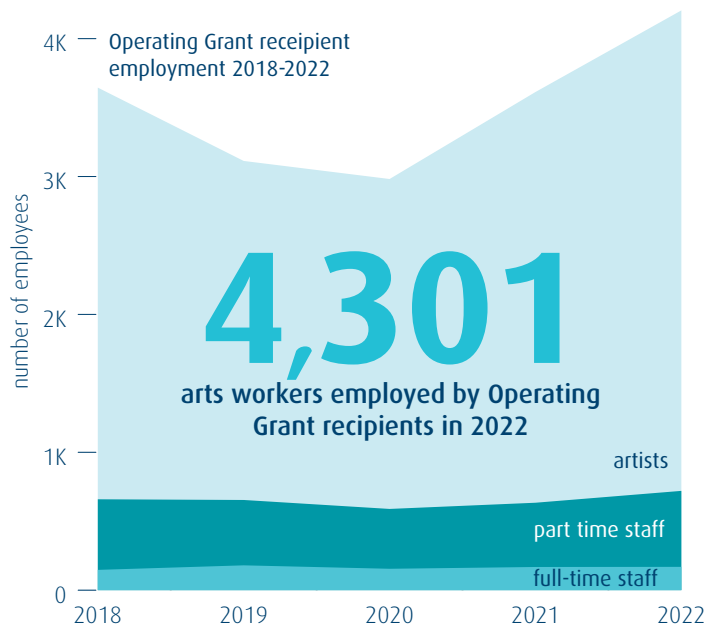
Our vision: The arts are central to life in the region.

Our mission: To support, promote & celebrate the arts.



95 grants

in 2022— the most ever awarded in a single year.
Grants are invested in non-profit arts organizations and artist-led partnerships for the purpose of developing arts program benefiting the capital region.



2022 Funding Impact

¹ Based on information provided in September 2021 by Operating grant recipients. Contact artsdevelopment@crd.bc.ca for more information.

Our Strategic Plan Impact

CRD Arts & Culture 2020-2023 Strategic Plan identifies five key goals and priorities. These priorities guide the operations and initiatives developed by CRD Arts and Culture.

Increase community awareness

Build appreciation and knowledge of regional arts, the benefits of arts, and the value of our funding.

Despite the obstacles of the past few years, we have continued to build awareness of CRD Arts & Culture funding and grow connection with the region's arts communities.

We've been sharing news about our funding - both to help potential applicants connect with us, and more broadly, so residents across the region know the impact of funding. We've grown our social media through engaging content (including videos and infographics), amassed an email newsletter with subscribers interested in arts funding news, received

In 2022, we connected with...



59
attendees

joined us for online information sessions where they learned more about our grants and asked staff their questions. This number also includes a workshop we hosted about accessibility in the arts.



4059

social media followers receive updates & arts news from us across Instagram, Facebook & Twitter. Our followers increased by 10% from 2021.



Local news coverage about our grants process and initiatives made the *Times Colonist*, *Capital Daily* & *Black Press*. In addition to the many stories we are mentioned in as a sponsors, a number of local publications covered our granting and EDI initiatives.

808
newsletter
subscribers



receive regular email updates from us about grant intakes, events, and other news relevant to the arts sector. While 31 new subscribers have come on board, this number is steady with 2021 (810).

458
video viewers



who watched recordings of our grant information sessions, presentations, and explainer videos.



10% increase in grant applicants

from 2019 to 2022 (99 to 109). It's a 17% increase over 2021, when we received applications from 93 organizations, in spite the ongoing pandemic.

consistent local media coverage, strategically purchased advertising, and delivered online grant information sessions. As a result, after a drop in 2021, we are again seeing more grant applications coming through.

To grow connection and celebrate the arts sector, Arts & Culture is contributing to CreativeMorning Victoria and is a sponsor of the CRD Arts Commission Regional Impact Award as part of the Greater Victoria Regional Arts Awards.

And of course, we've used this report to highlight the crucial role played by arts in the region - in building community and connections between health, wellbeing and the arts and the increasingly crucial role of arts during the pandemic. With support through the Victoria Foundation, who uses some of our statistics through the annual Vital Signs report, we are able to disseminate information about the value of the arts.

left: LOON by Wonderheads at the McPherson Playhouse

Encourage jurisdiction participation & funding

Encourage all CRD jurisdictions to participate as contributing members in CRD Arts and Culture.

Over the past three years, CRD Arts & Culture has continued to communicate the benefits of the Service to across the region - through presentations at council meetings, targeted mailings and social media content.

The Arts Commission also recommended to the CRD Board to make CRD Arts & Culture Service a fully regional service. At that time over 100 residents from across the

region wrote in to express their support for regional arts initiatives.

This initiative was not successful, however the Arts Commission continued to advocate to non-participating jurisdictions asking them to consider joining the CRD Arts & Culture Service.



“There is clearly enthusiasm and demand for arts programming in our communities”

– Jeremy Loveday, 2022 Arts Commission Chair

below: Artist Sarah Jim speaking at the Mayne Island Agricultural Hall at a mural unveiling. photo: Elise Boeur, courtesy of Campbell Bay Music Festival

right: Puentes Theatre’s *Gruff* by Mercedes Bátiz Benét, Judd Palmer & Brooke Maxwell. Puentes Theatre’s mandate is to use theatrical experience as a bridge between cultures. performer: Pat Rundell. photo: Sarah Race Photography





Make access equitable

Increase representation of funded art forms.

In 2020, the Arts Commission made both the Equity Grant and Incubator Grant core programs. Noting that the Equity Grant made up only a small portion of their funding, the Arts Commission committed to applying an equity lens to Arts & Culture's operations and granting.

In response an Equity, Diversity and Inclusion (EDI) committee was formed through the Arts Advisory Council. Through a public call-out, the membership of this committee reflected the diverse perspectives and lived experiences of the region. After a jurisdictional scan looking at action taken by arts funders across Canada, and gathering feedback through the 2021 Arts Champions

Summit, the EDI committee began the work of adjusting the policies and procedures of CRD Arts & Culture with the goal of better serving equity-seeking communities.

This resulted in the changes listed to the right implemented through 2022 and 2023. Grant programs were modified to prioritize supporting organizations serving and representing equity-seeking and rural communities, to lower unnecessary barriers, and to ensure adjudication is more representative and equitable.

Together, these initiatives are resulting in more funding going to arts activities benefiting equity-seeking groups and rural communities in the capital region.

Understanding that this is part of a much larger journey, the next phase of the EDI Implementation Framework will involve considerations into the 2024-2027 CRD Arts & Culture strategic plan.

below: Drag King Chaz Avery during Victoria Pride Festival's Drag Storytime. photo: Kaitie Zeilstra



In support of more equitable grant distribution we are:

- Doubling the 2023 Equity Grant budget.
- Doubling the max request amount for Equity Grants
- Reducing the length and complexity of applications and reporting to reduce administrative burden.
- Equally valuing artistic relevance, community benefit, and operational capacity, when assessing Operating Grant applications, allowing smaller organizations a better chance of ranking highly.
- Asking applicants how they represent and interact with underserved communities, including rural communities, how they develop safe and respectful environments, and how they consider accessibility.
- Asking Operating Grant applicants about artist and staff compensation, and organizational development of diversity and inclusion into artistic programming, governance, operations and administration.
- Expanding eligibility for Equity Grants by permitting Operating Grant recipients to act as sponsors.
- Expanding Operating Grant eligibility by permitting eligible Equity grant recipients to apply.
- Expanding eligible governance criteria in Equity, IDEA and Incubator applications.
- Committing to ensuring assessment committees reflect both the diversity of the region and grant applicants, and compensating external assessors.
- Highlighting access costs and honoraria for First Nations, Inuit and Métis Elders, cultural carriers, and cultural protocols as eligible for project based funding.
- Continuing implementation of accessibility practices for outreach and application materials, including plain language web content, videos with closed captioning and ASL.
- Including context briefs about diverse artistic practices into assessment committee materials.
- Making access funding available to Arts Advisory Council volunteers to support attendance at meetings.

Embedding equity considerations into the 2024-2027 strategic plan.

Sustain creativity

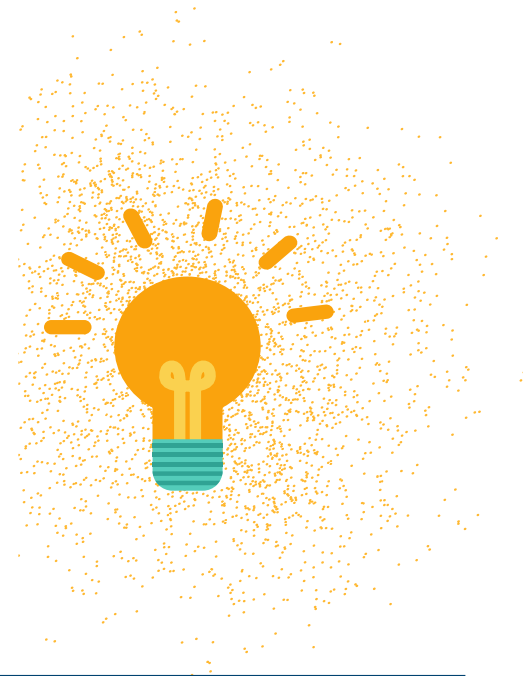
Enable growth of the arts and foster a culture of creativity by arts organizations in the region.

In 2020, as the pandemic was beginning, the Arts Commission committed to continuing delivery of granting programs through COVID-19. This support provided essential revenue to arts organizations as other sources were at a standstill.

More recently, the introduction of new adjudication processes is providing greater accountability in decision making. We

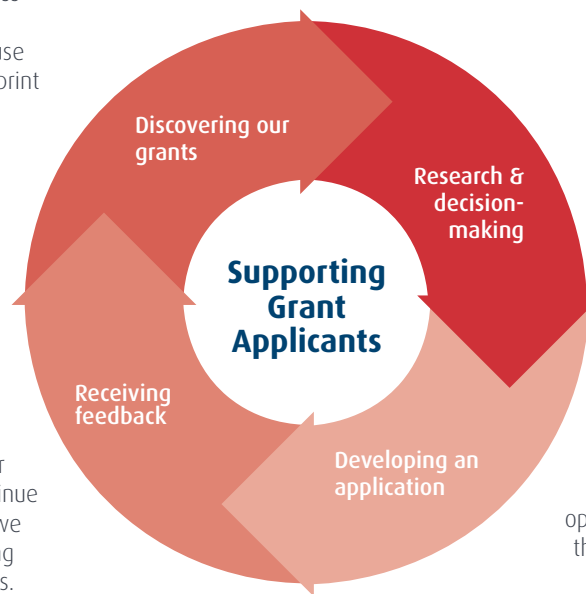
streamlined administrative processes to reduce the burden of the reporting process, in turn allowing organizations to focus more of their capacity on delivering programs and creating arts activities.

Applicant support is continually fine-tuned to ensure new and returning grant applicants have the information they need to successfully apply for a grant (see chart below). Approaches adapted due to changes that arose from the pandemic and again to better support applicants through the development of an equity lens on operations.



We continually strive to expand awareness of our funding, with a central goal of reaching eligible arts organizations. We use a variety of tactics, including online and print advertising (see goal 1).

Once adjudication is complete and grant recommendations are approved, staff follow-up with all applicants to offer feedback and discuss next steps. To continue spreading the word about CRD funding, we ask recipients to acknowledge our funding through their events and communications.



Advertising drives applicants to our website, to online information sessions, and to contact us. On the website, applicants find a quick-reference chart to start narrowing down what they can apply for. When they contact staff, they can ask for advice on what grants to apply for and what can be covered, receiving fair and consistent advice on making the strongest possible application.

As an organization puts together an application, their main reference is the Grant Guidelines. They can also sign up for an online information session, where they'll get tips and have another opportunity to ask questions. On the website, they will also find FAQs, a Grant Applications handbook, videos of a recent information sessions and descriptions of past recipients.

Respond to granting needs

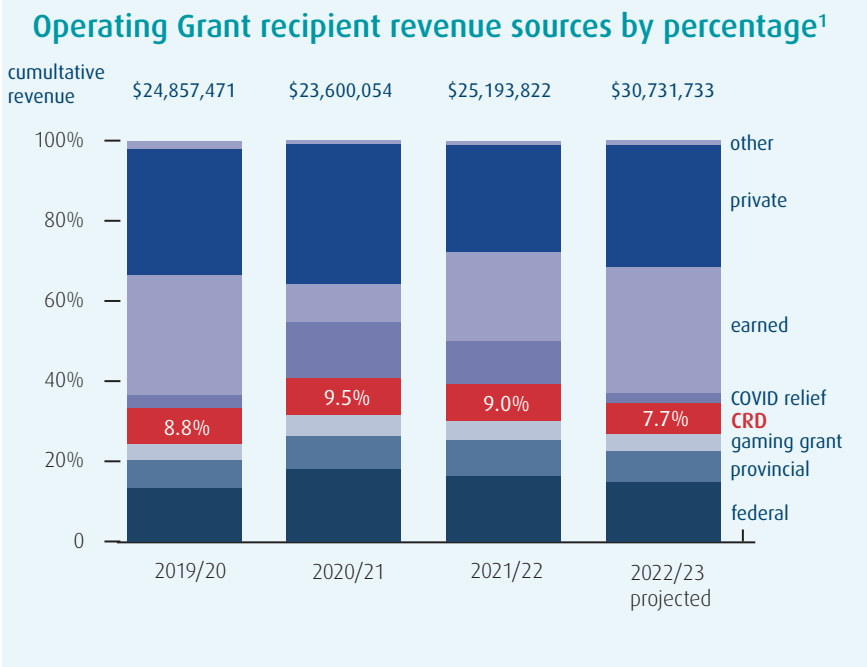
Ensure our programs are responsive to community need

Funding remained stable, increasing two percent to \$2.59 million in 2022.

Implementation of the EDI lens was informed by engagement with the arts sector. Changes to the Operating Grants were discussed in one-on-one interviews

Community input through consultations and the AAC subcommittee and the Arts Champions Summit.

below: Pacific Opera Victoria's *The Garden of Alice* by Elizabeth Raum. performer: Peter Monaghan. photo: David Malyschaff



¹ Based on information provided in September 2021 by Operating grant recipients. Contact artsdevelopment@crd.bc.ca for more information.



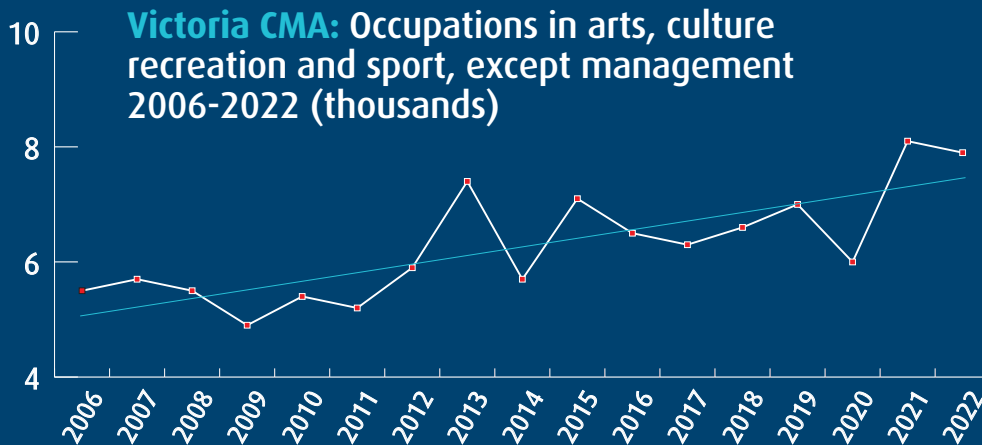
The Capital Region's Arts Are Growing

44%
increase of arts & select cultural workers is greater Victoria area from 2006 to 2022¹

The capital region has one of the highest growth rates of arts workers (compared to other Canadian metropolitan areas). In the same time period, Canada as a whole saw a 25% in arts and select cultural workers.

In 2020, arts and culture in the region generated

\$805
million in GDP²



1 in 5
professional
Canadian artists
lives in BC

making it the province with the largest proportion of artists in the labour force³

left: Afro Latin Cultural Exchange Society fashion show, featuring Emmanuel Okee Design & models. photo: Dominic Tioseco

¹ Statistics Canada. Tables 14-10-0420-01 and 14-10-0419-01. Employment by occupation, economic regions, annual, accessed March 29, 2023.

² Creative Cities Cultural Statistics Consortium, *Economic Contribution of Culture to the Capital Regional District's Economy*, based on Statistics Canada, Provincial and Territorial Culture Indicators, 2010-2020. Date: August 9, 2022.

³ Statistical insights by Hill Strategies, *How many artists are there in each Canadian province & territory?* based on Statistics Canada's 2021 General Social Survey, 2023.



chew the bones, they're soft at the
Whess Harman exhibition, Open Space.
photo: Kyra Kordoski.

Esquimalt Community Arts Hub | Project Grant

"I am forever grateful that Esquimalt Community Arts Hub exists [to provide] artists like me opportunities to grow and engage with arts and our surrounding communities," said one participant who attended the Esquimalt Community Arts Hub's East West Mural Fest.

The free, accessible, outdoor mural festival is an example of the barrier-free programming the organization produces to promote the visual arts in the Esquimalt. This year, the festival focused on amplifying the voices of local Indigenous, Black, racialized, and emerging muralists.



Victoria Society Of Print Artists | Project Grant

PRINTgallery

exploring print-based art in the region

PRINTgallery is a publication developed by the Victoria Society of Print Artists in response to the question they frequently found themselves answering: "what is printmaking?"

"Responses are always different," says a representative from the Society. "Printmaking is so many different things: techniques, mediums, methods, materials, tools, history, communication, and traditions... describing what it is can be so ambiguous."

Given printmaking's roots in publications, civic art and activism, the

Society naturally opted to produce a pamphlet-style publication as a means to communicate what printmaking is, and to act as a hardcopy "venue" for regional print artists to show their work. By "bringing printmaking to the people," they aim to encourage exploration of contemporary print-based art in the region.

left: Printmaker Leah McInnis signing her woodblock prints. photo: Alison Bigg

above: Story of Numas & the Butterfly mural at Hereward Street underpass by Alex Taylor-McCallum. photo: Laura-Beth Keane



2022 Grant Recipients

EQ: Equity Grant

IDEA: IDEA Grant

INC: Incubator Grant

OG: Operating Grant

PG: Project Grant

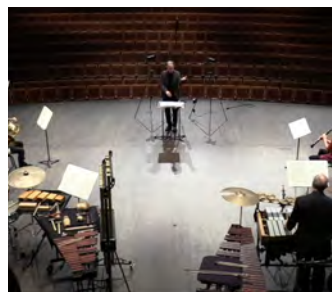
✿ new recipient



Active / Passive PG



Art Gallery of Greater Victoria OG



Aventa Ensemble OG



Belfry Theatre OG



Afro Latin Cultural Exchange PG



✿ Arts on View Society PG



Ballet Victoria OG



Blue Bridge Repertory Theatre PG



Alter Arts Society PG



Atomic Vaudeville OG



BC Accordion & Tango Society PG



Broken Rhythms PG



Cabaret Voltaire Société & Diversions PG



CFUV PG



Early Music Society of the Islands OG



Esquimalt Community Arts Hub PG



Campbell Bay Music Festival PG



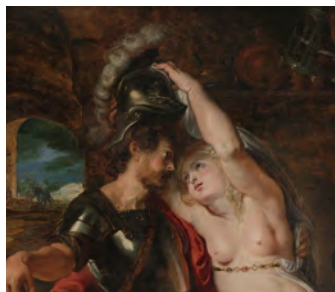
CineVic OG



Embrace Arts Foundation PG



Esquimalt Farmers Market IDEA



CapriCCio PG



Dance Victoria OG



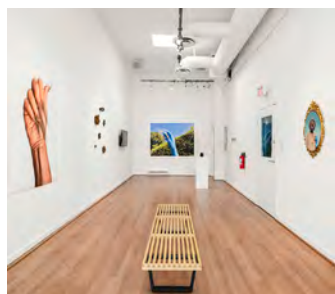
Emily Carr String Quartet PG



✳️Farheen HaQ | Open Space EQ



Caravan World Rhythms PG



Deluge Contemporary Art OG



Epic Learning Centre IDEA



✳️Fernwood Community Association IDEA



Fifty Fifty Arts Collective [PG](#)



Garden City Electronic Music [PG](#)



Impulse Theatre [PG](#)



Kaleidoscope Theatre for Young People [OG](#)



Flamenco de la Isla Society [PG](#)



Greater Victoria Performing Arts Festival [OG](#)



International Institute for Child Rights & Development [IDEA](#)



*La Société Francophone de Victoria [PG](#)



Friends of Bowker Creek [IDEA](#)



Greater Victoria Youth Orchestra [OG](#)



Intrepid Theatre [OG](#)



*Matilde Cervantes | Intrepid Theatre [EQ](#)



Galiano Club [IDEA](#)



Hispanic Film Society of Victoria [PG](#)



Jewish Community Centre of Victoria [IDEA](#)



MediaNet/Flux Media Gallery [OG](#)



Meridiem Wind Orchestra [PG](#)



Open Space [OG](#)



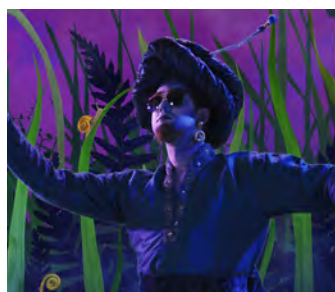
Ptarmigan Arts Society [OG](#)



Salish Sea Inter-Island
Transportation [IDEA](#)



Monoceros Education Society [EQ](#)



Pacific Opera Victoria [OG](#)



Puente Theatre [OG](#)



Slide Room Gallery [PG](#)



Noble Riot Dance Theatre [PG](#)



Pacific Peoples' Partnership [IDEA](#)



[Red Cedar Community Association](#)
[IDEA](#)



SNAFU [OG](#)



Oasis Society [EQ](#)



PRINT: Victoria Society of Print
Artists [PG](#)



Rose Cortez | Integrate Arts Society
[EQ](#)



Sooke Fine Arts Society [PG](#)



Southern Gulf Island Community Resource Centre [IDEA](#)



Southern Gulf Islands Art Council [PG](#)



*Special Bird Service [IDEA](#)



*Story Studio [PG](#)



Story Theatre [OG](#)



Suddenly Dance Theatre [PG](#)



*Supply Victoria [IDEA](#)



*Support Network for Indigenous Women and Women of Colour [EQ](#)



*Tenyah McKenna | Story Theatre [EQ](#)



Theatre Inconnu [OG](#)



Theatre SKAM [OG](#)



Township Community Arts Council [PG](#)



Veselka Ukrainian Dance Association [PG](#)



Victoria Arts Council [OG](#)



Victoria Baroque [OG](#)



Victoria BC Ska & Reggae [PG](#)



*Victoria Bicycle Music Festival [IDEA](#)



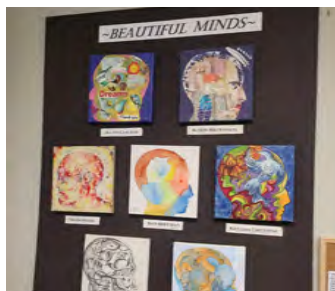
Victoria Festival of Authors [PG](#)



Victoria On Stage [OG](#)



Victoria Shakespeare Society [OG](#)



Victoria Brain Injury Society [IDEA](#)



Victoria Film Festival [OG](#)



Victoria Philharmonic Choir [PG](#)



Victoria Summer Music Festival [PG](#)



Victoria Children's Choir [OG](#)



*Victoria Immigration and Refugee Centre Society [IDEA](#)



Victoria Poetry Project [PG](#)



Victoria Symphony [OG](#)



Victoria Conservatory of Music [OG](#)



Victoria Jazz Society [OG](#)



*Victoria Pride Society [EQ](#)



William Head on Stage [PG](#)



Wonderheads Theatre PG



Xchanges Gallery & Studios PG



Yellowhouse Arts Society PG

All photos within this report are provided (with our thanks) courtesy of grant recipients. Unless otherwise noted, images are of 2022 programming.

Credits & Attributions

Active/Passive | Light sensitive circuits at the Electronic Folk Art workshop, photo: Dayna Szyndrowski

Afro Latin Cultural Exchange | Victoria International Kizomba Festival, performing: Bo Diaw and band, photo: Amadou Kane

Alter Arts Society | Out There Art Festival, KitKat parade, photo: Colin Smith

Art Gallery of Greater Victoria | Maud Lewis Exhibit

Atomic Vaudeville | *Hello Again*, SKAMpede 2022, photo: Hélène Cyr

Aventa Ensemble | Gilles Tremblay's *Solstices*, 2021

Ballet Victoria | *Cinderella*, dancers: Risa Kobayashi and Peter Taylor, choreographer: P. Destrooper photo: Gail Takahashi

BC Accordion & Tango Society | Payadora Tango Ensemble, photo: Alex Richardson

Belfry Theatre | *Kindred*, playwright: Rosa Dolores, performers: Andrew McNee and Medina Hahn, production: Pam Johnson, costume: Emily Friesen, lighting: Brad Trenaman, photo: Angela Funk

Blue Bridge | *Hedda Gabler*, performers: Laura Jane Tresidder, Amanda Lisman, director Brian Richmond, set: Teresa Pryzbylski, costume: Misty Buxton, lighting: Giles Hogya, photo: Jam Hamidi

Broken Rhythms | *Chiaro:Scura*, Choreographer Dyana Sonik-Henderson, photo: Helene Cyr, lighting design: Emma Dickerson

Cabaret Voltaire Société & Diversions | photo: Emily Mahbobi

Campbell Bay Music Festival | *SKTAK FROG/WEXES* Artist: Sarah Jim CapriCcio | *Madrigals of Love and War*, photo: Marco Vitale

Caravan World Rhythms | Vilda at the Victoria Event Centre, photo: Robert Benaroya

CFUV | Eventide, Bastion Square Parkade Roof, performer: Sister Ray

Cinevic | Claire Coupland music video production with Ali Calladine, photo: Ali Calladine

Dance Victoria | Ballet BC, *Reveal + Tell*, performer: Rae Srivastava, photo: Marcus Eriksson

Deluge Contemporary Art | *Becoming Plastic*, artist: Carollyne Yardley, photo: Spartan Media Group

Early Music Society of the Islands | La Réveuse, photo: Jean Dubrana

Emily Carr String Quartet | May 9th concert, photo: Mark McDonald

Esquimalt Community Arts Hub | *Night Owls* mural, artist: Lukas Lungberg, photo: Laura-Beth McDonald

Esquimalt Farmers Market | photo: Dom Hal

Farheen Haq and Open Space | Drawing images based on riverside meditation, photo: Farheen Haq

Fifty Fifty Arts Collective | artist: Sunroop Kaur, photo: Sunroop Kaur

Flamenco de la Isla Society | Victoria Flamenco Festival, "For the Love of Flamenco," dancer: Lia Crowe, photo: Amity Skala

Friends of Bowker Creek | performer: Safiya Labelle, photo: Deirdre Leowinata

Galiano Club | Screening of *The Polar Express*

Garden City Electronic Music | Audio-visual set at Beacon Hill Park, Cameron Bandshell, performer: Eye Myth, photo: Quinn Dawson

Greater Victoria Performing Arts Festival | Fursato Dancers, photo: Nick and Kathryn Delany

Greater Victoria Youth Orchestra | rehearsal, photo: Barbara McDougall

Hispanic Film Society of Victoria | 12th Latin American and Spanish Film Week, Locarno performing in *Vertigo*, photo: Dan Russek

Impulse Theatre | *the joy machine*, performers: Allison Brooks, Loreto Espinoza, Jess Amy Shead, photo: Andrew Barrett

International Institute for Child Rights & Development | Puppet show, Dr. Carmen Rodriguez de France & Val Cortes, photo: Elaina Mack

Intrepid Theatre | New Works Cabaret Jayne Walling, photo: Derek Ford

Jewish Community Centre of Victoria | closing night music for Victoria International Jewish Film Festival, performers: Avram McCagherty trio, photo: Mort Berman

Kaleidoscope Theatre for Young People | students perform at Lights of Wonder, photo: J Abram

La Société Francophone de Victoria | Winston Band at the Plaza Franco in Bastion Square, photo: La Société Francophone de Victoria

Matilde Cervantes & Intrepid Theatre | Global Pax Collective Welcome

MediaNet / Flux: Dream Technology workshop, presenter: Kemi Craig, photo: Joshua Ngenda

Meridium Wind Orchestra | photo: Scott MacInnes

Monoceros Education Society | artist: Claire, Sansal, Cameron, Erin, Luca, Lee, photos and design: Celeste

Noble Riot Dance Theatre | *Luminaries* (work in progress) by Christina Medina and Kayla Henry, dancers: Alia Saurini and Kayla Henry

Oasis Society | Drummer, photo: Oasis Society

Open Space | *chew the bones, they're soft*, Exhibition installation documentation, artist: Whess Harman, photo: Kyra Kordoski

Pacific Opera Victoria | *The Garden of Alice* by Elizabeth Ruam, performer: Peter Monaghan as the Caterpillar, photo: David Malyschaff

PRINT: Victoria Society of Print Artists | Leah McInnis, signing her limited edition of Give/Take woodblock prints, photo: Alison Bigg

Ptarmigan Arts | Community Arts Gallery, photo: Rachel Lenkowski

Puente Theatre | *Gruff* by Mercedes Batiz Benet, Judd Palmer and Brooke Maxwell, performer: Trevor Hinton, photo: Sarah Race

Rose Cortez | performer and creator: Rose Cortez, photo: Venn de la Lune Photography

Salish Sea Inter Island Transportation Society | photo: Jo Beattie

SNAFU | *Not Enough Sunscreen* at SKAMpede, photo: Hélène Cyr

Sooke Fine Arts Society | Street Signs, photo: Michel Ingram

Southern Gulf Island Arts Council | *Shadow Lit Anemone* by Catherine MacPherson

Southern Gulf Island Community Resource Centre | CRISP festival
photo: Karolle Wall

Special Bird Service | Creating Art in Harmony with the Land

Story Theatre | *1002 Nights* by Izad Etemadi, performers: Lara
Hamburg, Andrea Lemus, photo: Pedro M. Siqueira

Suddenly Dance | *Lucky Maybe*, 3rd episode, featuring Hoyeon Kim,
photo: Kristen Sands

Supply Victoria | creative reuse centre weaving, photo: Supply Victoria
Theatre Inconnu | *Dog Sees God-Confessions of a Teenage Blackhead* by
Bert Royal, performers: Tianxu Zhao & Finn Kelly, photo: Clayton Jevne

Theatre SKAM | Catherine Hahn showing a section of SKAM's larger
Labyrinth show, photo: Darren Stone

Township Community Arts Council | artist: Rupert Jeffrey

Veselka Ukrainian Dance Association | *Lesia and the Giant Cherry*, "The
Aunts," photo: Mitch Mihalynuk

Victoria Arts Council | Community Satellite at Studio 531 Architects,
artists: Carly Butler and Hjalmar Wenstob

Victoria Baroque | musician: Soile Stratkauskas, photo: Kyrone Basu

Victoria BC Ska & Reggae | Travis Charuk's painting of Curtis Clearsky
from Curtis Clearsky and the Constellationz, photo: RMS Media

Victoria Bicycle Music Festival | From the Ghost, photo: Deirdre
Leowinata

Victoria Brain Injury Society | Mounted art display, photo: Pam Prewett

Victoria Children's Choir | Christmas concert, photo: Carla Unger

Victoria Conservatory of Music | Music Tech Lab Aleton Live, photo:
Janis Jean

Victoria Festival of Authors | Forest to Poet Tree Walk at Mary Lake
Nature Sanctuary, photo: Yvonne Blomer

Victoria Film Festival | *Rocky Horror Picture Show* screening photo:
Natalia Kuksa

Victoria Jazz Society | audience at Bullen Park, photo: Richard Hum

Victoria on Stage | *Beauty and the Beast*, performer: Taryn Yoneda,
photo: Gord Ruff

Victoria Philharmonic Choir | photo: Michael Poole

Victoria Poetry Project | **Vic Voices winners**, photo: Jordan Bolay

Victoria Pride Festival | Dandy and Phyllis, photo: Kaitie Zeilstra

Victoria Shakespeare Festival | *As You Like It*, performers: Grace Martin
and Stephie Bright, director: Barbara Poggemiller, photo: Lara Eichhorn

Victoria Summer Music Festival | Dover Quartet

Victoria Symphony | photo: Kevin Light

William Head on Stage | *Campfire Chills*

Wonderheads Theatre | *Loon*, presented by Intrepid Theatre, video still:
Pedro M. Siqueira

Yellowhouse Arts Centre | Art with Youth program, youth artist: Rain,
photo: Reese Muntean

XChanges Gallery | *Like a Circle in Spiral exhibition*, Maryam Tavakoli

Arts Advisory Council

Arms-length, volunteer group, responsible
for adjudicating grants and providing advice
to the Arts Commission

2022

Deb Beaton-Smith

Cris Caravaca

Rachel Ditor

Will Greaves

Christina Haska

Carolyn Heiman

Ari Hershberg

Kari Huhtala

Elizabeth Matheson

Joanna Verano (Chair)

Arts Commission

Elected representatives from participating
jurisdictions, responsible for support and
development of regional arts

2022

ESQUIMALT

HIGHLANDS

METCHOSIN

OAK BAY

SAANICH

SOOKE

S. GULF ISLANDS

VICTORIA

VIEW ROYAL

Councillor Lynda Hundleby

Councillor Karel Roessingh

Councillor Sharie Epp

Councillor Cairine Green

Director Colin Plant

Councillor Dana Lajeunesse

Wendy Gardner

Director Jeremy Loveday (Chair)

Councillor Gery Lemon

2023

Councillor Duncan Cavens

Councillor Karel Roessingh

Councillor Sharie Epp

Councillor Carrie Smart

Director Colin Plant

Councillor Dana Lajeunesse

Director Paul Brent

Director Marianne Alto (Chair)

Councillor Gery Lemon

Staff

Administers programs & provides support for regional arts
decision making

Chris Gilpin

Heather Heywood

Vimala Jeevanandam

Abby Gibbs



Capital Regional District

625 Fisgard Street
Victoria, BC V8W 2S6
250.360.3215

www.crd.bc.ca/arts
[@crdartsculture](https://www.instagram.com/crdartsculture)

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, AUGUST 09, 2023**

SUBJECT **2023 Electoral Areas Committee Terms of Reference - Revised**

ISSUE SUMMARY

To approve a revised Terms of Reference for the Electoral Areas Committee that reflects recent changes to Salt Spring Island electoral area commissions.

BACKGROUND

On December 14, 2022, the Regional Board approved the 2023 Terms of Reference (TOR) for standing committees. Appendix A in the TOR outlines the local service area committees and commissions that report through the Electoral Areas Committee before advancing to CRD Board.

On April 12, 2023, the CRD Board adopted several bylaws related to the transition of select Salt Spring Island (SSI) local services to the SSI Local Community Commission. This resulted in the disbandment of the following four SSI commissions: Community Economic Sustainability Commission; Liquid Waste Disposal Local Service Commission; Parks & Recreation Advisory Commission; and Transportation Commission. Going forward, any recommendation from the new SSI Local Community Commission will advance directly to the CRD Board for consideration.

To reflect Salt Spring Island's new governance model, housekeeping updates were made to the Electoral Areas Committee's TOR, attached as Appendix A to this report. A redlined copy of the 2023 Electoral Areas Committee TOR is attached as Appendix B.

The TOR are being provided for review by the Committee. Any proposed revisions to the TOR will require ratification by the Board.

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the revised 2023 Electoral Areas Committee Terms of Reference be approved as presented.

Alternative 2

The Electoral Areas Committee recommends to the Capital Regional District Board:
That the revised 2023 Electoral Areas Committee Terms of Reference be approved as amended.

CONCLUSION

Terms of Reference serve to clarify the mandate, responsibilities and procedures of committees and provide a point of reference and guidance for the committees and their members. To reflect Salt Spring Island's new governance model, housekeeping updates were made to the Electoral Areas Committee Terms of Reference.

RECOMMENDATION

That the Electoral Areas Committee recommends to the Capital Regional District Board:
That the revised 2023 Electoral Areas Committee Terms of Reference be approved as presented.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Steven Carey, B.Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Revised Electoral Areas Committee Terms of Reference
Appendix B: Revised Electoral Areas Committee Terms of Reference (Redlined)



ELECTORAL AREAS COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Electoral Areas Committee is a standing committee established by the CRD Board and will oversee and make recommendations to the Board regarding services in the electoral areas.

The Committee's official name is to be:

Electoral Areas Committee

1.0 PURPOSE

- a) The mandate of the Committee includes overseeing and making recommendations to the Board regarding services in the electoral areas including, but not limited to:
 - i. Building inspection
 - ii. Bylaw enforcement
 - iii. Animal control
 - iv. Grants-in-aid
 - v. Soil deposit and removal
 - vi. Stormwater quality
 - vii. Fire protection
 - viii. Local emergency management
 - ix. Local economic development
- b) The Committee also has the authority as delegated by the Board to:
 - i. Hold a hearing to file or cancel a Notice on Title (s. 57 & 58 of the *Community Charter*)
 - ii. Modify, assign or release a covenant registrable under s. 219 of the *Land Title Act*
- c) The Committee may also make recommendations to the Board to advocate to senior levels of government regarding issues of importance to electoral areas.
- d) The local service area committees and commissions as outlined in Appendix A will report through the Electoral Areas Committee.
- e) Any other matter that relates to the electoral areas may be referred to the Committee for consideration.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Board; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will include the Director from each of the electoral areas: Juan de Fuca, Salt Spring Island, and Southern Gulf Islands;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet on a monthly basis, except August, and have special meetings as required;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and the Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration; and
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

- a) The General Managers of the Planning & Protective Services and Finance & Technology departments will act as liaison to the committee; and
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

APPENDIX A

Juan de Fuca Electoral Area Local Service Area Commissions/Committees:

- East Sooke Fire Protection & Emergency Response Service Commission
- Juan de Fuca Electoral Area Parks & Recreation Advisory Commission
- Otter Point Fire Protection & Emergency Response Service Commission
- Port Renfrew Fire Protection & Emergency Response Service Commission
- Port Renfrew Utility Services Committee
- Shirley Fire Protection & Emergency Response Service Commission
- Wilderness Mountain Water Service Commission
- Willis Point Fire Protection & Recreation Facilities Commission

Salt Spring Island Electoral Area Local Service Area Commissions/Committees:

- Beddis Water Service Commission
- Cedar Lane Water Service Commission
- Cedars of Tuam Water Service Commission
- Fulford Water Service Commission
- Ganges Sewer Local Services Commission
- Fernwood and Highland Water Service Commission
- Maliview Sewer Local Service Commission

Southern Gulf Islands Electoral Area Local Service Area Commissions/Committees:

- Galiano Island Parks & Recreation Commission
- Lyall Harbour/Boot Cove Water Local Services Committee
- Magic Lake Estates Water & Sewer Committee
- Mayne Island Parks & Recreation Commission
- North Galiano Fire Protection & Emergency Response Service Commission
- Pender Island Community Parks & Recreation Commission
- Saturna Islands Parks & Recreation Commission
- Skana Water Service Committee
- Southern Gulf Islands Community Economic Sustainability Commission
- Southern Gulf Islands Electoral Area Emergency Advisory Commission
- Southern Gulf Islands Harbours Commission
- Southern Gulf Islands Public Library Commission
- Sticks Allison Water Local Service Committee
- Surfside Park Estates Water Service Committee

Terms of Reference

The logo for the Capital Regional District (CRD) is located in the bottom right corner of the header banner. It consists of the letters 'CRD' in a stylized, white, sans-serif font, set against a dark grey background that features a wavy, horizontal line pattern.

ELECTORAL AREAS COMMITTEE

PREAMBLE

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- d) A quorum is a majority of the Committee membership and is required to conduct Committee business.

5.0 RESOURCES AND SUPPORT

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- b) Minutes and agendas are prepared and distributed by the Corporate Services Department.

Approved by CRD Board December 14, 2022

APPENDIX A

Juan de Fuca Electoral Area Local Service Area Commissions/Committees:

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- Juan de Fuca Electoral Area Parks & Recreation Advisory Commission
- Otter Point Fire Protection & Emergency Response Service Commission
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- Port Renfrew Utility Services Committee
- Shirley Fire Protection & Emergency Response Service Commission
- Wilderness Mountain Water Service Commission
- Willis Point Fire Protection & Recreation Facilities Commission

Salt Spring Island Electoral Area Local Service Area Commissions/Committees:

- Beddis Water Service Commission
- Cedar Lane Water Service Commission
- Cedars of Tuam Water Service Commission
- Fulford Water Service Commission
- Ganges Sewer Local Services Commission
- Fernwood and Highland Water Service Commission
- Maliview Sewer Local Service Commission
- ~~• Salt Spring Island Community Economic Sustainability Commission~~
- ~~• Salt Spring Island Liquid Waste Disposal Local Service Commission~~
- ~~• Salt Spring Island Parks & Recreation Advisory Commission~~
- ~~• Salt Spring Island Transportation Commission~~

Southern Gulf Islands Electoral Area Local Service Area Commissions/Committees:

- Galiano Island Parks & Recreation Commission
- Lyall Harbour/Boot Cove Water Local Services Committee
- Magic Lake Estates Water & Sewer Committee
- Mayne Island Parks & Recreation Commission
- North Galiano Fire Protection & Emergency Response Service Commission
- Pender Island Community Parks & Recreation Commission
- Saturna Islands Parks & Recreation Commission
- Skana Water Service Committee
- Southern Gulf Islands Community Economic Sustainability Commission
- Southern Gulf Islands Electoral Area Emergency Advisory Commission
- Southern Gulf Islands Harbours Commission
- Southern Gulf Islands Public Library Commission
- Sticks Allison Water Local Service Committee
- Surfside Park Estates Water Service Committee



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, AUGUST 9, 2023

SUBJECT **Enforcement Practices for Alternative Forms of Housing – Recreational Vehicles**

ISSUE SUMMARY

Discussions with the Electoral Area directors regarding item 2 of the recommendation from the July 12, 2023, staff report titled *Enforcement Practices for Alternative Forms of Housing (Updated)* attached as Appendix A.

BACKGROUND

At the July 12, 2023, Electoral Areas Committee (EAC) the following items from the recommendation were approved by the EAC and subsequently the Capital Regional District (CRD) Board:

The Electoral Areas Committee recommends to the Capital Regional District (CRD) Board:

- 1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units; and*
- 3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.*

Further, a new item 4 was added to the recommendation and approved by the EAC and subsequently the CRD Board as follows:

- 4. That the legal opinions received by staff be provided to Electoral Areas Committee (EAC) Directors prior to the next EAC meeting for review and discussion at the next EAC meeting which will be held in camera.*

Item 2 of the recommendation:

- 2. Occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority;*

had an alternative motion moved that was then referred back to staff for further discussion with Electoral Area directors as follows:

- 2. Occupancy of recreational vehicles, without alterations for permanent or long term use, temporary service connections, and steps, and decks not requiring a building permit will not be considered permanent alterations, will be considered a land use matter and referred to the local land use authority;*

Staff consulted with the three Electoral directors on the motion and revised the wording to reflect that any deck or stairs should not be affixed to the recreational vehicle (RV) so as not to impede relocation of the RV.

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District Board: That occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority. Temporary service connections, and steps and decks not requiring a building permit and that are not affixed to the recreational vehicle will not be considered permanent alterations.

Alternative 2

That the Enforcement Practices for Alternative Forms of Housing – Recreational Vehicles report be referred back to staff for further review based on Electoral Areas Committee direction.

IMPLICATIONS

Service Delivery

The construction of temporary stairs, landings and small decks with a maximum overall area of 10 square metres will not be considered as permanent provided they are self-supporting, not affixed to the RV and not impeding relocation of the RV. Decks must be less than two feet above finished grade and four feet clear of any slopes that may create a hazard to users. Ensuring complaints regarding unaltered recreational vehicles as residential dwellings will be referred to the local land use authority will alleviate the confusion for complainants and CRD staff.

Legal Impacts

The CRD undertook an external legal review which confirmed certified RVs would not be considered “buildings” unless altered or installed in a manner that suggests permanent or long term residency (additions, renovations, foundations, or non-temporary service connections).

CONCLUSION

Staff consulted with the three Electoral Area directors on item 2 of the recommendation from the July 12, 2023, staff report. RVs are typically not considered buildings and are addressed by the local land use authority. The motion was clarified to identify what is not considered a permanent alteration.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District Board: That occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority. Temporary service connections, and steps and decks not requiring a building permit and that are not affixed to the recreational vehicle will not be considered permanent alterations.

Submitted by:	Mike Taylor, RBO, Manager and Chief Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech, Chief Administrative Officer

ATTACHMENT

Appendix A: July 12, 2023 Staff Report



REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 12, 2023

SUBJECT Enforcement Practices for Alternative Forms of Housing (Updated)

ISSUE SUMMARY

An updated review of the existing practice of enforcement for recreational vehicles, travel trailers, and alternative forms of housing.

BACKGROUND

At the May 11, 2022, Electoral Areas Committee meeting the following Motion was carried:

That staff investigate the possibility of a non-enforcement policy for trailers, yurts, and other forms of housing for the electoral areas.

Further to this, on January 17, 2023, the Southern Gulf Islands (SGI) Community Economic Sustainability Commission (CESC) passed a resolution as follows:

Requesting that the Capital Regional District (CRD) hold off any existing and future expulsion action against owners or tenants of tiny homes, trailers and other nonconforming dwellings unless life safety is compromised, and to take steps towards allowing them.

On February 8, 2023, the Electoral Areas Committee reviewed a staff report titled “Enforcement Practices for Alternative Forms of Housing”. The Committee referred the report to staff for further review. Staff were asked to investigate the allowance of recreational vehicles with respect to the electoral area Land Use Bylaws and to further review and consider options for buildings for temporary use. This report has been revised to reflect the additional requests.

Where a dwelling is used for human habitation in a non-temporary way, Bylaw No. 3741, “Building Regulation Bylaw No. 5, 2010” (Building Regulation Bylaw), and the BC Building Code (Code) would consider it a “building”. The Code applies to “any structure used or intended for supporting or sheltering any use or occupancy”.

All buildings occupied for residential use must receive occupancy approval. Buildings that can be considered for residential occupancy include site-built buildings constructed in compliance with Part 9 or Part 4 of the Building Code; factory-built buildings certified as being in conformance with CSA A277; and factory built mobile homes constructed in conformance with CSA Z240 (not Z240RV).

“Tiny homes”, yurts and similar forms of housing are subject to the Building Code, but due to their small size and unconventional construction, it can be difficult to comply. They are often built or installed without permits and approvals. A regional district does not have the regulatory tools to create its own set of standards for such construction. BC Housing and other organizations are in the process of advocating for a change to National Building Codes, the first step in modifying provincial codes, for exclusive requirements and relaxations relating to tiny home construction.

RVs

Relating to recreational vehicles (RVs), trailers, and “park model” trailers, different standards apply. Most RVs and travel trailers are factory built and certified to standards CSA Z240RV or RVIAS NFPA 1192 as temporary living quarters for recreation, camping or seasonal use and are not certified for permanent residential use. Although RVs and travel trailers are constructed with limited safety features, they do not have the same level of health, fire and life safety features as Building Code compliant dwelling units.

CRD undertook an external legal review which confirmed certified RV’s would not be considered “buildings” unless altered or installed in a manner that suggests permanent or long term residency (additions, renovations, foundation, or non-temporary service connections).

The use of a recreational vehicle on a lot is primarily a land use matter and is not a subject of review through the building permit process. Applicable Land Use Bylaws permit the occupancy of RVs and trailers under varying circumstances and for varying lengths of time. See Appendix A for a list of these requirements.

Inquiries or complaints regarding occupied certified recreational vehicles installed in a temporary nature will be referred to the local land use authority for review.

Tiny Homes

Legal review confirmed that “tiny homes”, are to be considered “buildings” and are subject to a building permit and building code review due to their non-transient and non-temporary nature. “Tiny home” is a term that is often applied to small homes, with or without wheels.

Small site-built homes can be constructed to be fully compliant with all aspects of the Code or as compliant factory-built buildings complying with the CSA Z240 mobile home or the CSA A277 factory-built building standards.

A small home on wheels that is constructed and certified to an RV standard would be viewed as an RV; a small home on wheels that is not built to a standard but insured as a trailer and used in a transient manner off-site as a travel trailer would likely be considered the same way, though it is more likely the larger and more complex the construction and the more immovable it is, the more likely it would be viewed by regulatory authorities as a “building”.

Small homes constructed without compliance to any standard, or homes constructed to an RV standard but that are practically immobile, require building permits and must meet building code requirements. All must meet land use requirements.

Temporary building approvals

Pursuant to the Building Code, the Building Inspection Department considers requests and applications for temporary buildings. The Building Code permits exemption of certain “temporary” buildings from the Code, where satisfied the use and construction is “temporary”. Examples of “temporary” include construction offices; seasonal storage buildings; special events facilities; emergency facilities; and similar structures. Traditionally various jurisdictions have used this section for non-residential occupancies, or if for residential occupancies, for a very short term, typically in an emergency, with mitigative measures (no smoking, no cooking facilities, no open flame, washroom facilities on site, exterior elements must meet Code requirements, etc.).

External legal review confirms that temporary approval of a building may be considered if the use, nature, and manner of construction supports the fact that it is intended to have a transient nature

and character and if it has a temporal limitation. The building authority must also consider at minimum, structural adequacy, fire safety and occupant health safety. The applicant must also receive land use approval.

The issue of residential use of temporary buildings was explored. Legal review does not recommend approval of “temporary” residential buildings, as health and safety risks are considered too high. Requirements within the building code for residential occupancies are more restrictive with respect to fire protection and occupant safety than some other occupancies. Further, the requirement for structural adequacy, fire safety, and occupant safety also makes the approvals process cumbersome and it would be easier for residential construction to design a small dwelling to Code in first instance.

Enforcement Philosophy

Current enforcement action is generally in response to written complaints or observations of health, safety, or environmental risks by Building Inspectors in their normal course of duty. Stop Work Notices and Do Not Occupy Notices are often issued and further action, such as registration of a bylaw contravention notice on the land title under s.57 of the *Community Charter*, may follow for continued non-compliance.

Enforcement action for occupied RVs and trailers has been mostly limited to investigating after receiving written complaints or after observing structural alterations or additions. Applicable Land Use Bylaws in the Electoral Areas permit the occupancy of RVs and trailers under varying circumstances and for varying lengths of time. For this reason, enforcement action against RVs and trailers has been less frequent than for other types of buildings or structures and enforcement beyond that of a recommended Notice on Title has been very limited. Complaints relating to unaltered RV's will be considered a land use matter and referred to the local land use authority.

ALTERNATIVES

Alternative 1

The Electoral Areas Committee recommends to the Capital Regional District (CRD) Board:

1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units;
2. Occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority;
and
3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

Alternative 2

That the Enforcement Practices for Alternative Forms of Housing report be referred back to staff for further review based on Electoral Areas Committee direction.

IMPLICATIONS

Service Delivery

It is not recommended to withhold bylaw enforcement in cases of occupied site built alternative forms of housing, as this may result in an assumption of acceptance of such structures and uses. An increased amount of potentially unsafe dwellings will likely be constructed and occupied. Even a temporary relaxation of enforcement will make control of such buildings and structures in the future extremely difficult and add to enforcement and compliance costs of the Electoral Areas. Ensuring complaints regarding unaltered recreational vehicles as residential dwellings will be referred to the local land use authority will alleviate the confusion for complainants and CRD staff.

Regulatory Impacts

CRD is without the regulatory tools to permit construction and residential occupation of those structures that do not comply with the Code or other occupancy-capable mobile home standards. Currently the Province of Nova Scotia has provisions for “Tiny House” construction within the 2020 Nova Scotia Building Code Regulations. The BC Building Code, however, does not include such provisions. The 2018 International Residential Code (IRC) has conditions that pertain to the construction of small dwellings or “tiny houses”. The IRC is looked to by the United States and other jurisdictions as an example of what is possible to establish minimum standards of health, safety, and welfare. The IRC sets out minimum floor sizes, including for clearances for loft beds, with minimum access and egress, as well as door and hallway heights. Advocacy from the CRD to the Province may include reference to the IRC requirements.

Legal Impacts

Once a building regulation bylaw exists, subject to core policy decisions, CRD owes a duty to inspect and enforce as appropriate where it learns structures are non-compliant with the Building Bylaw and the Code. The extent of that duty and the standard of care of a building official varies based on the circumstances, taking into consideration risk, magnitude of harm, and public utility of conduct. A failure to inspect that results in loss or damage to others may attract liability in negligence, depending on certain factors.

As such, CRD’s typical response to non-compliance is to register a s.57 *Community Charter* notice on title, which identifies that the use, occupation, or construction is deficient with a bylaw, the Building Code, or other law. Once registered, the CRD may exempt itself from a current or future duty of care in negligence that could arise relating to the deficiency under s.57(8) of the *Community Charter*. A notice on title is an enforcement mechanism meant to alert future purchasers of the property of the unlawful use or construction on the property.

In rare cases, CRD may take remedial action – that is, get an order to remove, demolish, bring up to a standard or take such other step as ordered by the Board – for occupation of a building or hazardous construction, per section 72 of the *Community Charter*. A decision to take remedial action is a decision of the Board, and the Board can consider appropriate accommodations or factors at that time.

CONCLUSION

Non-compliant structures used for residential accommodation subject to the Building Code and CRD Building Bylaw are enforced against on a complaints and inspections basis, typically by way of a s.57 Notice on Title, and in some cases, a s.72 *Community Charter* remedial action order. The primary form of regulation of such uses is under a Land Use Bylaw. Recreational Vehicles are typically not considered buildings and are addressed by the local land use authority.

While organizations are advocating for changes to the National Building Code to permit tiny home

construction, CRD is without the ability to set out its own non-Building Code-defined construction standards for such use. CRD may wish to advocate to the Province for a review of future Code provisions for smaller alternative housing types.

RECOMMENDATION

The Electoral Areas Committee recommends to the Capital Regional District (CRD) Board:

1. That the existing practice of CRD Building Regulation Bylaw and BC Building Code enforcement be continued, primarily responding to complaints and observations by Inspectors during their normal course of duty of safety, health, and environmental concerns and issuing Stop Work Notices and Do No Occupy Notices when warranted for non-compliant dwelling units;
2. Occupancy of recreational vehicles, without alterations for permanent or long term use, will be considered a land use matter and referred to the local land use authority;
and
3. That the CRD advocate to the Province for a review of inclusion of alternative forms of housing within the BC Building Code.

Submitted by:	Mike Taylor, RBO, Manager and Chief Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech, Chief Administrative Officer

ATTACHMENTS

Appendix A: Zoning for Recreational Vehicles

**Zoning for Recreational Vehicles
Enforcement Practices for Alternative Forms of Housing**

Jurisdiction	Type	Maximum Time	Requirements
Galiano Island	N/A	N/A	No definitions or regulations related to RVs exist, except “Prohibited Uses 2.3.2 mobile home parks and commercial campgrounds”.
Juan de Fuca (East Sooke, Jordan River, Otter Point, Shirley)	Recreational Vehicle	30 days	May be used for temporary accommodation of guests in conjunction with principal residential use; may not be rented.
Juan de Fuca (Malahat, Port Renfrew, Willis Point)	Recreational Vehicle	30 days	Not explicitly stated in land use bylaws, but above is typically allowed by Community Planning.
Mayne Island ¹ (SR, MBRC, RR1, R, UP and A zones)	Recreational Vehicle	N/A	Use as dwelling/cottage subject to water and sewage connection use/density/siting compliance.
North Pender Island ²	Recreational Vehicle	N/A	Only permit RVs in campgrounds.
South Pender Island ³ (Construction Dwelling)	Recreational Vehicle	2 years (where a building permit has been issued for a dwelling)	Occupy as dwelling unit prior to construction provided: a) water and sewage connection b) use/density/siting compliance c) occupancy ceases prior to or concurrently with occupancy of dwelling
South Pender Island ³ (Camping)	Recreational Vehicle	90 days	Maximum 90 days per calendar year for temporary camping.
Salt Spring Island	Travel Trailer or Recreational Vehicle	90 days	Occupy as camping unit provided: water and sewage connection.
Salt Spring Island (Construction Dwelling)	Travel Trailer or Recreational Vehicle	2 years (where a building permit has been issued for a dwelling)	Water supply and approved sewage system installed with temporary connections to RV.
Saturna Island	RV and Yurt	N/A	Use as dwelling/cottage subject to: a) water and sewage connection b) use/density/siting compliance

¹ Mayne Island: “recreational vehicle” includes tent trailer, travel trailer, motor home, or other self-propelled vehicle containing sleeping, cooking, and sanitary facilities, including a tiny home on wheels that meets the CSAS for RVs; does not include a mobile home or manufactured home.

² North Pender Island: “recreational vehicle” includes tent trailer, travel trailer, motor home, or other self-propelled vehicle containing sleeping, cooking, and sanitary facilities; does not include mobile home or manufactured home.

³ South Pender Island: “recreational vehicle” includes tent trailer, travel trailer, motor home, or other self-propelled vehicle containing sleeping, cooking, and sanitary facilities, and park model recreational vehicle.

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT Implications of Increasing Fine Rates at Hartland Landfill

ISSUE SUMMARY

To report back on implications of increasing the proposed fines associated with the Hartland Landfill Tipping Fee and Regulation Bylaw No. 3881.

BACKGROUND

On May 10, 2023, the Capital Regional District (CRD) Board endorsed amendments to the Hartland Landfill Tipping Fee and Regulation Bylaw that will see more waste diverted from Hartland Landfill beginning January 1, 2024. At the meeting, staff proposed new fine rates for various offences (Appendix A) and were directed to report back on implications of doubling the proposed fines. The current fine structure for landfill offences, outlined in Schedule 19 of the CRD's Ticket Information Authorization (TIA) Bylaw 1857, was established in 2013. These fines are set for officers and designated officials to enforce bylaws under the Municipal Ticket Information system.

In response to this direction, staff worked with GHD, the material diversion technical advisor retained by the CRD to review fine structures within neighbouring jurisdictions and evaluate implications of increasing rates beyond the proposed fine levels. This analysis is included as Appendix B.

Results of the analysis found that increased fines and enforcement can have both positive and negative social, environmental, economic and administrative implications to the CRD and community. Positive outcomes include higher rates of mandatory source-separated materials, increased revenue to the CRD and reduced occurrence of repeat offenders over time. Negative outcomes include public pushback, claims of unaffordable and unproportioned fines relative to severity of offence, conflict between offenders and the scale house attendants and/or issuing bylaw officer, increased volume of complaints, ticket disputes and associated cost and administrative implications, increased occurrence of illegal dumping, and the potential flow of waste outside of the region. These findings are validated by observations of CRD Bylaw staff.

The CRD's proposed approach to enforcement, including setting fine rates, aims to communicate to the public and industry that there is a high likelihood that non-compliant loads will be detected, and have regulatory responses that sufficiently act as a deterrent, while minimizing the negative outcomes that are compounded as fines increase in cost. If there is significant non-compliance with the initial implementation of the new material stream diversion policy initiatives, increasing fines could be considered as part of any subsequent enhanced compliance strategy.

Within this context, GHD's analysis identified that the initial doubling of the proposed fines per Appendix A could lead to a higher risk of unintended consequences, such as increased illegal dumping, conflict experienced by scales and bylaw staff and increased administrative costs associated with dispute processes – and is not recommended at this time.

CONCLUSION

The consequences of doubling the proposed fines may add to further increasing negative incidences of illegal dumping, public conflict experienced by staff, increased administrative costs for disputing fines and waste flowing out of region. Compliance from the public and industry can be achieved by providing an effective enforcement program. Strategies such as increased fine rates and providing incentives to pay fines early, along with education and awareness, can help the public and industry understand that non-compliant loads will result in consequences. Staff will be returning in the fall 2023 with the revised bylaw for final consideration by the Capital Regional District Board.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Russ Smith, Senior Manager, Environmental Resource Management
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Proposed Fine Rate Schedule

Appendix B: GHD Enforcement Enhancements Memo – June 26, 2023

PROPOSED FINE RATE SCHEDULE

Offence No.	Offence	Current Fine	Proposed Fine (Presented at May 10, 2023 Board Meeting)	Doubling of Proposed Fine
3	Non-district waste	\$100	\$500	\$1,000
8	Deposit Recyclable material	\$100	\$200 (first offence)	\$400 (first offence)
			\$300 (second offence)	\$600 (second offence)
			\$500 (third offence)	\$1,000 (third offence)
9	Improper disposal mandatory recyclable	\$50	\$200	\$400
10	Improper deposit voluntary recyclable	\$50	\$200	\$400
13	Improper deposit extended producer responsibility material	\$50	\$200	\$400
17	Deposit unsorted renovation and demolition waste	\$200	\$300	\$600
18	Improper deposit sorted renovation and demolition waste	\$100	\$200	\$400
20	Fail to source separate solid waste	\$100	\$200 (first offence)	\$400 (first offence)
			\$300 (second offence)	\$600 (second offence)

Technical Memorandum

June 26, 2023

To	Liz Ferris	Contact No.	
Copy to	Deacon Liddy	Email	
From	Riley Kieser, Laura Hnatiuk/ra/1	Project No.	12590255
Project Name	Technical Advisor - Biosolids Beneficial Use and Resource Recovery Strategies		
Subject	Addition to CRD Framework Memorandum – Enforcement Enhancements		

1. Introduction

The Capital Regional District (CRD) Solid Waste Framework Memorandum was developed for the CRD and included recommendations for amending the Hartland Tipping Fee and Regulation Bylaw No. 3881 (Bylaw) to promote waste reduction and diversion. Recommendations included updates to the current tipping fee schedule and increased enforcement measures.

As the Bylaw amendments introduce material bans and differentiated tipping fee structures for mixed and source separated materials, there will be a need for enhanced Bylaw enforcement and additional bylaw officer training, so fines are distributed on a consistent basis. The introduced bans and tipping fees will require the CRD to revise the current bylaw enforcement guidance document to include clear tolerance levels and specified thresholds for enhanced guidance on when tickets should be issued. Revisions to Schedule 19 of the CRD's Ticket information Authorization Bylaw 1857 will also be required to reflect the increase and expansion of fines.

This memorandum is intended to provide a high-level review of thresholds and fines used within neighbouring jurisdictions, along with the potential implications of increased enforcement and fines.

2. Jurisdictional Scan

A scan of solid waste bylaw enforcement measures was completed for neighbouring jurisdictions to identify thresholds for allowable contamination when disposing various waste streams, financial penalties for infractions against disposal bylaws, and additional information regarding solid waste and ticket authorization bylaw fee structures. The summaries in Table 1 below present the current CRD enforcement measures in place and high-level findings for neighbouring jurisdictions.

Table 1 *Jurisdictional Scan of Enforcement Measures*

Jurisdiction	Contamination Threshold/Tolerance	Fine/Fee Structure	Other Penalties	Administration
Capital Regional District¹	<ul style="list-style-type: none"> – The CRD follows an internal guidance document outlining allowable contamination thresholds. 	<ul style="list-style-type: none"> – Deposit of recyclable material \$100 fine. – Improper deposit mandatory recyclable \$50 fine. – Improper deposit voluntary recyclable \$50 fine. – Deposit EPR material \$200 fine. – Improper deposit EPR material \$50 fine. – Deposit unsorted renovation, and demolition \$200 fine. – Improper deposit unsorted renovation, and demolition \$100 fine. – Improper deposit kitchen scraps \$200 fine. – Fail to source separate solid waste \$100 fine. – Failure to pay fee \$300 fine. 	<ul style="list-style-type: none"> – None in place. 	<ul style="list-style-type: none"> – By visual inspection.
Cowichan Valley Regional District²	<ul style="list-style-type: none"> – None in place. 	<ul style="list-style-type: none"> – Improper disposal of solid waste incurs a fine of \$125. – Tip fee of \$290 for out of region construction and demolition (C&D) waste with no recyclables. – Tip fee of \$660 for C&D waste mixed with recyclables. 	<ul style="list-style-type: none"> – None in place. 	<ul style="list-style-type: none"> – None in place.
Comox Valley Regional District	<ul style="list-style-type: none"> – Municipal solid waste (MSW) or C&D waste loads containing 10% or more recyclable materials (by weight or volume, whichever is higher) will be charged the corresponding higher tipping fee. – Loads containing a higher volume of mixed materials, from residential or 	<ul style="list-style-type: none"> – Depositing items contrary to the regulations incurs a fine of \$500. 	<ul style="list-style-type: none"> – Continued contamination infractions may result in a temporary or permanent ban under the Bylaw. – Residential or commercial customers may be asked to reload their contaminated load and taken offsite. 	<ul style="list-style-type: none"> – If paid within 14 days, fines are administered at 75% (\$375). – Assessed by staff on an individual basis and charged accordingly.

¹ Current fines. The CRD is contemplating an increase to various offences effective January 1, 2024.

² Comox Valley Regional District. 2022. CSWM Tipping Fees and Disposal Regulation. Accessed online from https://www.comoxvalleyrd.ca/sites/default/files/uploads/bylaws/720_cswm_tipping_fees_and_charges.pdf

Jurisdiction	Contamination Threshold/Tolerance	Fine/Fee Structure	Other Penalties	Administration
	commercial sources, will be charged the corresponding higher tipping fee.			
Regional District of Nanaimo³	<ul style="list-style-type: none"> Maximum Contamination threshold for MSW loads containing recyclables is 20%. 	<ul style="list-style-type: none"> When in exceedance, a fee of \$5 per load (0-50 kg) is charged. 20% surcharge for loads over 50 kg. 	<ul style="list-style-type: none"> For licenced waste haulers, revocation of the Licensed Waste Hauler Tipping Fee and the application of the default tipping fee, plus a 20% Surcharge less the Disposal Levy. A separate Offence is deemed to be committed upon each day during and in which the contravention occurs or continues. 	<ul style="list-style-type: none"> Based on visual inspection.
Metro Vancouver⁴	<ul style="list-style-type: none"> 5% maximum contamination threshold of the total weight of the load or 5% of the total volume of the load, for any combination of the following: <ul style="list-style-type: none"> Beverage containers Other recyclable plastic, glass, metal, and composite material containers Corrugated cardboard Recyclable paper Green waste Clean Wood Contaminated recyclable paper 25% threshold (25% of the total weight of the load or 25% of the total volume) for food waste. 20% threshold (20% of the total weight of the load or 20% of the total volume of 	<ul style="list-style-type: none"> Exceeding the 5% threshold for recyclables will incur a 50% surcharge of the applicable Tipping Fee. Exceeding the 25% threshold on food waste will incur a surcharge of 50% of the applicable Tipping Fee. Exceeding the 20% threshold on expanded polystyrene packaging will incur a surcharge of 100% of the applicable Tipping Fee. \$69 surcharge on any single banned Product Stewardship item. Municipal Organics or Source-Separated Organic Waste that contains more than 0.05% of any other type of Refuse must pay a surcharge of \$50 per Load. 	<ul style="list-style-type: none"> None in place. 	<ul style="list-style-type: none"> Uses a phased in threshold approach⁵. Pre-screen at the inbound scale to identify through visual inspection.(educational flyers may be distributed)³. Uses a digital surcharge process. Tablet interfaced with weigh scale payment system and digitally notifies account customers of surcharges³. When there are multiple banned materials present in a single load, surcharge is issued for material with the highest fee³.

³ Regional District of Nanaimo. 2022. Regional District of Nanaimo Tipping Fee and Solid Waste Disposal Regulation Bylaw No. 1784, 2019. Accessed online from

https://www.rdn.bc.ca/sites/default/files/inline-files/1784%20%28Consolidated%20to%2005%29_0.pdf

⁴ Metro Vancouver. 2022. 2021 Disposal Ban Program Update. Accessed online from <http://www.metrovancouver.org/services/solid-waste/recycling-programs/disposal-ban/Documents/2021-DisposalBanProgramUpdate%20-5.2-Report.pdf>

⁵ Metro Vancouver. 2023. Metro Vancouver Disposal Ban Program Manual. Accessed online from <http://www.metrovancouver.org/services/solid-waste/SolidWastePublications/DisposalBanProgramManual.pdf>

Jurisdiction	Contamination Threshold/Tolerance	Fine/Fee Structure	Other Penalties	Administration
	<p>the load) for expanded polystyrene packaging.</p> <ul style="list-style-type: none"> – Municipal Organics or Source-Separated Organic Waste may contain no more than 0.05% (by wet weight) of any other type of Refuse. 			

This Technical Memorandum is provided as an interim output under our agreement with Capital Regional District. It is provided to foster discussion in relation to technical matters associated with the project and should not be relied upon in any way.

3. Tolerance and Threshold Best Practices

When introducing new and updated bylaws, it is best practice to implement a phased in approach that starts with higher thresholds for tolerance which decrease over time as education and awareness campaigns are rolled out⁶. This allows municipal staff, the public and industry to adjust to the new requirements and restrictions, such as material bans and changes to programs and enforcement.

Starting with a maximum of 15-20% contamination threshold (by weight or volume, whichever is higher) for mandatory recyclables that are more difficult to completely source separate, for reasons such as particle size and nature of the source of generation, is an appropriate baseline. This threshold level may include renovation and demolition materials such as asphalt shingles, carpet and underlay, clean wood, treated wood, and wood products, yard and garden materials, corrugated cardboard and mixed paper. Material processors receiving the diverted materials may have their own contamination thresholds that should be taken into consideration when setting the material baselines.

Maximum contamination threshold levels may be decreased incrementally over time (e.g., 10%, 5%, to zero tolerance). Mandatory recyclables that can be source separated with greater ease such as propane tanks and fire extinguishers, white goods, scrap metal, and EPR products typically have lower to zero-tolerance thresholds.

Higher rates of contamination are often found in multi-family and commercial loads, due to the volumes, types of materials, and collection methods⁴. Haulers may unlawfully deposit contaminated waste during peak Landfill hours to avoid detection of contaminated loads and the associated penalties. Bylaw enforcement can be enhanced at peak hours with increased bylaw officer presence.

To meet the objectives of the Bylaw updates, it is important that bylaw officers are adequately trained and have sufficient understanding of the bylaw updates, its purpose, and the principles of administrative fairness. Mandatory training requirements for bylaw enforcement staff is a best practice used throughout British Columbia⁷.

3.1 Implications of Increased Fines

An effective enforcement program communicates to the public and industry that there is a high likelihood that non-compliant loads will be detected and have regulatory responses that sufficiently act as a deterrent⁷. Failure to have an effective deterrent encourages non-compliant behaviour and may result in repeat offenders.

Table 2 below shows the current and proposed fine structure presented in the Framework Memorandum for various solid waste offences at the Hartland Landfill. The proposed fines are aligned with inflation and support the CRD in meeting the objectives of the Bylaw. The table also includes the fine rates should the proposed fines be doubled. Doubling fines and the implications thereof was a suggestion raised by the CRD Board upon review of the Framework Memorandum.

Table 2 Current, Proposed and Doubled Fine Structure

Offence #	Offence	Current Fine	Proposed Fine	Doubled Fine
3	Non-District Waste	\$100	\$500	\$1,000
8	Deposit Recyclable Material	\$100	\$200 (first offence) \$300 (second offence) \$500 (third offence)	\$400 (first offence) \$600 (second offence)

⁶ Metro Vancouver. 2023. Metro Vancouver Disposal Ban Program Manual. Accessed online from <http://www.metrovancouver.org/services/solid-waste/SolidWastePublications/DisposalBanProgramManual.pdf>

⁷ Office of the Ombudsperson. 2016. Bylaw Enforcement: Best Practices Guide for Local Governments. Accessed online from <https://bcombudsperson.ca/assets/media/Special-Report-No-36-Bylaw-Enforcement-Best-Practices-Guide-for-Local-Governments.pdf>

Offence #	Offence	Current Fine	Proposed Fine	Doubled Fine
				\$1,000 (third offence)
9	Improper Disposal Mandatory Recyclable	\$50	\$200	\$400
10	Improper Deposit Voluntary Recyclable	\$50	\$200	\$400
13	Improper deposit EPR material	\$50	\$200	\$400
17	Deposit Unsorted Renovation and Demolition Waste	\$200	\$300	\$600
18	Improper Deposit Sorted Renovation and Demolition Waste	\$100	\$200	\$400
20	Fail to Source Separate Solid Waste	\$100	\$200 (first offence) \$300 (second offence)	\$400 (first offence) \$600 (second offence)

Increased fines and enforcement may have social, environmental, economic and administrative implications to the CRD and community, some of which are listed below.

Positive outcomes:

- Higher rates of mandatory source separated materials,
- Increased revenue to the CRD,
- Reduce occurrence of repeat offenders over time.

Negative outcomes:

- Public pushback, claiming unaffordable and unproportionate fines relative to severity of offence,
- Conflict between offenders and the scale house attendants and/or issuing bylaw officer,
- Increased volume of complaints, ticket disputes and the cost implications to the administrative process,
- Increased occurrence of illegal dumping to avoid contamination detection,
- Denial of service to repeat offenders may result in regional waste flow out of region and illegal dumping.

These outcomes may be compounded as the fines increase in cost (i.e., doubling the proposed rates). As the cost for fines increase substantially, the occurrence of negative outcomes such as illegal dumping, public pushback, ticket disputes and public/bylaw officer conflict may increase.

As a best practice when seeking behaviour change, education and awareness is the first and most important step. In addition to administering tickets, enforcement programs should include proactive and non-punitive measures to promote compliance, such as public education and awareness, and program/services promotion. The public should be made aware of the new bans and repercussions, as well as the programs and services accessible to them⁷. The Bylaw should be updated in plain language to be easily understood by the public⁷. In addition, the public should be provided with clarity and detail on how and why enforcement decisions are being made⁷.

Metro Vancouver practices this approach by providing educational resources to offenders at the scale house and active face, and if safe to do so, allows the offender to remove the banned materials from the load, or reload, to avoid a surcharge⁶.

4. Recommendations/Closing

It is recommended that the CRD consider the proposed fines outlined in the Framework Memorandum to be implemented as part of the enhanced bylaw strategy. Doubling of the proposed fines as noted in Table 2 could lead to a higher risk of unintended consequences such as increased illegal dumping, conflict experienced by scales and bylaw staff and increased administrative costs associated with dispute processes.

Similar to the Comox Valley Regional District and City of Victoria, the CRD may wish to consider a discounted fee model for fine payments, where a 25% discount is applied to fines if paid before the 14th day or 30th day from which the ticket is served, shown in Table 3. The BC Community Charter Part 8 — Bylaw Enforcement and Related Matters allows for establishing different fine amounts depending on whether the amount is paid on or before the thirtieth day from the date on which the ticket is served, or after the 30th day⁸. This date threshold can be flexible, reducing to 14-days from which the ticket is served to incentivize expedited payment, which is commonly seen throughout municipalities and regional districts for various fines within BC. This approach aligns with best practices recommending leniency as education and awareness campaigns are rolled out, allowing the public and industry time to adjust to the new requirements and restrictions.

Discounts higher than 25% may impede the objectives of the Bylaw and set some fines at a lower rate than the current fine. A discount higher than 25% (e.g., 50%), may be considered through a phased in approach similar to tolerance thresholds. This allows the public and industry to adjust to the new restrictions with some leniency, with reductions to the discount levels over time.

Table 3 *Discounted Fee Model for Fine Payments*

Offence #	Offence	Current Fine	Proposed Fine	25% Reduced Fine on or before the 14 th – 30 th day	100% Fine after the 14 th day
3	Non-District Waste	\$100	\$500	\$375	\$500
8	Deposit Recyclable Material	\$100	\$200 (first offence) \$300 (second offence) \$500 (third offence)	\$150 (first offence) \$225(second offence) \$375 (third offence)	\$200 \$300 \$500
9	Improper Disposal Mandatory Recyclable	\$50	\$200	\$150	\$200
10	Improper Deposit Voluntary Recyclable	\$50	\$200	\$150	\$200
13	Improper deposit EPR material	\$50	\$200	\$150	\$200
17	Deposit Unsorted Renovation and Demolition Waste	\$200	\$300	\$225	\$300
18	Improper Deposit Sorted Renovation and Demolition Waste	\$100	\$200	\$150	\$200
20	Fail to Source Separate Solid Waste	\$100	\$200 (first offence) \$300 (second offence)	\$150 (first offence) \$225 (second offence)	\$200 (first offence) \$300 (second offence)

⁸ Kings Printer. 2023. Community Charter [SBC 2003] CHAPTER 26 Part 8 — Bylaw Enforcement and Related Matters. Accessed online from https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03026_08



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**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT **Long-Term Biosolids Management Planning**

ISSUE SUMMARY

To provide an update on long-term biosolids management planning.

BACKGROUND

Commissioning of the Capital Regional District's (CRD) Core Area Wastewater Treatment Project resulted in the continuous generation of residual solids from the McLoughlin Point Wastewater Treatment Plant, which are then processed at the Residuals Treatment Facility into dried pelletized Class A biosolids. The biosolids are currently being managed under a short-term plan that extends until 2025; however, throughout much of 2022 and 2023, the biosolids have been landfilled due to a lengthy service outage at the Lafarge cement plant. The Province requires submission of a long-term biosolids management plan by June 2024.

Biosolids Long-Term Options Analysis Update

The CRD procured a technical consultant (GHD) who recently provided a long-term biosolids management options analysis report (Appendix A). In addition to including the options analysis, the report contains an updated review of international biosolids management practices and a summary and evaluation of the recent advanced thermal (gasification and pyrolysis) pilots procured in 2022.

As a result of their options analysis, GHD recommends that the CRD pursue a portfolio of biosolids management options to ensure stable beneficial reuse of biosolids into the future. This is consistent with the CRD's experience to date, as well as a review of the experiences of other jurisdictions. GHD has proposed several long-term management portfolios for consideration, each meeting provincial and federal requirements and expectations for biosolids beneficial reuse. Each portfolio contains a number of options to ensure resiliency if the preferred options are temporarily unavailable. The Board has also directed staff to accelerate the investigation of advanced thermal (gasification) technologies. However, due to limited availability and reliability of thermal options at this time, GHD has recommended that all portfolios include some form of land application, which is consistent with provincial regulatory direction.

The proposed portfolios can be generalized, as follows:

1. Status quo: (cement kiln incineration) with non-agricultural land application contingencies.
2. Thermal processing (incineration/gasification/pyrolysis) with non-agricultural land application contingencies.
3. Multiple land application projects to ensure consistent beneficial use of biosolids.

GHD's report will be used to inform public and First Nations consultation. GHD has proposed an options evaluation that can be used to guide the public and First Nations in their assessment of the proposed portfolios and options, as well as any new options that are identified during consultation. GHD has also provided a summary of the most significant pros and cons with each option in the report.

Biosolids Consultation Plan Update

The CRD recently hired a strategic communications and public engagement consultant, Tavola Strategy Group Ltd., to support the process. This same consultant previously assisted with the short-term biosolids strategy. Their strategy for this long-term planning process will involve engaging with key stakeholders and residents of the capital region to:

- educate on the available beneficial use options, and how multiple options will be required;
- gather public input on values and preferences to inform the Board's decision on the Biosolids Strategy; and
- meet the requirements for consultation to satisfy provincial legislation.

Most consultation will be via online engagement tools, and Tavola's high-level scope of work can be found in Appendix B. Their detailed consultation plan will be finalized by September 2023, with overall consultation completed by the end of 2023. In addition, staff will be reconvening the Technical and Community Advisory Committee (TCAC) for liquid waste management issues and this group will be involved with the biosolids planning.

Biosolids Advanced Thermal Site Trial Update

Staff have issued a Request for Expression of Interest (RFEI) for an advanced thermal site trial. RFEI submissions must be received by July 21, 2023 and the request is open to any domestic or international vendor. Vendors can also propose co-processing as an option. Once Expressions of Interest have been received and reviewed, the CRD will develop a short-list to support a Request for Proposals process and ultimately enter into negotiations to proceed with any vendor that meets the requirements.

This information will inform the draft plan to be submitted to the Province in 2024. However, an advanced thermal facility is outside of the approved Core Area Liquid Waste Management Plan (LWMP). A new facility will require a major amendment to the LWMP and include a separate review, consultation and approval process. The Province has requested a letter outlining the CRD's proposed plans and will review and provide feedback on the process required to pursue this option. A site trial will likely take one-two years to plan and procure and another one-two years before sufficient results are available to evaluate the technology. Discussions with the Province also indicate that a minimum of one/two years are required to obtain provincial authorization to operate an advanced thermal pilot facility. When there is sufficient information, the CRD can approach the Province to initiate the approval process.

IMPLICATIONS

Service Delivery Implications

Some long-term biosolids management options (alternative fuel at LaFarge – Richmond, out-of-region land application programs) are available immediately, while others (in-region land application options) will require six to twelve months to develop and still others (advanced thermal pilot projects or facilities) will take years to develop. There are potential pros and cons for each option beyond timing, and ultimately biosolids management will require portfolios of options to ensure program resiliency and continuous service delivery.

With respect to any advanced thermal site trial, there will be a period of up to three years to allow the trial to be procured, designed, approved, constructed and operated so that it can be evaluated, before a final facility could be established. As a result, interim biosolids management options will

need to be identified in the long-term plan to be submitted to the Province by June 2024.

Intergovernmental Implications

Advanced thermal (gasification) technology is not within the approved LWMP and will require significant involvement with the Province. The inclusion of an advanced thermal option in the long-term plan would require a major amendment to the LWMP that includes a separate review, consultation and approval process to be overseen by the Province. Provincial staff indicate that a reasonable timeline for a permanent facility would be in the order of five-ten years.

In a parallel process to the public consultation and reconstitution of the TCAC, the CRD will carry out First Nations consultation on the available options for long-term planning. Staff will use an engagement consultant to assist in planning and actioning meaningful engagement with First Nations.

Environmental & Climate Action

Land application is a well-established practice in British Columbia and many other parts of the world. GHD's review of the scientific literature indicated that when biosolids are properly treated, monitored, and land applied in accordance with regulations, the risks associated with contaminants and pathogens are generally low. Thermal options may result in more substantive contaminant reduction (but not complete destruction); however, contaminants may be distributed more broadly via stack emissions.

When determining the long-term biosolids beneficial use under the LWMP, the CRD must make considerations to minimize GHG emissions. Land application supports this principle by reducing the need for energy-intensive synthetic fertilizer production as well as increasing carbon storage in soil and vegetation. Thermal beneficial use options may displace conventional fuel use, and thereby reduce net GHG emissions; fulsome GHG implications of advanced thermal technologies will be evaluated during the site trial.

Social Implications

Given the Board's longstanding resolution on banning land application in the region, there could be broader opposition to the proposed portfolios identified during public and/or First Nation consultation. Conversely, the financial, technical, regulatory complexities and implications of siting any new advanced thermal facility will also likely garner significant input that will need to be considered in the final report. The proposed consultation will be used to inform the long-term management plan but would not be sufficient to address the subsequent consultation requirements for a LWMP major amendment if a thermal facility is proposed in the plan.

Financial Implications

The production and management of biosolids since 2020 resulted in new costs to the core area wastewater service. Each proposed portfolio and option will have different cost implications. Advanced thermal options tend to be significantly more expensive than land application options. These implications will need to be considered during consultation and evaluation.

Alignment with Board & Corporate Priorities

The CRD's existing resolution on biosolids land-application will likely need to be reevaluated. Technical consultants have affirmed that land application is the most reliable option for inclusion, either as a primary, contingency or sole option in all long-term management portfolios. Agricultural versus non-agricultural, and in-region versus out-of-region restrictions will have implications on portfolio resiliency. Consultation will provide an indication of the public's willingness to consider land application options.

CONCLUSION

The Capital Regional District (CRD) is required to develop a long-term biosolids management plan, due to the Province by June 2024, as part of the core area wastewater service. The CRD is currently implementing a short-term plan biosolids plan. The CRD has a technical analysis of potential long-term biosolids management options, which recommends consideration of portfolios of options to ensure program resiliency. The public and First Nations consultation starting in the fall will help inform evaluation and selection of these portfolios. Currently, a Request for Expressions of Interest for an advanced thermal site trial is also underway. Information gathered by these parallel processes will be integrated into a draft long-term biosolids management plan for consideration by the Environmental Services Committee and Board in Q2 of 2024.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Long-Term Biosolids Beneficial Use Options Analysis (GHD) – July 5, 2023
Appendix B: Consulting Services – Long-term Biosolids Strategy Consultation – Tavola (June 27, 2023)



Long-Term Biosolids Beneficial Use Option Analysis

Capital Regional District

05 July 2023

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Project name		TA - Biosolids and Resource Recovery					
Document title		Long-Term Biosolids Beneficial Use Option Analysis					
Project number		12590255					
File name		12590255 - Task 2 - Long-Term Biosolids Beneficial Use Strategy Report - Working Draft (May 31 2023).docx - Long-Term Biosolids Beneficial Option Analysis					
Status Code	Revision	Author	Reviewer		Approved for issue		
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S3	01	Abram Robiso, Parvin Donyanavard	Jason Wilson		Deacon Liddy		June 23, 2023
S4	00	Abram Robiso, Parvin Donyanavard	Jason Wilson		Deacon Liddy		July 5, 2023

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Executive Summary

GHD has prepared this Long-Term Biosolids Beneficial Use Strategy report for the Capital Regional District (CRD) to support public and First Nations consultation regarding the beneficial long-term use of Class A biosolids produced by the Residual Treatment Facility (RTF) located adjacent to the Hartland Landfill.

The main purpose of this report is to identify and evaluate the full spectrum of beneficial biosolids management options potentially available to the CRD in preparation for consultation with the public and First Nations groups. To accomplish this, GHD evaluated land-application and thermal biosolids management options, conducted a jurisdictional scan of options used worldwide, evaluated ongoing CRD thermal technology pilot trials, as well as identified, screened, and evaluated all long-term options currently available to the CRD. With this information, GHD then generated long-term strategy portfolios for CRD's consideration which are recommended to provide necessary resilience and redundancy to ensure long term consistent biosolids beneficial use. This report also proposes an evaluation criteria and risk matrix to assist the CRD in implementing a step-by step long-term biosolids beneficial use strategy following the reception of feedback from public and First Nations engagement.

This report concluded the following:

Development and Evaluation of Land Application Options – There are various beneficial use land application methods which meet the Canadian Council Ministers of the Environment (CCME) beneficial use criteria in the form of mine/quarry reclamation, forest fertilization, land improvement, direct land application, biosolids growing medium (BGM), compost, and soil product production. There are various out-of-region land application programs available. There are currently no in-region land application options available at this time due to the long standing CRD policy banning land application. However, this policy was recently expanded to allow for non-agricultural land application as a contingency or emergency option. As such, a number of in-region land application options could be investigated for inclusion in potential long term management portfolios.

Evaluation of Thermal Options – Thermal biosolids management technologies are generally classified as pyrolysis, gasification, or incineration. Among the thermal technologies, incineration is the most commercially proven and widely used thermal treatment process for biosolids. However, incineration is energy intensive and does not result in the beneficial use of ash and as such may not be considered a beneficial use option by the CCME. Pyrolysis and gasification technologies are both still emerging in the biosolids processing space with slightly more pyrolysis facilities anticipated to move into operations in North America over the next few years.

Thermal technologies have the added benefits of generating potential revenue through biochar, syngas, heat recovery as well as the potential to co-process other mixed waste streams. However, there are challenges in thermal co-processing technologies, as mixing biosolids with other waste streams may increase maintenance and operational costs due to the added complexity of handling/treating mixed waste streams. Co-processing also presents challenges in meeting CCME criteria for the beneficial re-use of 25% of ash.

Contaminants of Emerging Concern - Community concerns around the land application of biosolids and its potential impacts to soil quality, surface water, and groundwater are largely based on the presence, or suspected presence, of unregulated CEC's. These potential impacts are the subject of ongoing scientific research. CCME's guidelines note that many CECs are found in low concentrations in biosolids, and that detection does not necessarily mean there is a risk to human health or the environment. Generally, risk assessments for each individual CEC have not been completed, but ecotoxicological testing, used to assess the toxicology of residuals holistically, did not detect significant negative impacts. The CCME is supportive of source control measures as an effective way to improve the quality of biosolids. CRD's biosolids have been treated to Class A standards as per the Organic Matter Recycling Regulation (OMRR).

The Canadian Food Inspection Agency (CFIA) proposed an interim standard for per - and polyfluoroalkyl substances (PFAS) in biosolids used in Canada as fertilizers at 50 ppb PFOS (one type of PFAS). The proposed standard aims to protect human health by preventing the small proportion of biosolids products that are heavily impacted by industrial

inputs from being applied to agricultural land in Canada. The concentration of PFOS in CRD's biosolids is under the proposed standard at approximately 6 ppb (based on two samples).

The fate of CECs in advanced thermal processing of biosolids is still under investigation. While CECs appear to be reduced in biochar products, some can still be found in syngas and bio-oil products, but the concentrations and environmental fate still need to be confirmed.

Jurisdictional Scan – Globally, biosolids, are beneficially used primarily through land application or thermal treatment methods. The majority of countries assessed in the jurisdictional scan primarily land-apply their biosolids for beneficial use, except for Japan, who relies on incineration due to its high population density and limited areas for land application.

Across the world, the decision to beneficially use biosolids through land application or thermal processes is influenced by a range of factors: regulatory requirements, local infrastructure/resources, public perception, as well as the goals and priorities of local municipalities. Identifying and evaluating these factors are key to the implementation of an effective, long-term biosolids management strategy.

Evaluation of Thermal Pilots – In the evaluation of the Biosolids Thermal Pilot technologies/studies explored by the CRD, valuable insight was gained into the discrete operation of each of these technologies. However, the current pilot results alone may not be sufficient to confirm the feasibility of on-site thermal processing of CRD biosolids nor the potential for integration/beneficial use of by-products into other systems at Hartland at this time.

For the upcoming on-site thermal trial, GHD suggests that the CRD capture key operational criteria such as process reliability, operational costs, maintenance requirements, co-processing feasibility, residual product quality, biochar markets, carbon sequestration benefits, and long-term synergies at Hartland.

Long-Term Options & Portfolio Generation – A long-list of biosolids management options available to the CRD was identified and screened against CCME beneficial use criteria.

GHD recommends that the CRD develop of a combination of multiple options within a diverse portfolio to ensure resiliency in the form of strategy redundancy. In the unexpected event that a biosolids management option is interrupted, the inclusion of additional options within a portfolio will allow CRD's biosolids to still be beneficially used in the interim until the interruption is resolved.

General portfolios were generated using the long-list of options available to the CRD. A risk evaluation identified notable potential risk of interruption factors such as contingency option availability and facility ownership changes to consider in the development of the long-term biosolids beneficial use strategy. The risk evaluation also indicated that some form of land-application is likely required in all proposed portfolios to ensure resiliency.

Next Steps – Following public and First Nations consultation, the CRD may further refine the general portfolios outlined in this report. From the list of options approved by the public and First Nations groups, the CRD may develop portfolios using specific options and vendors and future test these portfolios for resiliency using the risk matrix outlined in Section 7. The risk analysis will help inform the selection of a resilient long-term portfolio for the long-term beneficial use of CRD's biosolids.

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Appendix E	CRD Class A Biosolids SDS

1. Introduction

The Capital Regional District's (CRD) Core Area Wastewater Treatment Project included construction of a Residuals Treatment Facility (RTF) located north of Hartland landfill, which processes wastewater residual solids into approximately 3,650 tonnes of dried pelletized Class A biosolids per year using mesophilic anaerobic digestion and a fluidized bed dryer. The CRD has a provincially approved short-term (2021-2025) Biosolids Beneficial Use Strategy (Definitive Plan) that involves the transport of biosolids to the Lafarge cement manufacturing facility (Lafarge) in Richmond, BC where the biosolids are used as an alternative fuel in the plant's combustion processes. The CRD also has an approved Contingency Plan to manage biosolids when Lafarge has planned or unplanned shutdowns and cannot receive the biosolids, which was anticipated to be approximately 35-days per year. That plan involves the production of Biosolids Growing Medium (BGM), which is then beneficially used in final cover materials at the Hartland Landfill.

Over the course of 2022, disposal of biosolids at Lafarge was unavailable for approximately 10-months, due to both planned shutdowns and unplanned operational issues. As a result, CRD managed approximately 2,700 tonnes of biosolids at Hartland Landfill, 600 tonnes of which were used to produce BGM under the Contingency Plan and the remainder were landfilled. In 2022 the biosolids contingency management consumed more than two-years of the five-year Contingency Plan for beneficial use at Hartland Landfill as BGM, and a significant volume of landfill airspace that should be utilized for non-divertible solid waste. The Contingency Plan must also be aligned with landfill operations such as receiving and storing. Producing future biosolids needs to consider space constraints for temporary storage and application of BGM until final cover areas are ready. This constrains how much material can be used for BGM production in any given year. Given the challenges with biosolids management under the Definitive and Contingency Plans, the CRD is interested in investigating and developing alternative strategies for the short-term and long-term beneficial use of Class A biosolids generated through the RTF.

Under a separate cover 'Alternative Short-Term Contingency Biosolids Beneficial Use Options', GHD assessed responses from industry which were obtained during a previous RFEI (No.40.20.01-02) issued by the CRD and followed up with various vendors to assess their interest, and ability to manage CRD biosolids in accordance with provincial requirements. GHD also assessed information obtained by CRD in their 2022 outreach to industry to identify additional Short-Term contingency options.

Following this report, the CRD will engage with the public and First Nations groups with regards to the biosolids beneficial use options available to the CRD and outlined in this report. Based on feedback from this consultation, the CRD will develop a strategy which will outline the steps required to implement a resilient portfolio for the beneficial use of biosolids.

1.1 Purpose of this Report

The purpose of this report is to identify and evaluate options to support consultation efforts for the beneficial long-term use of Class A biosolids produced by the RTF at the Hartland Landfill. The key objectives are to:

- Assess potential land application and thermal technology options.
- Conduct a jurisdictional scan of biosolids management options currently used worldwide.
- Evaluate and summarize the results from thermal technology pilots commissioned by the CRD.
- Evaluate the full spectrum of long-term options known to be available to the CRD that are permitted by Provincial regulations.
- Present proposed screening, evaluation, and resiliency criteria as well as methodology to be used to evaluate options and portfolios following the results of public and First Nations consultation.

1.2 Scope and Limitations

This technical memorandum has been prepared by GHD for the Capital Regional District. It is not prepared as, and is not represented to be, a deliverable suitable for reliance by any person for any purpose. It is not intended for circulation or incorporation into other documents. The matters discussed in this memorandum are limited to those specifically detailed in the memorandum and are subject to any limitations or assumptions specially set out.

2. Background

The CRD submitted Amendment No.11 to their Core Area Liquid Waste Management Plan (CALWMP) to the BC Ministry of Environment and Climate Change Strategy (ENV) in September 2016, committing to the determination of a long-term management option for the beneficial use of biosolids generated at the RTF. On November 18, 2016, ENV conditionally approved Amendment No.11, with the stipulation that the CRD must first develop a short-term Definitive Plan for utilization of CRD's biosolids which was to be submitted by June 30th, 2019. The Definitive Plan was also required to not include disposal or multi-year storage options at Hartland landfill. Additionally, ENV stipulated that the CRD develop a long-term management beneficial use strategy plan which considers and evaluates the entire spectrum of potential management options with a jurisdictional review of how different municipalities manage their biosolids. This letter of conditional approval can be found in Appendix A.

As of 2023, the RTF produces approximately 10 tonnes of dried biosolids per day, or 3,650 tonnes per year. Biosolids produced by the RTF are currently managed through the following options:

1. Transport to LaFarge for use as alternative cement kiln fuel under the approved Definitive Plan
2. Mix with sand and ground wood to produce BGM for use as a final cover at Hartland Landfill under the approved Contingency Plan
3. Blend with soil and directly landfill (not approved)

As indicated above, these biosolids are primarily transported to Lafarge under the approved Definitive Plan. When Lafarge is unable to accept biosolids, the biosolids are blended with sand and ground wood at a volumetric ratio of 1:5:13 to produce 38 m³ of BGM for each tonne of biosolids, using up to an approved 350 tonnes of biosolids per year under the Contingency Plan. If the 350 tonnes of biosolids per year used to produce BGM has been exhausted and Lafarge is still unable to take biosolids, the CRD currently has only one remaining emergency option available, which is to blend the biosolids with soil and directly landfill. This process has no beneficial use, is not an approved Canadian Council of Ministers of the Environment (CCME) option and consumes landfill airspace.

The biosolids from the RTF are characterized as Class A, under the BC Organic Matter Recycling Regulation (OMMR). Accordingly, Class A biosolids must have undergone pathogen reduction treatment, vector attraction reduction, and specific sampling protocols. Class A biosolids also have specific limits on their heavy metal and coliform concentrations. The criteria and treatment protocols for Class A designation are outlined in Section 3.2.6. of the OMMR, which regulates the production and land application of compost and biosolids.

BGM must adhere to certain quality criteria outlined in Section 3.4.10 of the OMRR. Schedule 11 of the OMRR stipulates that BGM must be derived from either Class A or Class B biosolids.

The CCME provides guidelines on the beneficial management of biosolids from wastewater treatment plants.

In addition to the above, the CRD's Board currently restricts the land application of biosolids beyond contingency/emergency use at the Hartland Landfill and, more recently, for non-agricultural land application.

Additional information on OMRR requirements, CCME guidelines, CRD Board direction, CRD biosolid characteristics, and thermal processing pilot trials are described in more detail below.

2.1 OMRR Requirements

The production, distribution, storage, sale, and usage of biosolids are regulated under OMRR. OMRR also sets the minimum standards for biosolid product quality criteria in terms of pathogen reduction, vector attraction reduction, pathogen limits, and heavy metals limits.

An official plan must be prepared by a qualified professional for the land application of biosolids. Section 3.1.5 of the OMRR outlines all the requirements for a land application plan. The plan must designate each site where organic matter will be applied, and each scheduled occurrence of application. After each occurrence, the discharger must obtain written certification from a qualified professional that the application was done in accordance with the land application plan.

In terms of distribution requirements, Class A biosolids may only be distributed as follows:

- a. In volumes that do not exceed 5 m³ per vehicle per day.
- b. In sealed bags for retail purposes, each not to exceed 5 m³, with no restrictions on the number of bags distributed per vehicle per day.
- c. In volumes greater than 5 m³ to composting facilities or biosolids growing medium (BGM) facilities.

BGM application does not require a land application plan and may be distributed without volume restrictions as it is considered retail-grade organic matter.

2.2 CCME Beneficial Use Criteria Application

One of ENV's conditions of approval to the CRD's CALWMP was that the proposed long-term management plan for the biosolids generated at the RTF must comply with the requirements for beneficial use specified in the *Canada-Wide Approach for the Management of Wastewater Biosolids* (2012) by the CCME.

According to the CCME, beneficial use of biosolids is based on sound management that includes:

- Consideration of the utility and resource value (product performance).
- Strategies to minimize potential risks to the environment and health.
- Strategies to minimize greenhouse gas emissions and.
- Adherence to federal, provincial, territorial, and municipal standards and regulations.

The policy stated above is upheld by the following principles:

1. Municipal biosolids contain valuable nutrients and organic matter that can be recycled or recovered as energy.
2. Adequate source reduction and treatment of municipal sludge and septage should effectively reduce pathogens, trace metals, vector attraction, odours, and other substances of concern.
3. The beneficial use of municipal biosolids, municipal sludge, and treated septage should minimize the net GHG emissions.
4. Beneficial uses and sound management practices of municipal biosolids, municipal sludge, and treated septage must adhere to all applicable safety, quality, and management standards, requirements, and guidelines.

More details and examples of the beneficial use of biosolids are provided in the CCME supporting document, *Guidance Document for the Beneficial Use of Municipal Biosolids, Municipal Sludge and Treated Septage* (2012). There are opportunities for the beneficial use of biosolids through land application, value-added product development, energy recovery, and combustion. Landfilling is not considered a beneficial use option by the CCME since it results in the loss of nutrients and emits greenhouse gases. Any biosolids management option must be evaluated in accordance with the regulations stated in the OMRR, as well as supported by CCME guidelines and principles.

The CCME guidance document promotes the land application of Class A biosolids in support of its beneficial use guiding principles. In alignment with principle 1, the nutrient-rich concentration of biosolids allows direct land application to be a beneficial use option when properly managed as it enhances soil fertility, soil structure, and plant growth. Furthermore, land application supports principle 3 by reducing the need for energy intensive synthetic fertilizer production as well as increasing carbon storage into the soil, hence minimizing net GHG emissions.

Biosolids may also be thermally treated and pelletized to be used for land application or as a biofuel feedstock for combustion. However, for biofuel combustion to be considered as a beneficial use, per the CCME guidance document there are three requirements:

1. The net energy balance must show that the energy recovered exceeds the energy required to combust with dry matter composing >30% of the biosolids to allow for auto combustion and exothermic reaction.
2. >25% of ash or phosphorus generated from the combustion of biosolids must be recovered.
3. The process must emit low levels of nitrous oxides through continuous temperature monitoring with a minimal combustion temperature >880°C.

2.3 CRD Board Resolution on Land Application of Biosolids

On July 13, 2011 the CRD's Board moved to restrict the land application of biosolids within the CRD. These minutes can be found in Appendix B and the motion referenced below.

"Be it so moved that the CRD will harmonize current and long-term practices at all CRD-owned regional facilities and parks with the approved policies of the regional treatment strategy, including ending the production, storage, and distribution of biosolids for land application at all CRD facilities and parks; and

Be it further moved that the CRD does not support the application of biosolids on farmland in the CRD under any circumstances, and let this policy be reflected in the upcoming Regional Sustainability Strategy."

The provincial government conditionally approved the Definitive Plan with the condition that the CRD prepare beneficial use options, for use during Lafarge shutdowns, that did not include landfilling or long-term storage. To comply with these regulatory requirements, the CRD Board moved to partially rescind its land application restriction on February 12, 2020. The motion is referenced below.

"That the Capital Regional District Board partially rescind its policy to prohibit land application as a beneficial use of biosolids at Hartland landfill only; and 2. That land application of biosolids be approved as a contingency plan for beneficial use at Hartland landfill."

On February 8, 2023, the CRD board amended its policy to allow non-agricultural land application of biosolids as a short-term contingency alternative. These minutes can be found in Appendix C and the motion referenced below.

"That the Capital Regional District (CRD) Board amend its policy to allow non-agricultural land application of biosolids as a short-term contingency alternative; and 2. That staff be directed to update the CRD's short-term biosolids contingency plan correspondingly."

2.4 Short Term Memorandum

A short-term alternative contingency plan was developed to address the immediate challenges with biosolids management under the current Definitive and Contingency Plans.

In 2022, GHD prepared a memorandum which identified and evaluated additional contingency options for the beneficial short-term use of Class A biosolids produced by the RTF. These options included both non-land application and land application options which have the potential to be implemented within two-years. The memorandum concluded the following:

- There is no option currently available that meets the CCME criteria for beneficial use, meets OMRR criteria and meets the CRD Board restriction on land application other than Lafarge and BGM.
- Non-land application options could be developed in 24-months or greater that could partially meet the CCME criteria for beneficial use and CRD Board restriction on land application are presented below:
 - Off-Site Thermal Options – Thermal options in addition to Lafarge are possible in 24-months or greater working with existing facilities such as Envirogreen in Princeton, Lehigh Cement Plant, or the Metro Vancouver WTEF. Changes to ENV permits/approvals, consultation with stakeholders may be needed and biosolids receiving, handling and dust mitigation procedures and potentially equipment would need to be developed. The off-Site thermal options do not beneficially use the ash from the biosolids, and as such may not meet CCME guidelines.
 - On-Site Thermal Options – A pilot pyrolysis or gasification facility could be established at Hartland. This would require construction of the pilot facility, and an approval from ENV to operate the facility, which would require 24-months or greater to develop. During the pilot stage the syngas would be flared, and the pilot would be used to characterize the quantity and quality of the syngas to provide information towards the long-term beneficial use (e.g., as a fuel). The quality of the biochar produced would be evaluated and ultimately marketed as a biochar product if feasible. Fulsome GHG implications would also be determined.
- Land application options exist that meet CCME criteria and are used by other jurisdictions in many cases to cost effectively manage biosolids. If the CRD Board limitation on the land application of biosolids was beyond contingency use at the land fill and for non-agricultural land application, then these options could likely be implemented within 1 to 2-years, with some options being available immediately, and without additional infrastructure.

2.5 Biosolids Characteristics

A Safety Data Sheet (SDS) for the CRD's Class A biosolids can be found in Appendix E.

2.6 Thermal Processing Pilot Trials

In July 2020 the CRD issued a Request for Expressions of Interest (RFEOI) (No.40.20.01-02) as part of the CRD's long term plan to determine avenues for the beneficial use of Class A biosolids produced by the RTF. The intent of the RFEOI was twofold:

- a. Understanding what technologies were available to beneficially use biosolids
- b. Determine interest from proponents willing to undertake pilot trials

An evaluation of the results from the selected pilot trials has been summarized in Section 5.

Following the pilot trials, on March 29, 2023, the CRD board moved to initiate a Request for Proposals (RFP) for the development of a thermal processing trial on-site. These minutes can be found in Appendix D and the motion referenced below:

“Staff concurrently initiate a Request for Proposals process for a biosolids advanced thermal site trial; and that the RFP be scoped broadly to include potential for co-processing of municipal solids waste streams, and that submission be welcomed from both domestic and international vendors.”

The RFP process was initiated June 16, 2023, with a response closing date of July 14, 2023.

3. Biosolids Management Options

The beneficial use of biosolids includes various methods of both land application and thermal treatment, which are discussed in further detail below.

3.1 Land Application Options

Biosolids are rich in nutrients such as phosphorus and nitrogen and as a result can be directly applied to lands at an agronomic rate to promote vegetation growth. The land application of biosolids involves spreading biosolids on the soil surface or incorporating biosolids into the soil as soil amendment and fertilizer. Land application is the most common and cost-effective way to beneficially use biosolids and has been widely practiced for decades. Prior to land application, wastewater solids are required to undergo a stabilization process to minimize odour generation, destroy pathogens (disease causing organisms), and reduce vector attraction potential (potential to attract organisms capable of spreading the material). Wastewater solids can be converted to stabilized biosolids through several methods including adjustment of pH (lime or alkaline stabilization), aerobic digestion, anaerobic digestion, composting, and heat drying.

The following sections outline the most common land application options for biosolids.

3.1.1 BGM, Compost, and Soil Products

Biosolids can be mixed with mineral feedstocks (typically sand or topsoil) to produce BGM, a nutrient rich soil with similar properties to other fabricated soils with respects to aesthetics, odour, consistency, and performance. BGM can promote vegetation growth when applied to lands. Currently, CRD's Class A biosolids are used to produce BGM under the approved Contingency Plan for use as final cover at Hartland Landfill.

Biosolids are a commonly used feedstock at many compost facilities. Biosolids can be combined with wood chips or green materials as bulk agents to produce a high-quality compost suitable for various land applications. However, composting generally requires a long residence time resulting in increased costs for this option. Wood waste can be mixed with biosolids and cured over time to create a Class A Compost, a nutrient-rich soil amendment which can be regularly tested to ensure it meets both OMRR and the Canadian Food Inspection Agency (CFIA) requirements for land application.

3.1.2 Agricultural Land

Biosolids can be recycled and used as a soil amendment or fertilizer on agricultural land to improve soil productivity, stimulate plant growth, and potentially reduce chemical fertilizer application. Biosolids have been widely applied on agricultural lands due to the cost-effectiveness of this option and its ease of use. Using biosolids on agricultural land has the potential for significant benefits in both the environment and the farming industry.

3.1.3 Forest Fertilization

Forest fertilization is another cost-effective and environmentally safe way to recycle biosolids. Forest soil is usually acidic and deficient in nutrients, thereby applying biosolids can significantly increase the forest lands fertility, total tree production, and build soil foundation for productive forest ecosystems, including wildlife habitat. Furthermore, forestry application can increase vegetation and result in healthier forest soils to improve soil tilth and reduce soil erosion into lakes and streams.

3.1.4 Mine/Quarry Reclamation

Damaged soils impacted by activities such as mining or quarrying can be reclaimed by applying biosolids. Mine/quarry reclamation involves the application of large quantities of biosolids at singular to infrequent periods. Biosolids are often mixed with other materials like wood waste and sand or mixed with stockpiled soil removed from a site prior to disturbance.

Biosolids can be effective in restoring former mines by improving soil conditions, revegetating extensive areas of piled rock and mine tailings and stabilizing slopes. Following biosolids application, the soil is more aerated and lighter, which increases the water infiltration to reduce soil erosion. Unlike nutrients in commercial fertilizers, nutrients added in the biosolids will stay in the topsoil over time and the restored ecosystem will continue to prosper.

The process of mine/quarry reclamation and closure is often required by government to ensure sustainable practices and minimize the long-term effects of mining/quarry operations on the surrounding ecosystems and communities. Ongoing monitoring and maintenance may be required to ensure the success of the reclamation efforts and the long-term stability of the reclaimed site.

3.1.5 Landfill Cover

Biosolids can be beneficially used as an amendment to final cover at landfills acting as a biofilter and mitigating greenhouse gas emissions. Landfills can also benefit from the application of BGM as a topsoil to improve vegetation and prevent erosion on temporarily or permanent closed landfill cells.

3.1.6 Biodiesel and Fuel Crop Production

Biodiesel is an environmentally friendly diesel fuel and renewable alternative to fossil fuels. It is produced from vegetable oils or animal fats through an esterification reaction. High oil seed crops (fuel crops) such as soy and canola and high biomass plants such as willow are considered as suitable feedstock for biodiesel production. Biosolids can be used as fertilizer in growing biodiesel crops and willow plants, in which the biodiesel produced can be beneficially used as fuel for vehicle fleets and farming equipment.

3.2 Knowledge Gaps and Limitations in Land Application

When considering the land application of Class A biosolids, it is important to recognize that knowledge gaps, as well as limitations and barriers to implementation exist. Some of these knowledge gaps and limitations are outlined below.

Nutrient Management: Effective nutrient management is crucial to prevent overapplication or imbalances in soil nutrient levels. Understanding the nutrient content and availability of biosolids is important for determining appropriate application rates and timing. Research can help optimize nutrient management strategies and guidelines specific to biosolids with consideration for the application site soil conditions.

Pathogen and Contaminant Monitoring: Assessing and monitoring the presence of pathogens, heavy metals, pharmaceuticals, and other contaminants of concern in biosolids is essential for reducing risks to public and environmental safety. The presence of 'per' and polyfluoroalkyl substances (PFAS) within biosolids has led to public concern regarding land application methods. The potential for groundwater contamination following land application of biosolids and subsequent leaching of PFAS through soil is one of several potential impacts that have generated discussions on banning land application methods. This risk is attributed to how PFAS does not easily decompose. Thermal treatment and destruction technologies at commercial scales are currently limited. Adhering to land application plans can reduce risk of broad environmental contamination.

Public Perception and Acceptance: Public acceptance and understanding of the land application of biosolids play a significant role in its successful implementation. Addressing concerns related to odour, visual appearance, and potential health risks through educational initiatives and public outreach can help foster acceptance and support for this practice.

Logistics and Operational Considerations: Conducting pilot programs and field trials can provide valuable insights into the logistical aspects of land application, such as transportation, storage, application methods, and equipment requirements. These pilot programs can help identify any challenges, evaluate the feasibility of large-scale implementation, and assess the associated costs.

Regulatory Framework and Compliance: Understanding and complying with the existing regulatory framework governing the land application of biosolids is crucial. Identifying any regulatory gaps or barriers can help inform policy development and ensure that appropriate guidelines and standards are in place to regulate the practice effectively.

3.3 Thermal Options

With an increasingly global focus on environmental responsibility, and contaminants of emerging concern (such as microplastics and PFAS), interest in the efficient, safe, and effective thermal processing of biosolids is growing. Employing thermal treatment technologies can produce renewable energy, reduce emissions associated with the transport of biosolids, and result in a higher-value final product.

The thermal management of biosolids refers to application of heat to reduce the volume, reduce contaminants, and utilize the calorific energy of biosolids as heat, steam, electrical power, or combustible material. There are many types of thermal conversion technologies available from many technology providers, however they generally fall into three broad categories: gasification, pyrolysis, and combustion/incineration. Combustion/incineration is the most widely used and commercially proven thermal treatment process for biosolids. Gasification and pyrolysis are innovative technologies gaining interest due to the potential of producing value added products such as syngas and biochar, however, they have limited commercial experience with biosolids as a sole feedstock.

3.3.1 Gasification

Gasification is a thermal treatment technology where any carbon-containing raw material, such as biosolids, can be converted into fuel gas (also known as synthesis gas or syngas) under conditions of high temperature and a highly controlled supply of partial oxygen and/or steam. Gasification can be used to significantly reduce the biosolids volume and produce syngas as a renewable source of energy. Gasification by-products (ash and biochar) can be applied as soil amendments or landfilled. Contaminant reduction also takes place, although the ultimate fate and level of reduction of various classes of organic contaminants is still under investigation.

Syngas can either be utilized as a low calorific gaseous fuel such as in an internal combustion engine (ICE) for cogeneration or can be thermally oxidized to produce heat for beneficial use. Gasification of biosolids typically requires dried biosolids (80% to 90%) as feed, which the RTF already produces. The thermal oxidation of syngas produces heat which can be used to dry biosolids and pre-condition them for gasification.

Close coupled drying with gasification, as shown in Figure 3.1, is an emerging commercial trend for biosolids thermal treatment. Conditioning of syngas for use as fuel in a cogeneration system such as an ICE is still under development. Cleaning of syngas to produce Renewable Natural Gas (RNG) is another avenue of energy recovery which is being explored, however the feasibility of this is still under development.

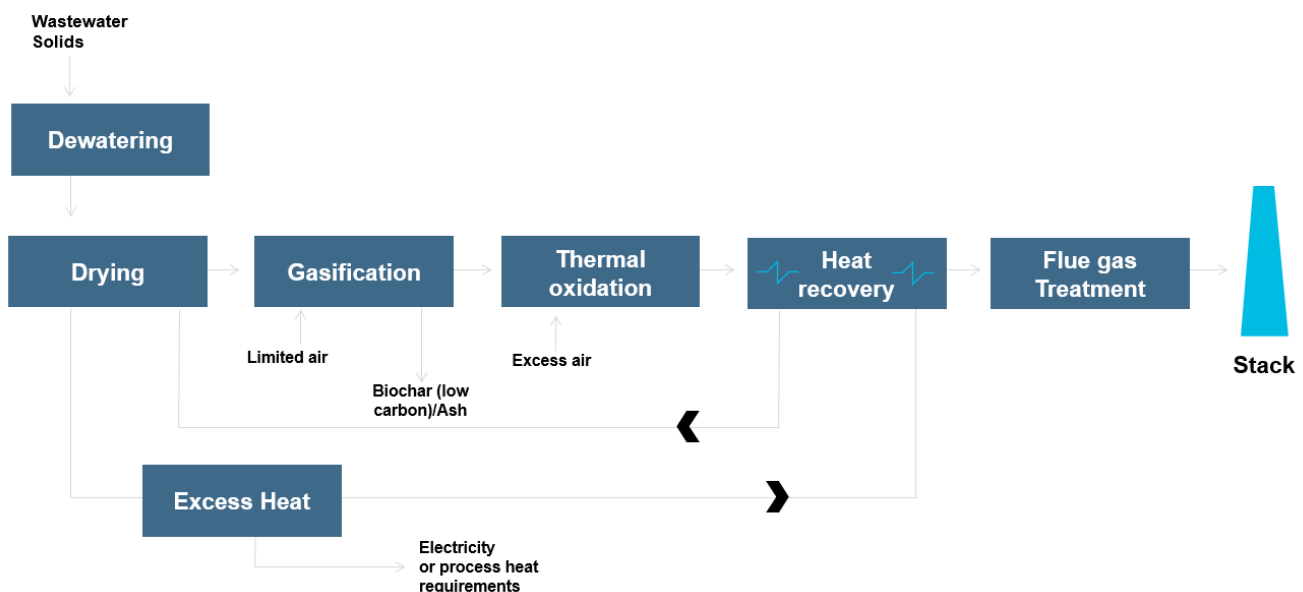


Figure 3.1 Close-Coupled Gasification Process Flow Diagram

3.3.2 Pyrolysis

Pyrolysis is a similar thermal treatment technology to gasification; however, it requires a lower temperature and is carried out without the presence of oxygen under an inert atmosphere (e.g., nitrogen or argon). Like gasification, pyrolysis can decompose and convert biosolids to useful products (syngas, bio-oil, and biochar) while minimizing air emissions and reducing pathogens/contaminants. Like gasification, some contaminant reduction does occur during pyrolysis. However, the contaminant partitioning between the biosolids feedstock and the residual pyrolysis products is yet to be fully understood, and more research is ongoing.

Depending on the temperature and heating rate, pyrolysis can be classified into slow and fast pyrolysis. In slow pyrolysis, known as carbonization, material is pyrolyzed at low to moderate temperatures (around 300 °C) and low heating rates or long reaction times (several hours). The goal of carbonization is to maximize charcoal product (biochar) and generate lower yields of bio-oil and syngas. Fast pyrolysis, carried out at intermediate temperatures (around 500 °C) and short reaction times (a few seconds), produces higher yields of bio-oil in addition to biochar and syngas.

The majority of pyrolysis technologies utilize a close-coupled configuration as shown in Figure 3.2. Syngas produced during pyrolysis is oxidized (combusted) in a thermal oxidizer, and the heat released from thermal oxidation of syngas is recovered and used for biosolids drying. Pyrolysis of biosolids typically requires dried biosolids (80%-90%) as feedstock, which the RTF already produces. A portion of thermal energy is recycled to the pyrolyzer to sustain pyrolysis, and the rest can be recycled to the dryer for beneficial use. Some of the newer pyrolysis technologies do not require continuous heat for their bio-drying process.

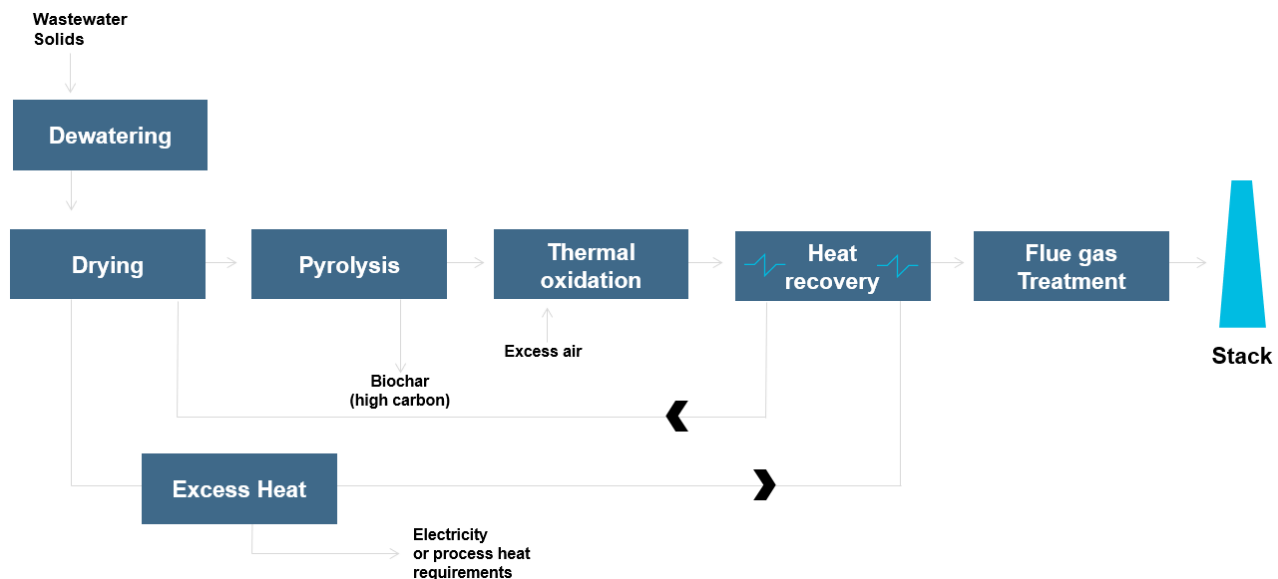


Figure 3.2 Closed Coupled Pyrolysis Process Flow Diagram

3.3.3 Combustion/Incineration

Combustion is a controlled reaction under high temperatures between a fuel and an oxidant that generates carbon dioxide, heat, and water. Incineration is another form of combustion which uses waste as the feedstock fuel material. The primary objective of incineration is feedstock volume reduction and energy recovery. Combustion/incineration residues generally consist of small quantities of HCl, S, volatile compounds, and ash which are typically landfilled. Some biosolids management options utilize biosolids as an alternative fuel for combustion in manufacturing processes such as cement kilns.

Using biosolids as a renewable fuel for combustion/incineration can offset the use of non-renewable fuels and reduce overall GHG emissions. Combustion/incineration without the production of value derived products or energy recovery is commonly not considered an environmentally friendly technology as it is energy intensive and generates a significant amount of greenhouse gas emissions. However, there is ongoing research and development in modern engineering and advanced air pollution control technologies to mitigate the environmental impacts and increase the energy efficiency of the process.

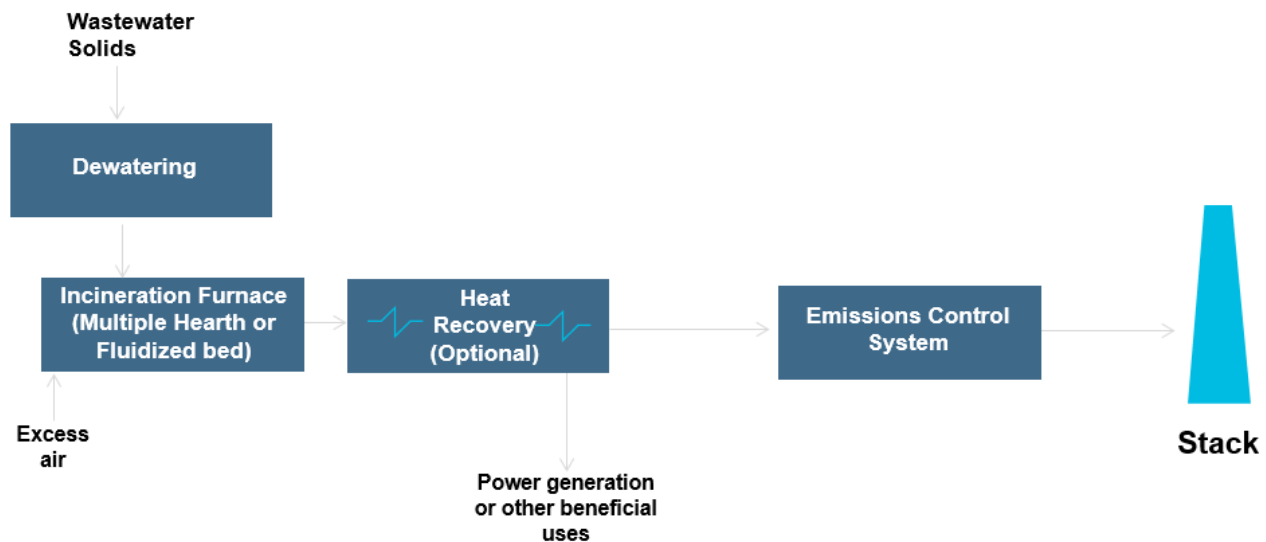


Figure 3.3 Incineration Process Flow Diagram

3.4 Thermal Processing Technologies Summary

Table 3.1 below highlights a few of the key characteristics of the three thermal processing technologies discussed above.

Table 3.1 Thermal Processing Technologies

Technology	Technology Description / Major Differentiators	Benefits	Challenges	End-Products & Utilization
Gasification	<ul style="list-style-type: none"> Limited/controlled quantity of oxygen/air required Temperature Range: 600-1000 °C 	<ul style="list-style-type: none"> Simplicity Efficient process Biochar production to be used as contaminant adsorbent or soil amendment Can be autogenous Significant volume reduction 	<ul style="list-style-type: none"> Syngas refinement for fuel generation is challenging Gas treatment system usually involves scrubbing, which typically requires media that needs to be disposed of as hazardous waste GHGs are emitted as part of process Presence of particulate and tars in the produced gas Low fixed carbon, high ash Contaminant fate and destruction effectiveness still not fully understood 	<ul style="list-style-type: none"> Steam which can be converted to electricity Syngas which can be used in boilers, gas turbines, internal combustion engines to generate electricity Fly ash which would be disposed as hazardous waste residue Biochar which may be beneficially used as a soil amendment, compost, biofilter, or as livestock bedding Slag which may have to be disposed as hazardous waste residue
Pyrolysis	<ul style="list-style-type: none"> Complete absence of oxygen required Temperature Range: 600-1000 °C 	<ul style="list-style-type: none"> More energy placed into creating final char product Lower temperature required than other thermal treatments High fixed carbon, low ash Significant volume reduction Low operation energy consumption Biochar production to be used as contaminant adsorbent or soil amendment 	<ul style="list-style-type: none"> Technical difficulties ranging from an inability to scale up to largescale production, and relatively poor heat transfer Requires a constant supply of fuel Gas treatment system usually involves scrubbing, which typically requires media that needs to be disposed of as hazardous waste GHGs are emitted as part of process Contaminant fate and destruction effectiveness still not fully understood 	<ul style="list-style-type: none"> Syngas which can be used in boilers, gas turbines, internal combustion engines to generate electricity Biochar which may be beneficially used as a soil amendment, compost, biofilter, or as livestock bedding Pyrolysis oil (bio-Oil) which can be used as fuel for engines and boilers, or used to produce electricity/heat via combined heat and power plants Ash which will be disposed as residue, potentially as hazardous waste
Combustion/ Incineration	<ul style="list-style-type: none"> Excess oxygen/air required for combustion of waste 	<ul style="list-style-type: none"> Significant volume reduction Proven technology at commercial scale 	<ul style="list-style-type: none"> Poor public perception from historical plants (strict environmental regulations for 	<ul style="list-style-type: none"> Steam which can be converted to electricity Heat which can be used for general heating, hot water supply, etc.

Technology	Technology Description / Major Differentiators	Benefits	Challenges	End-Products & Utilization
	<ul style="list-style-type: none"> – Temperature Range: 800-1200 °C 	<ul style="list-style-type: none"> – Greater contaminant reduction at higher temperatures 	<ul style="list-style-type: none"> emissions and combustion control) – Energy-intensive if process does not recover/recycle energy – Gas treatment system usually involves scrubbing, which typically requires media that needs to be disposed of as hazardous waste – GHGs are emitted as part of process – Mixing biosolids with wood chips was found to be necessary to prevent fouling and meet emission requirements – Requires emissions treatment systems to capture pollutants 	<ul style="list-style-type: none"> – Bottom ash which will be disposed as hazardous waste residue

3.5 Thermal Co-Processing

Co-processing biosolids with other types of waste through thermal treatment, particularly in municipal waste-to-energy facilities has potential added benefits of reduced capital costs and increased efficiency in resource recovery. However mixing biosolids with other waste streams may also increase maintenance and operational costs due to the complexity of handling and treating mixed waste streams and their end products. In addition, co-processing presents challenges in meeting the requirement set by CCME for the beneficial re-use of 25% of ash.

A few examples of facilities that process, or have processed, biosolids with other types of waste are noted below:

- The Anaergia's Rialto Bioenergy Facility in California will use pyrolysis to process combination of food waste extracted from municipal waste streams, liquid waste, and municipal biosolids to produce carbon-negative RNG. The facility is currently under construction¹.
- The Covanta Huntsville WTE Facility in Huntsville, Alabama, uses incineration to process solid waste and sewage sludge, producing steam and ash. The facility is currently operational.
- The City of Lebanon, Tennessee, operates a gasification plant that utilized biosolids and wood waste as feedstock to produce syngas and biochar in the past. The facility is operational, however, currently only utilizes wood waste as feedstock.

3.6 Biochar Beneficial Use

Biochar is a type of charcoal produced from the pyrolysis or thermal decomposition of organic biomass materials, such as biosolids, agricultural waste, wood chips, or crop residues. Biochar has demonstrated potential to be used as a soil amendment to improve soil fertility, sequester carbon, and mitigate soil erosion.

Below is a summary of the potential beneficial use options for biochar:

- **Soil Amendment:** Biochar may be directly incorporated into the soil to improve its physical, chemical, and biological properties. Some cases have shown to enhance soil water retention, increase nutrient availability, and promote microbial activity, and consequently improve crop productivity.
- **Carbon Sequestration:** Research demonstrates that the use of biochar as a soil amendment has the added benefit of sequestering carbon for up to a mean residence time of 2,000 years. Biochar sequestration can remove carbon dioxide directly from the atmosphere through carbon uptake by plants, allowing, in principle, a reduction of atmospheric carbon dioxide levels².
- **Composting:** Biochar can be mixed with organic waste materials for composting. This can enhance the compost's nutrient content, reduce greenhouse gas emissions, and improve its stability. The resulting compost enriched with biochar can be used as a soil amendment or a growing medium in horticulture and landscaping.
- **Livestock Bedding:** Biochar can be used as bedding material in livestock operations. Its high absorbency helps in moisture management, odour control, and the reduction of pathogen build-up. Used biochar bedding can be further recycled as a soil amendment or added to composting systems.
- **Erosion Control:** Biochar can be applied to erosion-prone areas, such as slopes or mine reclamation sites, to stabilize the soil and prevent erosion. Its porous structure and high water-holding capacity can help retain moisture and promote plant establishment, making it beneficial for land reclamation projects.
- **Stormwater Filtration:** Biochar can be used in permeable reactive barriers or biofiltration systems to treat stormwater runoff. It can act as a filter medium, adsorbing and retaining contaminants such as heavy metals and organic pollutants, thereby improving water quality.

¹ Rialto Bioenergy Facility | Anaergia

² Biochar is carbon negative | Nature Geoscience

- **Activated Carbon Production:** Biochar can be upgraded to produce activated carbon via physical and chemical alteration. Biochar can be physically activated through heating under an oxidant environment in the temperature range of 700–900 °C. To chemically activate, biochar is subjected to activating agents such as ZnCl₂, H₃PO₄, NaOH, KOH and treated with heat between 300–500 °C.³ Activated carbon can be utilized as an adsorbent, as it acts as a porous material to capture and retain various pollutants/contaminants in its structure. Its high surface area and porosity make it effective for adsorbing contaminants from water, air, and soil, offering potential environmental remediation, odour control, and purification applications. It is also intended for adsorption applications like gas masks and fixed-bed adsorbers.

Despite the many potential benefits of biochar, research related to the adverse effects of biochar on soil ecosystems and chemistry is still under investigation. There are growing concerns related to the effects of applied biochar soil physiochemical properties, interactions between biochar and other chemicals within the soil, contaminant accumulation, and its potential impact on soil organisms. A 2021 review of 259 studies related to biochar application to soil concluded that the findings on the effects of biochar soil application are often mixed⁴. Studies indicate that these effects, whether net negative, neutral, or beneficial, are dependent on factors such as feedstock, production process, application rate, soil type, environmental/climatic conditions, and therefore cannot be generalised.

Site-specific assessments and research are essential to determine the appropriate application methods and optimize the benefits of biochar in different contexts. It is crucial to assess the quality and safety of the biochar as well as its effect on the soil's microbiological properties and biota prior to application. Adequate testing and quality standards are important to verify that the biochar is free from contaminants (particularly metals) and meets the desired criteria for its intended use. Research and knowledge sharing in this field is currently ongoing to better understand biochar's potential and optimize its use in diverse agricultural and environmental settings.

3.7 Knowledge Gaps and Limitations in Thermal Treatment Technologies

Similar to the land application of biosolids, it is important to recognize that knowledge gaps and limitations exist in regards to biosolids thermal treatment technologies. Some of these gaps/limitations are outlined below:

Technical Limitations: Specific technical limitations can vary depending on the thermal treatment method employed. For example, incineration may have limitations related to the control of emissions and the need for air pollution control equipment. Pyrolysis and gasification may have limitations related to process efficiency, feedstock characteristics, and the quality of the end products.

Environmental Impacts: While thermal treatment can help reduce the volume of biosolids and recover energy, there may be environmental concerns associated with the process. These can include emissions of greenhouse gases, air pollutants, and the potential for the release of harmful compounds during the treatment process. An environmental impact assessment of any employed thermal treatment method is crucial.

Residuals Management: Thermal treatment processes typically generate residues such as ash or char. The management of these residuals can present challenges in regard to their safe disposal or beneficial reuse. Depending on the residue characteristics, there may be potential for contaminant leaching into the environment. Robust handling and storage protocols need to be established in consideration of the end-use of the residues.

Energy Efficiency: While thermal treatment can produce energy in the form of heat or electricity, the overall energy efficiency of the process is an important consideration. Achieving optimal energy recovery and maximizing the net energy output from the treatment process is a crucial consideration for its economic viability and environmental sustainability. Ensuring there is an end-user of the energy output is also critical to ensure beneficial reuse expectations are achieved.

³ Process Intensification: Activated Carbon Production from Biochar Produced by Gasification - technology.matthey.com

⁴ <https://www.sciencedirect.com/science/article/pii/S0048969721038286>

Impact on Nutrient Content: Thermal treatment methods can alter the chemical composition of biosolids, potentially affecting the availability and quality of nutrients. For example, high-temperature processes like incineration can result in the loss of certain nutrients, limiting their potential for use as fertilizer or soil amendment.

Cost Considerations: The economics of thermal treatment processes, including capital costs, operational costs, maintenance costs, and residual disposal costs can significantly impact their feasibility and implementation. Understanding the financial implications and comparing them to alternative treatment methods is important for the decision to invest in thermal treatment processes.

3.8 Contaminants of Emerging Concern

The CRD introduced a ban on the land application of biosolids produced at CRD facilities in 2011 based on the precautionary principle and concerns from the community. Community concerns around the land application of biosolids are largely based on the presence, or suspected presence, of unregulated organic chemical compounds, commonly referred to as “contaminants of emerging concern” (CEC’s), or persistent organic pollutants” (POPs). CECs include Volatile and Semi-Volatile Organic Compounds (VOCs & SVOCs), PFAS, polybrominated flame retardants (PBDE), dioxins, pharmaceuticals and personal care products (PPCPs) and microplastics. There is concern that biosolids with detectable levels of unregulated CEC’s could impact soil quality, surface water or groundwater.

In 2011, the CRD retained Stantec to undertake a literature review titled *Land Application of Wastewater Bio-solids, Concise Literature Review of Issues for CRD* on the risks of the land application of biosolids. The literature review assessed heavy metals, pathogens, and legal liability arising from the land application of biosolids. The review concluded “there is no scientific evidence indicating that the risks of environmental damage or public health concerns for either Class A or B bio-solids land application would be high”.

This risk assessment was updated by Golder in 2014 in their report *Biosolids Risk Assessment and Literature Review Update*. The intent of the report was to re-evaluate the previous analysis using recent information and case studies. The review found that Stantec “oversimplifies the risk and concerns associated with the land application of biosolids” and found that the current state of scientific knowledge does not allow us to fully quantify all risks. Despite this finding, the authors conclude that “no risks have been identified for emerging substances that presently warrant imposition of a land application ban”.

The CCME considered CEC’s when developing the beneficial use guidelines. The document notes that many CECs are found in low concentrations in biosolids, and that detection does not necessarily mean there is a risk to human health or the environment. Generally, risk assessments for each individual compound have not been completed, but ecotoxicological testing, used to assess the toxicology of residuals holistically, did not detect significant negative impacts. The CCME is supportive of source control measures as an effective way to improve the quality of biosolids.

In 2017, Metro Vancouver commissioned a risk assessment for their land application based biosolids management plans in a report titled *Biosolids Risk Assessment for Metro Vancouver*. The report looked at 11 different types of pharmaceuticals or organic compounds and concluded “the results of this risk assessment indicate that the presence of these eleven CECs in biosolids is highly unlikely to result in adverse health effects for the four Metro Vancouver biosolids use exposure scenarios evaluated.”

In recent years, there has been an increased interest in PFAS and their effects on human and environmental health. PFAS are a class of over 4,700 substances that do not occur naturally. PFAS make products non-stick, water repellent and fire resistant, and are found in a wide range of consumer and industrial products, including cookware, food packaging, clothing, and firefighting foams. PFAS are sometimes referred to as “forever chemicals” because the molecules are characterized by a chain of strong fluorine-carbon bonds which result in highly stable and long persisting chemicals. Exposure to PFAS is associated with an increased risk of cancer, increased cholesterol levels, and can affect the immune system.

In June 2022, the ENV released the *Organic Matter Recycling Regulation Project Update*, which contained some discussion of CECs. “Due to advances in analytical chemistry, the ability to measure CECs has generally outpaced the ability to understand the impacts of CECs on human health and the environment. For this reason, the impacts of CECs

in biosolids and wastewater treatment discharges is the subject of on-going scientific research.” The ENV intends to add the authority for a director to require the testing of biosolids for CECs but does not intend to regulate the concentration of CEC’s in biosolids. The ENV advocates for a prevention first approach to reducing CECs in biosolids, by implementing source control measures to discourage the discharge of certain wastes to the system. Regulatory amendments are targeted for 2023.

On May 19, 2023, The Canadian Food Inspection Agency (CFIA) proposed an interim standard for PFAS in biosolids used in Canada as fertilizers. The CFIA worked with Environment and Climate Change Canada, Health Canada and provincial partners to assess an appropriate standard for PFAS. The proposed standard will protect human health by preventing the small proportion of biosolids products that are heavily impacted by industrial inputs from being applied to agricultural land in Canada. The proposed standard is 50 ppb PFOS (one type of PFAS). The concentration of PFOS in CRD biosolids is under the proposed standard at approximately 6 ppb (based on two samples). For comparison, a 2020 study, found that the PFOS concentration in household dust was 100 ppb (100ng/g).⁵

3.9 Land Application vs Thermal Process Trends

Land application is a well-established practice in British Columbia and many other parts of the world. However, there has been a varied perception and increased regulation towards this practice due to growing concerns over potential environmental and public health risks, including the risk of pathogen regrowth, odours, heavy metals, and CEC’s. Scientific literature indicates that when biosolids are properly treated, monitored, and applied in accordance with regulations, the risks associated with contaminants and pathogens are typically low⁶. Land application remains a widely used and accepted approach in many jurisdictions, particularly in areas with access to agricultural land and a demand for fertilizer. Research indicates an increasing trend in the use of biosolids as a soil amendment to support sustainable agriculture and carbon sequestration goals.

Since 2017, there has been a trend towards increased use of thermal processes for biosolids management, particularly in areas where land application is restricted, challenging, or cost prohibitive. However, further research and investment are needed to optimize these technologies and ensure their long-term sustainability.

Overall, the choice between land application and thermal processes for biosolids management will depend on a range of factors, including regulatory requirements, local infrastructure and resources, public perception and acceptance, the need for end-use redundancy, and the specific goals and priorities of the community or organization managing the biosolids.

4. Biosolids Jurisdictional Review Update

Globally, biosolids are primarily managed in three ways, land application, incineration or landfilling. The decision to landfill biosolids rather than using them for beneficial purposes is influenced by several factors, such as:

- **Regulatory Constraints:** Some governments impose restrictions to the land application of biosolids due to concerns over potential environmental and public health risk.
- **Public Perception:** The acceptance of biosolid management options varies widely. In some communities, there persists public resistance to the beneficial use of biosolids based on concerns primarily regarding potential health, environment, and nuisance impacts.
- **Costs and Logistics:** Local circumstances such as land availability, transportation distances, regulatory compliance, and the proximity of technology providers may make landfilling a more logistical and cost-effective option as compared to beneficial reuse.

5 Per- and polyfluoroalkyl substances (PFAS) in dust collected from residential homes and fire stations in North America - PMC (nih.gov)

6 https://www.academia.edu/34682659/Chapter_6_The_environmental_impact_of_biosolids_land_application

The section below presents findings from literature on the reported biosolids management options used in jurisdictions across the globe. It should be noted that the examples presented are not an exhaustive list of all global biosolids management cases as the review is limited to data that is readily available.

4.1 Literature Review

4.1.1 Canada

In Canada, more than 660,000 dry tonnes of stabilized biosolids are produced annually. According to the CCME, land application and landfilling are the most common methods of biosolids management in Canada where approximately 50% of biosolids are applied to land, 41% landfilled and the remainder incinerated (9%) (CCME, 2012a).

In British Columbia, 38,000 dry tonnes of biosolids are produced every year, of which around 94% is beneficially applied to land to support forestry, agriculture, land reclamation and landfill cover, and approximately 6% is landfilled.⁷

In Quebec 49% and 34% of biosolids are incinerated and land applied respectively annually. In Ontario, 44% and 48% of biosolids are incinerated and land applied respectively annually. Both provinces are among the leading provinces in the beneficial use of biosolids⁸.

Table 4.1 below summarizes biosolids management in some Canadian provinces in the year 2016. Since then, there has been a lack of available information regarding the current status of Canada's involvement in biosolids beneficial use.

Table 4.1 *Biosolids Management in Canada (2016)²*

Jurisdiction	Land Application	Incineration	Landfill	Percent Beneficial use
British Columbia	94%	0%	6%	94%
Manitoba	75%	0%	25%	75%
Ontario	48%	44%	8%	92%
Alberta	95%	0%	5%	95%
Quebec	34%	49%	17%	83%
Newfoundland/Labrador	0%	0%	100%	0%

4.1.1.1 Examples of Land Application Options in Canada

The CCME Guidance document provides several instances of municipalities across Canada that have beneficially used biosolids through land application. Some examples are:

- The JAMES wastewater plant in Abbotsford, British Columbia, holds a contract with a third party to use municipal biosolids resulting from wastewater treatment as a feedstock addition in the production of fabricated topsoil. The end product is marketed as Val-E-Gro™ and is used as a fertilizer for land application.
- The Lansdowne Wastewater Treatment Plant in Prince George, British Columbia and various treatment plants in the Regional District of Nanaimo, BC have used their biosolids for the fertilization of forests. The fertilization of forests through biosolids is of significant interest to the forest industry, as biosolids allow a slower release of nutrients (>5-years) as compared to the fast action of chemical alternatives (2-3-years). Further, biosolids applied to temporary roads and landings within forests can return these degraded areas into productive land bases quickly, thus resulting in a larger growing area and greater cutting allowance.

⁷ Biosolids-10 (gov.bc.ca)

⁸ biosolid_world_map.pdf (gov.bc.ca)

- The Halifax Regional Municipality has treated municipal biosolids with an alkaline stabilization process named N-Viro™ to produce class A biosolids for land application since 2008. The process recycles cement kiln dust as a second residual stream to provide alkalinity for the process. 100% of the biosolids produced have been beneficially used to fertilize sod and agricultural crops such as corn, soybeans, cereals, and forages.
- Locally generated municipal biosolids in Sechelt, British Columbia have been directly applied to barren soils at the Lehigh Materials mine. The community has been supportive of the successful program, and the mine was awarded for its achievements with the 2010 British Columbia Jake McDonald Mine Reclamation Award.

Table 4.2 below summarizes cases of land application of biosolids across Canada:

Table 4.2 *Summary of Land Application in Biosolids Management in Canada*

Jurisdiction	Product Name	Technology	Program Initiation	Beneficial Reuse of Biosolids
City of Kelowna, BC	Natures Gold	Aerobic composting	Undisclosed	Gardens and lawns fertilization, commercial landscaping and gardening (as mulch)
Metro Vancouver Regional District	Nutrifor	Thermophilic anaerobic digestion	1991	Mine reclamation, landfill closure and reclamation, regional reclamation projects, regional landscaping projects, forest fertilization, and ranch land fertilization
City of Kelowna/City of Vernon	Ogogrow	Aerated static pile composting	1995- 2006	Commercial landscaping, residential gardening, nurseries, orchards, and landfill closure.
Comox/Strathcona Regional District	SkyRocket	Aerated static pile composting	2007	Commercial landscaping, residential, gardening, nurseries and orchards, slope stabilization project, and local reclamation projects.
Regional District of Nanaimo	N/A	Mesophilic and Thermophilic anaerobic digestion	1991	Forest fertilization.
CRD	PenGrow	RDF lime- Pasteurization	2008-2011	Residential gardening and landscaping.
City of Edmonton, AB	N/A	Co-composting with residential organic waste	2002	Horticulture, agriculture, nurseries, commercial landscaping, residential gardening, city reclamation and enhancement projects.
Niagara Region, ON	Niagara N-Rich	N-Viro alkaline stabilization	2007	Agricultural fertilizer.
City of Toronto, ON	N/A	Thermal drying N-Viro alkaline stabilization	2007	Agricultural fertilizer, and mine reclamation.
Greater Moncton, NB	Gardener's Gold	Composting- Gore Cover system	2008	Commercial landscaping, municipal parks and horticultural activities, and residential gardening.
City of Halifax, NS	Halifax N-Rich	N-Viro alkaline stabilization	2007	Agricultural fertilizer, and municipal horticultural activities.

4.1.2 United States

In the US, based on 2018 data, approximately 54% of all biosolids were land applied, 15% were incinerated and 30% disposed of in landfills (excluding the use as daily cover which is considered a beneficial use option)⁹. According to reports from the US EPA in 2021, about 4.5 million dry metric tons of biosolids generated in the United States, of which approximately 43% were land applied, 14% incinerated, and 42% landfilled, which suggests a trend of decreasing land application and increasing landfiling in US over the past few years. This percentage may vary between state and region. For example, land application of biosolids is more common in the Mid-Atlantic and Northeast regions than in other parts of the country¹⁰. Figure 4.1 shows the latest status of biosolids management in the US.

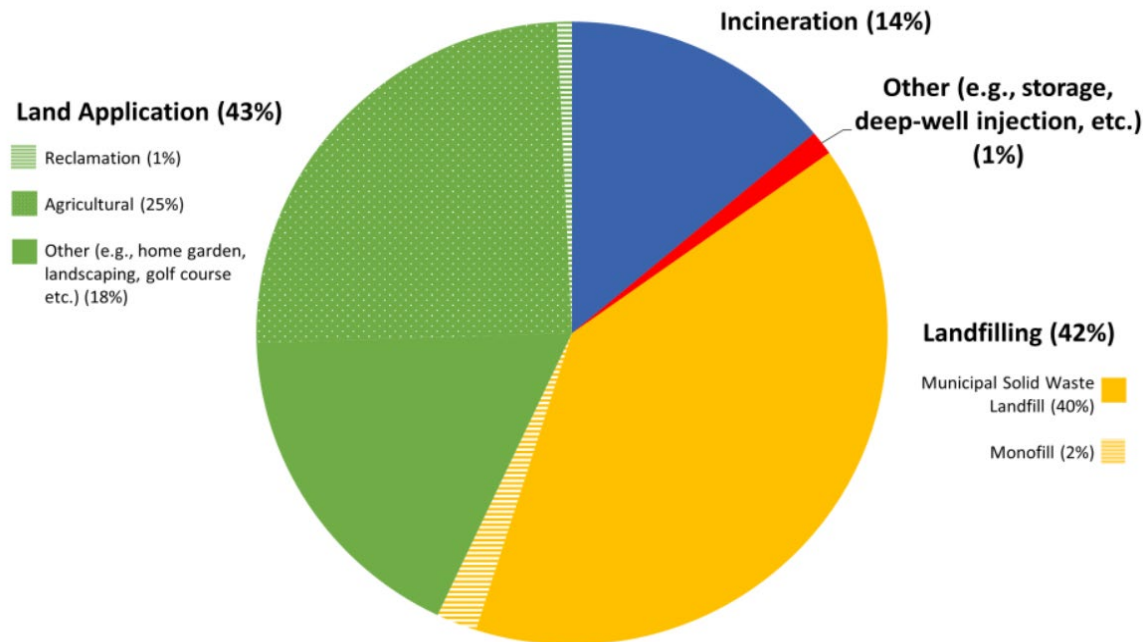


Figure 4.1 2021 Biosolids Management in the US⁴

4.1.3 Europe

In Europe there are rules around the use of sewage sludge as a fertilizer, the sampling and analysis of the sludge, record keeping and the type of treatments and end usages, similar to OMRR in BC. The European Union (EU) developed a Sewage Sludge Directive which aimed to increase the sewage sludge used in agriculture while ensuring heavy metals in soils and sewage sludge did not exceed set limits (also developed as part of the Directive). The Directive would ban the use of sewage sludge on agricultural soils if the concentration of metals in the soil exceeded pre-approved limits. In 2014, it was found that the Directive achieved its objective by increasing the amount of sewage sludge used in agriculture while reducing environmental harm. However, since then, a study was launched in 2020 to evaluate the effectiveness, efficiency, relevance, and coherence of the Directive in all EU countries. The study aimed to complement the results of the initial Directive and better understand the areas where the Directive was successful or challenged¹¹.

Figure 4.2 below illustrates the proportions of sewage sludge management technologies used by various EU countries:

⁹ National Summary — National Biosolids Data Project

¹⁰ Basic Information about Biosolids | US EPA

¹¹ https://environment.ec.europa.eu/topics/waste-and-recycling/sewage-sludge_en

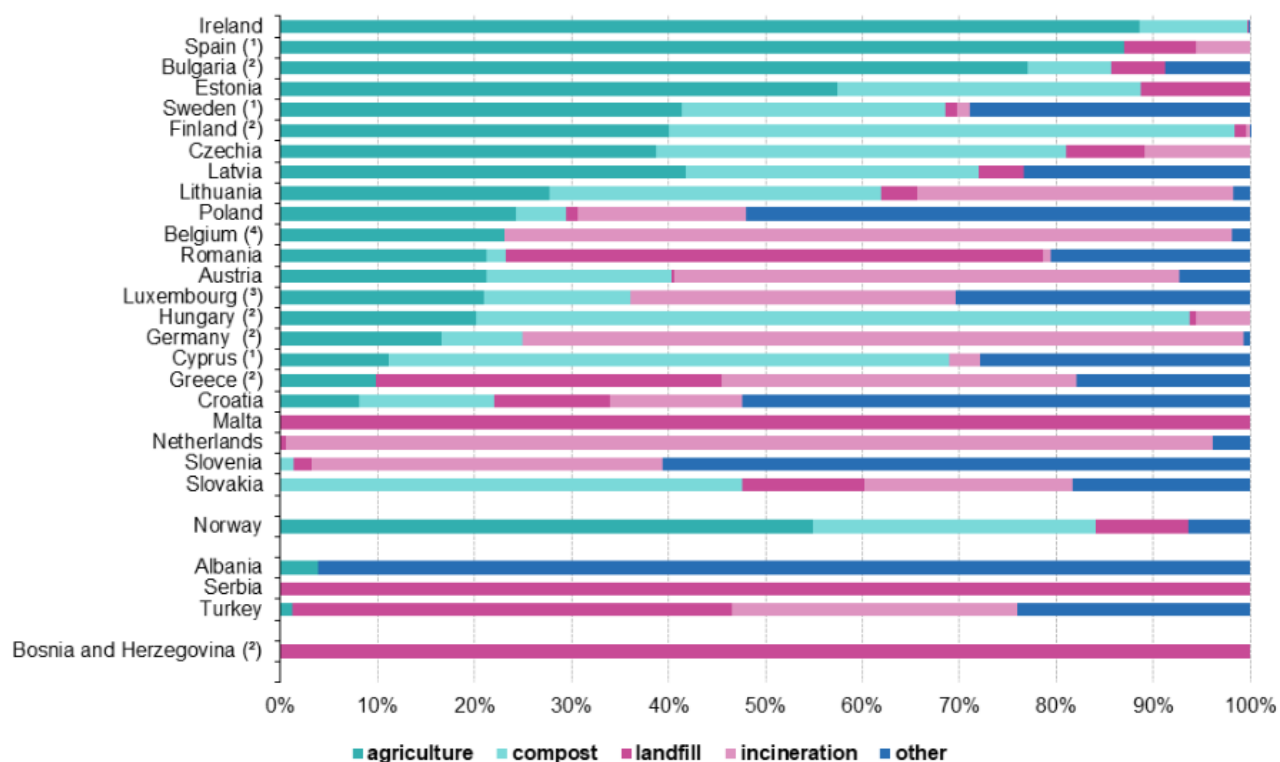


Figure 4.2 2020 European Sewage Sludge Disposal⁷

In Europe, land application of biosolids still constitutes the main method for biosolids management for many countries. In general, 50% of biosolids are land applied on agricultural land (marking an increase from 37% in 2017), 28% incinerated, and 18% landfilled. The remaining fraction is disposed through other methods such as pyrolysis, storage, reuse in green areas and forestry, and landfill cover. The percentage of biosolids managed through each practice may vary depending on factors such as location, available infrastructure, and local regulations. In countries such as Netherlands and Germany, incineration is the primary beneficial use for biosolids due to the low availability of land available for biosolids application. In the Netherlands (96%), Belgium (75%), Germany (74%)^{12,13} the majority of biosolids are incinerated.

In France, 44% of biosolids are directly land applied, 29% are composted, 18% are incinerated and 9% are landfilled. In the United Kingdom (UK), approximately 3.6 million tonnes of biosolids are land applied for agricultural use annually and the UK has developed an Biosolids Assurance Scheme (BAS) to provide reassurance that certified biosolids can be safely used in agriculture. According to the UK's BAS, around 3-4 million tonnes of biosolids are applied annually to agricultural land in the UK, representing around 75% of sewage sludge production¹⁴. In Denmark, based on the 2010 data, 64% of biosolids were land applied, 29% incinerated and 2% of biosolids ended up in landfills. In Portugal, as per 2016 data, 5% of biosolids were disposed in landfills while the rest were used for land application and other uses including agriculture and composting. In Italy (2010), from all the biosolids produced, 34% are land applied, 4% are incinerated, and 49% are landfilled⁶.

Europe has been at the forefront of research and development of new thermal technologies for biosolids treatment, such as pyrolysis and gasification. Despite this, many European countries still primarily use land application as the most beneficial method for biosolids utilization. It is noteworthy that there are various approaches to managing PFAS across Europe, both in terms of the presence of regulations and how these regulations are established. Denmark, Germany, the Netherlands, and Sweden established national limits for PFAS in soil, while Germany also set a limit for PFAS in fertilizer, which also applies to biosolids used as fertilizer. As of September 2020, no European countries,

¹² <https://www.mdpi.com/2071-1050/11/21/6015/htm>

¹³ Water statistics - Statistics Explained (europa.eu)

¹⁴ Biosolids-Agric-Good-Practice-Guidance-January-2019.pdf (assuredbiosolids.co.uk)

except for several German states, had implemented specific rules or limitations regarding PFAS concentrations in biosolids for land application ¹⁵.

The EU has long been promoting the use of thermal technologies for waste management, including biosolids. The Waste Framework Directive (2008) recommends thermal treatment as a preferred method for waste management. While there are gasification and pyrolysis plants in Europe, they mainly process municipal solid waste. The Netherlands and Germany have the largest sewage sludge incineration capacity among European countries. In Finland, the Helsinki Regional Environmental Services Authority (HSY) implemented a sludge pyrolysis pilot plant with the capacity equivalent to treating wastewater sludge generated by a population of approximately 30,000 people during 2020. In August 2004, a fluidized-bed gasification plant, manufactured by Kopf was constructed at a WWTP in Balingen Germany for processing the digested biosolids and recovering energy. The Balingen plant processes about 230 kg of sewage sludge per hour¹⁶.

4.1.4 Australia

In Australia, approximately 83% of biosolids were beneficially applied to land in 2021, with 72% of that being on agricultural land, which represents an 8% increase compared to the data from 2017. The remaining fraction was disposed of in landfills. Australia is making significant efforts to combat carbon emissions by pledging to reduce them by 43% from 2005 levels by 2030. A step towards this goal has been taken with the opening of Australia's first biosolids gasification plant at the Loganholme Wastewater Treatment Plant in Logan City, Queensland. To further explore the potential applications of the biochar product, the Logan City Council is collaborating with scientists from the Queensland University of Technology to uncover future possibilities for utilizing the biochar product in various ways¹⁷.

4.1.5 New Zealand

In New Zealand, the total percentage of biosolids sent to landfill was 33% in 2021 (down from 38% in 2019). 43% of biosolids were used for land reclamation, 3% of biosolids were used for agricultural purposes, and 2% of biosolids were incinerated. The remaining fraction of biosolids were land applied for forestry, vermicomposting, landfill capping, stockpiling, and other uses.

4.1.6 Japan

Japan heavily relies on thermal processing methods for the management of biosolids. In particular, incineration is commonly used in Japan due to its high population density and limited opportunities for biosolids land application. Sewage sludge in Japan is treated according to regulations that require the removal of harmful substances and pathogens. The treated sludge or biosolids are then typically incinerated or applied to farmland as fertilizer. In 2016, 68% of were biosolids incinerated, 11% were land applied and the rest landfilled¹⁸.

Literature also indicates an increasing trend in the gasification of biosolids in Japan as a means to reduce landfilling. The Kiyose Water Reclamation Center started using a gasification system in 2010 to treat 100 tonnes of dewatered sewage sludge each day¹⁹. A waste-to-hydrogen facility, located at the Sunamachi Water Reclamation Center near Tokyo Bay, is capable of processing 1 tonne of dried sewage sludge per day to generate 40-50 kg of hydrogen per day²⁰. Japan Blue Energy Co., Ltd. (JBEC) has developed an Advanced Gasification Module (AGM), which is a small-scale 1 dry ton per day plant with a goal of producing between 20 and 50 kg of hydrogen per day depending on the system configuration and feedstock quality²¹.

15 PFAS in biosolids: A review of international regulations (awa.asn.au)

16 Technology Assessment Report Aqueous Sludge Gasification Technologies (epa.gov)

17 Logan City Biosolids Gasification Project - Australian Renewable Energy Agency (ARENA)

18 biosolid_world_map.pdf (gov.bc.ca)

19 Kiyose Water Reclamation Center Starts Using Gasification System to Treat Sewage Sludge - Bureau of Sewerage Tokyo Metropolitan Government

20 Ways2H Shareholder Japan Blue Energy Launches Tokyo Waste-to-Hydrogen Facility - Hydrogen Central (hydrogen-central.com)

21 Japan Blue Energy – Renewable Hydrogen Production Technology (wipo.int)

4.2 Thermal Processing Facilities Scan

Table 4.3 below outlines some of the biosolids thermal processing facilities globally, the technology implemented, and the stage of the project.

Table 4.3 *Thermal Processing Facilities*

Location	Facility Name	Technology	End Products	Project Stage
Linden, New Jersey, USA	Aries Linden Biosolids Gasification Facility	Gasification	Syngas, Biochar	Commissioning
Sanford, Florida, USA	Fluidized Bed Biosolids Disposal Gasification Facility	Gasification	Thermal energy	Decommissioned
Kearny, New Jersey, USA	Aries Kearny Biochar Production Facility	Gasification	Biochar	Development
Taunton, Massachusetts, USA	Aries Taunton Biosolids Gasification Facility	Gasification	Biochar	Development
Edmonds, Washington, USA	Edmonds Wastewater Treatment Plant	Gasification	Ash Slurry ²²	Commissioning
Morrisville, Pennsylvania, USA	Ecoremedy Sludge Gasification Pilot Plant	Gasification	Biochar	a three-year pilot project (Decommissioned)
Derry Township, Pennsylvania, USA	Clearwater Road Wastewater Treatment Facility	Gasification	Renewable Thermal Energy, Biochar	Development
Silicon Valley Clean Water (SVCW), California, USA	SVCW Plant	Pyrolysis	Biochar	Operational
Rialto, California, USA	Rialto Bioenergy Facility	Pyrolysis	Biochar	Under construction
Ephrata, Pennsylvania, USA	Ephrata Bioforcetech Pyrolysis Facility	Pyrolysis	Energy, Biochar	Under construction
Niagara Falls, Ontario, Canada	CHAR Technologies' high temperature pyrolysis plant	High Temperature Pyrolysis (HTP)	Syngas, Biocarbon	Development (relocation from London Ontario)
Saint-Félicien, Quebec, Canada	Biomass Power Plant	High Temperature Pyrolysis (HTP)	RNG, Biocarbon	Development
Cuyahoga Heights, Ohio, USA	Southerly Wastewater Treatment Plant (WWTP)	Incineration	Heat and Steam to Energy, Ash	Operational
Los Angeles, California, USA	Biosolids Recovery Plant	Incineration	Steam, Ash	Operational
Pickering, Ontario, Canada	Duffin Creek Water Pollution Control Plant	Fluidized bed incineration	Heat and Steam to Energy, Ash	Operational
London, Ontario, Canada	Greenway Wastewater Treatment plant	Fluidized bed incineration	Heat to energy, Ash	Operational
Mississauga, Ontario, Canada	G.E. Boot Wastewater Treatment Plant	Incineration	Steam, Ash	Operational

²² FlexChar™ has properties similar to activated carbon and can be used as an alternative renewable fuel or a soil amendment.

Location	Facility Name	Technology	End Products	Project Stage
Pickering, Ontario, Canada	Duffin Creek Water Pollution Control Plant	Fluidized bed incineration	Steam, Ash	Development
Espoo, Finland	Pyrolysis Pilot Plant	Pyrolysis	Biochar	Pilot Program
Balingen, Germany	Kopf fluidized-bed Gasification Plant	Gasification	Syngas	Operational
Logan City, Australia	Loganholme Wastewater Treatment Plant	Gasification	Biochar	Operational
Tokyo, Japan	The Kiyose Water Reclamation Center	Gasification	Heat and Electricity	Operational
Tokyo, Japan	Sunamachi Water Reclamation Center	Gasification	Hydrogen	Operational
Japan	Blue Energy Advanced Gasification Module	Gasification	Hydrogen	Operational
Lesna, Poland	Budimex Drying and Incineration Plant	Incineration	Thermal Energy, Ash	Operational

It is important to note that information about advanced thermal facilities in Europe and Asia is limited. There is a lack of available data regarding the status of these facilities, technology providers, and if these providers sell their technology in North America.

In North America, pyrolysis is slightly ahead of gasification in terms of technological readiness with slightly more pyrolysis facilities in operation. Both technologies however are considered innovative and are still emerging in the biosolids processing space.

4.3 Global Trend Summary

Since 2017, the choice of biosolids beneficial reuse has varied across different countries and regions. In Canada, there has been a gradual increase in beneficial reuse, with a focus on land application, composting, and energy recovery. The United States has demonstrated a decrease in land application and an increase in landfilling over the since 2017. However, this trend may vary by state and region. Europe has established well-regulated and advanced biosolids management systems, utilizing land application, composting, and incineration. Australia and New Zealand have actively promoted land application, especially in agriculture, while complying with environmental regulations. In Japan, thermal processing methods such as incineration have been relied upon due to limited land availability stemming from high population density, although efforts are being made to explore alternative reuse options.

The most prevalent biosolid management option in many regions of the world, including North America, is land application (BCWWA 2016, EPA 2017).

The CCME has developed a comprehensive framework for managing wastewater biosolids, including the *Canada-Wide Approach for the Management of Wastewater Biosolids* (CCME, 2012a) and *Guidance Document for the Beneficial Use of Municipal Biosolids, Municipal Sludge and Treated Septage* (CCME, 2012b). This guidance covers biosolids quality, application rates, methods, setbacks, and monitoring. Quality standards are in place to ensure biosolids meet specific criteria, including limits on contaminants like heavy metals and pathogens to protect the environment and human health. Risk assessments are conducted before application to evaluate potential impacts on soil, water, and crops, determining appropriate rates and precautions. Biosolids are recognized for their benefits in improving soil fertility, organic matter, and crop productivity. Best management practices, such as proper storage, transportation, and application methods, are encouraged to ensure safe and effective land application. Compliance with setback distances from sensitive areas is also emphasized. Regular monitoring and reporting are required to assess the efficacy of biosolids management, including soil and crop testing, tracking application rates, and locations. These measures aim to ensure compliance with regulations and promote responsible biosolids land application.

Regulations for wastewater residuals, including biosolids, are implemented at the provincial and territorial levels with varying mechanisms to ensure environmental and public health protection. In Newfoundland and Labrador, the land application of biosolids is not permitted. In New Brunswick, only biosolids meeting Category A requirements outlined in the *Guidelines for Compost Quality* (2005) can be applied to land. Quebec prohibits the land application of biosolids for fruit, vegetables, pastureland, and home gardens unless certified by the Bureau de normalization du Québec (BNQ). Alberta, British Columbia, Ontario, and Nova Scotia permit the land application of Class A and B biosolids and compost in accordance with regulations. Quebec imposes a green tax on sewage sludge/biosolids landfilled or incinerated, while Nova Scotia prohibits landfilling of organic material. Increasing landfill fees and recognition of the resource value in biosolids are reducing the acceptance of biosolids landfill disposal in Canada (CCME, 2012b).

The EPA and the National Academy of Sciences recognize the value of biosolids as a safe resource for soil conditioning and land reclamation. The EPA regulates biosolids under the Part 503 Biosolids Rule. In the US, approximately 43% of biosolids are land applied, 14% are incinerated and 42% are disposed of in landfills. Land application is supported at the federal level but faces restrictions in some counties. In Northern California, a significant portion of biosolids is used as alternative daily cover or disposed of in landfills due to local weather conditions and waste diversion requirements. Legal cases have upheld state regulations allowing land application over local regulations that try to limit land application in states such as California, Pennsylvania, Virginia, North Carolina, and Maryland. Legal cases in California, Pennsylvania, and Virginia have reinforced the safety and acceptance of land application of biosolids as a crucial recycling practice. In Kern County, California, a court ruling deemed the county's biosolids ban unconstitutional after a two-week trial which provided valuable resources for defending land application practices. The Pennsylvania Supreme Court also upheld the protection of biosolids farming under the state's Right to Farm Act, dismissing claims brought by plaintiffs in a long-running litigation. Additionally, the Richmond, Virginia, Circuit Court upheld regulations for land application, rejecting claims of insufficient protection and excessive phosphorus loading. (USEPA, 2017 and Slaughter, 2017)²³.

In Europe, the main method of reusing biosolids in recent years has been application on agricultural land. According to the European Commission, biosolids can be safely used as fertilizer on agricultural soils if they do not pose any environmental or health risks. However, there are variations in the regulations across member states, deviating from the European Commission directive. To improve policy decisions, actions such as sludge minimization, enhancing biosolids reuse, comprehensive monitoring, proper sludge characterization, and effective planning have been recommended. These measures will help ensure the quality of biosolids, protect the environment, and safeguard public health in sludge management practices.

Currently, within the 28 countries which form the European Union, the primary method of sewage sludge recovery is through land application. Approximately 50% of sewage sludge are spread on agricultural soils, 28% are incinerated, and 18% are disposed of in landfills. The decision-making regarding the alternative routes of sludge recovery/disposal, particularly land spreading, is greatly influenced by population density and the availability of agricultural lands. In regions with limited available land for biosolid spreading, northern European countries like the Netherlands and Germany have opted for incineration as the main recovery method. Additionally, despite the potential to apply all produced sludge to less than 5% of agricultural areas in most European Union Member States, the restricted use of biosolids in agriculture is attributed to low acceptance by farmers and the public. This factor also impacts policy decisions regarding sludge management, resulting in the implementation of national regulations by each Member State.

In Australia, approximately 83% of biosolids were beneficially applied to land in 2021, with 72% of that amount being utilized on agricultural land. In New Zealand, land reclamation accounted for 43% of biosolids utilization, while agricultural purposes comprised 3% of usage. Additionally, 2% of biosolids were subjected to incineration. The remaining portion of biosolids was allocated for forestry, vermicomposting, landfill capping, stockpiling, and various other applications.

On the other hand, Japan heavily relies on thermal processing methods, particularly incineration, for biosolids management. In 2016, 68% of were biosolids incinerated, 11% were land applied and the rest landfilled. Due to its

23 <https://www.accesswater.org/publications/proceedings/-279639/biosolids-on-trial---recent-litigation-wins-for-land-application>

dense population and limited opportunities for land application, Japan has prioritized the generation of energy as a beneficial use of biosolids processing.

5. Evaluation of Biosolids Thermal Pilots

In July 2020, the CRD issued a RFEOI to understand the advanced thermal technologies available and determine interest from the market to undertake pilot trials. The CRD evaluated the proponent submissions on the basis of adherence to CRD policy, beneficial use, project synergies, reputation/track-record, scalability, and the completeness of information in the proponents' responses. The CRD opted to select one pilot from each type of advanced thermal technology to better understand the respective process and by-product characteristics.

A description and the results to date of each selected pilot trial are outlined below.

5.1 Waste Management

Waste Management (WM) collaborated with the CRD to explore the management of CRD biosolids using pyrolysis technology. WM, through their partner BioForceTech (BFT) have a pyrolysis facility located at the Silicon Valley Clean Water Authority in Redwood, California. The BFT pyrolysis system includes three bio-dryers, a pyrolysis kiln, and a thermal oxidizer. This system dries biosolids, pyrolyzes into a pyrolysis gas and biochar, and oxidizes the pyrolysis gas, recovering heat for use in the pyrolysis kiln and biodryers.

The initial step in this pilot program was a desktop data review, to take advantage of results from previous trials at the facility, as well as other published research. WM engaged two external consultants, Northern Tilth and Brown & Caldwell to assist in this work. Northern Tilth gathered and analyzed relevant data sets from previously pyrolyzed biosolids and compared the quality characteristics to CRD biosolids. Brown & Caldwell conducted a literature review on biosolids pyrolysis air emissions, and reviewed air emission data available from the BFT facility.

Based on the review, which compared CRD biosolids against two North American biosolids samples, WM concluded the following:

- CRD biosolids are similar in quality to other anaerobically digested and thermally dried biosolids from similarly sized municipal wastewater treatment facilities in terms of commonly tested parameters such as nutrients and metals. Thus, the resulting biochar from CRD biosolids is also expected to be similar.
- CRD lacks baseline data on non-regulated compounds of concern, including PFAS, VOCs, SVOCs, pharmaceuticals, and personal care products. WM recommended that the CRD test its dried biosolids for these parameters, so that they can be compared to other biosolids. Samples were submitted to an analytical lab, and the analysis will be updated when results are received.
- A WM pyrolysis trial in 2019, and data from other trials globally, found that the concentration of compounds of concern, including PFAS, within the biosolids used in the trial (of similar quality to CRD biosolids) were significantly reduced in the biochar produced from pyrolysis.
- There is limited data on the fate of PFAS in pyrolysis gas before and after combustion. Bench scale testing has demonstrated that pyrolysis can remove specific PFAS compounds to below detection limits in pyrolysis gas, however, the transformation of PFOS (one type of PFAS) into a different type of PFAS was observed. More research, and the confirmation of bench-scale results in a commercial system is needed.
- The BFT Pyrolysis facility meets the requirements of its air permit. Available data suggests that coupling pyrolysis with appropriate emissions technology can lead to air emissions that comply with BC regulations.
- Currently, there is only one full-scale pyrolysis facility for dried biosolids operating in North America, and available air emissions data from that facility is limited to a few regulated parameters of concern, including NO_x and metals. Full-scale air emissions testing at an operational facility is needed to comprehensively understand the fate of both regulated parameters and compounds of concern, such as PFAS, in air emissions.

The second stage of this pilot project was to conduct additional testing, based on knowledge gaps identified during the first stage. The planned testing included participation in a comprehensive study backed by Water Environment Federation which aims to quantify the extent to which PFAS compounds are destroyed by pyrolysis by analysing all inputs and outputs to the system, including the pyrolysis gas. All additional testing has been postponed until mid-2024, while the pyrolysis kiln is upgraded.

5.2 Char Technology

In February 2022, CHAR Technologies (CHAR) completed bench-scale laboratory testing of CRD biosolids. Afterward, they collaborated with the CRD to carry out a pilot-scale high temperature pyrolysis (HTP) test of 800 kilograms of CRD biosolids at CHAR's pilot facility in London, Ontario over two days in October 2022. The results of the pilot test were reported to CRD on March 3, 2023.

CRD provided biosolids for the pilot that had a moisture content of 5.3%, total solids (TS) content of 94.7%, and a particle size of approximately 1 mm. Two tests were performed using 398 kg of biosolids with identical operating conditions, in a HTP pilot test, at 850°C. The feed rate was 50 kg/h and the solids residence time was 1-hour, aimed at optimizing the destruction of PFAS components. Biochar was collected 1-hour after the first batch of biosolids entered the kiln.

CHAR used internally developed and proprietary modelling to predict HTP product yields based on previous test results. According to the results, HTP of biosolids at 850°C yielded 28% biochar, 60% syngas, and 12% condensate, a total solids mass reduction of 72%. The CRD biosolids had a carbon content of 8.26%, volatile matter of 62.35%, and ash of 19.55%. After HTP, volatile matter decreased and fixed carbon and ash increased, resulting in biochar with a fixed carbon content of 23.60%. This high fixed carbon content made the biochar eligible for carbon credits, with each tonne generating 0.7 credits according to Puro.earth, a voluntary market which determined carbon credits that can be allocated per tonne of biochar.

Pyrolysis typically increases the concentration of inorganic matter (including metals) due to the loss of volatile matter at high temperatures. As a result, concentrations of Molybdenum and Zinc in the resulting biochar exceeded limits set by the Fertilizer Act of Canada and BC Class A Biosolids standards. Further analysis is needed to determine how the biochar can be used, which may involve methods such as ash washing or compost blending. Phosphorous and potassium were present in the produced biochar in high concentrations of 54,000 mg/kg and 1,910 mg/kg respectively, making it a potentially valuable fertilizer. Nitrogen was detected in the form of nitrate and nitrite in the feedstock. This was an expected result, as volatile forms of nitrogen were lost during the pyrolysis process while phosphorous and potassium were concentrated in the resulting biochar.

Tests and analysis demonstrated that CHAR's HTP Technology was successful in removing PFAS components from the solid phase of CRD's biosolids feedstock at 850°C. The resulting biochar had PFAS components that were below detection limits and met Canada's Agricultural Use standards.

However, PFAS was detected in the dirty syngas, both pre- and post- oxidizer. The samples were not taken simultaneously, thus leading to non-identical process conditions. The oxidizer operated at 850°C with a minimum residence time of 2-seconds. Volumetric flow rates of syngas could not be measured at the sampling locations, so only concentration data was provided. PFAS tests were conducted on the syngas and gas results for O₂, CO₂, CO, CH₄, N₂, and H₂ were provided for both pre- and post- oxidizer/combustor. The presence of oxygen in both pre- and post-oxidizer gas was identified and indicated air intrusion. Analysis of the syngas particulate matter suggested that more attention is needed when designing the oxidizer to ensure that the particulate matter emissions do not exceed the stack limits and sufficient destruction of any contaminants that are partitioned to the syngas like PFAS. Higher oxidizing temperatures may be necessary. Based on the presence of sulfur and nitrogen in the dirty syngas, the formation of NO_x and SO₂ was anticipated.

The process of contaminant partitioning from biosolids feedstock to end products including biochar and syngas (post-oxidizer) is currently under investigation for a variety of organic and inorganic contaminants of concern. While the conversion process may lead to a reduction in contaminant levels, complete destruction of contaminants is still under

investigation. Furthermore, careful consideration of the end-use of syngas is necessary to ensure potential risks are mitigated.

Overall, additional analysis is necessary to fully comprehend the properties of the syngas generated, as there were concerns that air intrusion may have adversely affected results. To obtain precise gas data and establish reliable emissions control for a commercial-scale system, CharTech suggested installation of an on-site HTP demonstration system with syngas cleaning at a CRD location for further testing.

5.3 CEM

The CRD discussed the opportunity to pelletize and combust biosolids with CEM. The objective was to have CEM complete a lab analysis on a sample of biosolids and provide a professional opinion of the combustion properties of the biosolids and comment on the opportunity to bind biosolids with wood waste for use as fuel in a boiler.

CEM retained a lab in Europe to test different mixtures of dried biosolids and wet Hartland Landfill woodchips at four different ratios:

- 100% biosolids
- 20% biosolids and 80% wood chips
- 10% biosolids and 90% wood chips
- 5% biosolids and 95% woodchips

The lab conducted a “BASIC” analysis on all four samples.

Results showed that in the 100% biosolids test, the Ash Deformation Temperature (ADT) was at 1,000-1,100 °C, which was significantly higher than the minimum requirement of 800 °C based on the Best Demonstrated Practice (BDP). ADT refers to the temperature at which ash in a combustion chamber begins to soften and deform. This temperature is a critical parameter for combustion operations, as a low ADT can lead to slagging and fouling in the combustion chamber, reducing the efficiency and reliability of the process.

Since the biosolids had high ADT, they may be burned in a biomass boiler as-is using a fines burner or travelling grate. However, the biosolids contained a considerable amount of ash, approximately 24% on a dry basis. Also, burning biosolids produces high levels of NO_x, SO_x, and strong acids such as HCl and HF. NO_x and SO_x emissions may be reduced with Best Available Control Technology (BACT). Burning biosolids can also cause corrosion due to the production of strong acids, but this may be prevented by maintaining a flue gas temperature above 150°C. As per BACT, mixing biosolids with wood chips was found to be necessary to prevent fouling and meet emission requirements. A mixture of 85% wood chips and 15% biosolids was recommended by CEM to avoid fouling and reduce NO_x/SO_x emissions significantly, and to meet the BACT emission levels. CEM believed that this was an inefficient utilization of the biosolids. Additionally, the pellets produced would not be appropriate for pellet boilers intended for commercial or residential use as they would contain elevated levels of sulphur and chlorine.

The pelletization of biosolids was found to be unnecessary for their combustion due to their high ADT. The biosolids could be burned directly in a dedicated “fines” burner with wood chips or above the travelling grate along with the wood chips. This was a positive result because it simplified the combustion process and reduced the cost and complexity of preparing the fuel for combustion.

If 15% of the mix is biosolids at a rate of 3,600 tonnes per year and 85% is wood at 20,400 tonnes per year, the weighted average calorific value of the biosolids wood chip mixture would be 4,800 Btu/lb. The as-is calorific value of the biosolids is 17,250 kJ/kg and the as-is calorific value of the wood is 10,080 kJ/kg. The combustion of approximately 24,000 tonnes of the 15%/85% biosolids wood chip mixture would produce around 2,600 tonnes of ash per year, which could then be collected and utilized either in asphalt or land application.

CEM recommended that the CRD perform further proximate and ultimate analyses on their different types of wood chips, including the coastal-like, dirty, and Construction/Demolition (C&D) Waste wood chips, as well as any other sources of biomass they may have. It was recommended that the CRD prioritized assessing the ash content, chlorine,

and fluorine levels in their wood chips to establish a hierarchy of fuel types based on their cleanliness, with the least contaminants of concern being the most favourable option.

CRD was advised to initiate discussions with Natural Resources Canada through their CanmetENERGY laboratory to explore the feasibility of conducting preliminary tests/work on pelletizing a fraction of their biosolids. In addition, it was suggested that CRD conduct an incremental cost/benefit analysis of pelletizing their biosolids (and wood chips) to assess if the additional CAPEX and OPEX involved in this process are worthwhile, considering that alternative, less expensive options may also be available.

Due to the ash content of the fines, CEM recommended the CRD seek out burner OEMs who have the capacity to burn biosolid fines. The OEMs should provide a summary of the advantages and disadvantages of the fines burner option compared to mixing the biosolids and wood chips together and burning them on a grate.

CEM suggested that the ideal location for a biosolids/wood chip combustor would be a thermal-intensive customer within CRD who has a consistent demand for steam, hot water, or hot oil and is interested in reducing their carbon footprint. A biomass combustion system can operate for 8,000-hours per year on 3 tonnes/hour of biosolids/wood chip mixture, resulting in 31.7 mmBtu per hour of heat and 27 mmBtu per hour of useful energy. Assuming an 85% high heat value (HHV) efficiency, this could result in a CO₂ savings of 11,000 tonnes CO₂ equivalent per year. Based on the amount of biosolids available and the recommended blend ratio of 15% biosolids to 85% wood chips, the host site/customer should have a thermal load of around 250,000 mmBtu per year (i.e., equivalent to 10,000 - 11,000 tonnes per year of CO₂ equivalent).

CEM identified at least five fossil fuel users on Vancouver Island with over 10,000 tonnes of CO₂ emissions per year who could potentially use all of CRD's biosolids for heat and/or power. It is likely that these operations would require modifications to their systems before pelletized biosolids could be used.

5.4 Aries Clean Technologies

Aries Clean Technologies (Aries) is a US based company which uses Fluidized Bed Gasification technology and is commissioning a new facility in Linden, New Jersey which will operate solely on biosolids. CRD intended to collaborate with Aries to conduct a pilot gasification program of biosolids. However, due to commissioning issues at this new facility, Aries indicated that their facility will not be operational and unable to undergo performance testing until the last quarter of 2023. As such, the pilot trial has been delayed. Staff are currently maintaining communication with Aries Clean Technologies and will make efforts to carry out the pilot study when the facility becomes operational.

5.5 Summary of Thermal Pilot Results

The advanced thermal pilot outcomes/results to date have provided valuable insights into the discrete operation of these technologies and the quality of products that can be obtained from CRD's biosolids. However, the pilots were all completed over a discrete period of time and therefore may not be representative of the long-term day to day operating conditions of the various systems/technologies. In addition, the trials only allowed for limited data to be collected on the characteristics of by-products such as biochar, syngas and wastewater. As such, the current pilot results alone are insufficient to confirm the feasibility of on-site advanced thermal processing of CRD biosolids and the potential for integration/beneficial use of by-products into other systems at Hartland.

5.6 Thermal Pilot Next Steps

Following the pilot trials, on March 29, 2023, the CRD board moved to initiate a request for proposals (RFP) process for an advanced thermal processing trial on-site at Hartland.

GHD recommends the following key objectives for consideration as part of the on-site thermal processing trial:

- Confirm equipment/process reliability
- Determine operating costs and short- and long-term maintenance requirements

- Evaluating the magnitude and quality of flue gases from the process
- Confirm the quantity and quality of syngas, biochar, and liquids
- Identify opportunities for process optimization
- Evaluate the potential for co-processing of other materials arriving at the landfill and assess the effects of co-processing on the quantity and quality of products and waste streams
- Identify and develop local markets for biochar
- Assess carbon sequestration benefits
- Evaluate contaminant partitioning and fate
- Evaluate GHG implications of any oxidized syngas
- Assess potential long-term synergies at Hartland

As noted above, the RFP process was initiated June 16, 2023, with a response closing date of July 14, 2023.

6. Long Term Options

The following section outlines the long-term biosolids beneficial use management options currently available to the CRD at the time this report was developed, along with proposed screening and evaluation criteria used to differentiate between the various options.

6.1 Long-Term Options

As per provincial regulatory direction from ENV, the proposed long-term management plan for biosolids generated at the RTF must comply with the requirements for beneficial use specified by the CCME.

In the context of the CCME beneficial use criteria, the below Table 6.1 screens all known biosolids long-term options available to the CRD:

Table 6.1 *Potential Biosolid Options available to the CRD*

Type of Operation	Potential Options	Adheres to CCME Beneficial Use?
Land Application		
Mine/Quarry Reclamation	Three potential options: <ul style="list-style-type: none"> – Two options for quarry reclamation near Nanaimo, BC. – An option for mine reclamation on the mainland. 	Yes
Forest Fertilization	Three potential options: <ul style="list-style-type: none"> – Options for forest fertilization within the CRD and near Nanaimo, BC. 	Yes
Land Improvement	One potential option: <ul style="list-style-type: none"> – An option to land apply biosolids to promote grass growth, help manage invasive species, and develop the potential for land grazing near Courtenay, BC. 	Yes

Type of Operation	Potential Options	Adheres to CCME Beneficial Use?
Land Application		
Direct Land Application	One potential option: <ul style="list-style-type: none"> – Biosolids could be bagged and distributed as a fertilizer product in packages of less than 5 m³. A pilot project would be required to assess feasibility. 	Yes
BGM/Composting/Soil-Product	Multiple potential options with several vendors: <ul style="list-style-type: none"> – Biosolids could be mixed into BGM and land applied. – Biosolids could be composted with other municipal organic waste and land applied. 	Yes
Thermal		
Fuel for Combustion/Incineration	Four potential options: <ul style="list-style-type: none"> – Co-combustion at two lower mainland cement kilns – As fuel in biomass boilers, either directly or mixed/pelletized with wood. Although possible, a market does not currently exist for use of biosolids as fuel. Changes to air permits would be required, potentially with additional stack testing requirements. Use in traditional residential/commercial units is not recommended as per results of thermal pilot trials. A specially designed “fines” boiler, with emissions control technology, would be required. – Incineration at an off-site waste-to-energy facility. Material handling at the facility would need to be developed. 	Potentially – not all options beneficially re-use ash.
Pyrolysis	Two potential options: <ul style="list-style-type: none"> – On-Site pilot facility - Pyrolysis gas would not be beneficially used in the pilot. – On-Site long-term facility 	Partial – Pilot option may not capture energy. Biochar and bio-oil from pyrolysis may not be suitable for land application or combustion, respectively.
Gasification	Two potential options: <ul style="list-style-type: none"> – On-Site pilot facility - Syngas would not be beneficially used in the pilot. – On-Site long-term facility 	Partial – Pilot option may not capture energy. Biochar from gasification may not be suitable for land application.

Options outlined in Table 6.1 may also benefit from the development of additional material handling and storage procedures which may result in increased flexibility for transportation and transportation logistics. Table 6.2 illustrates available materials handling and storage options which could be coupled with options in Table 6.1 above to provide increased flexibility for the CRD.

Table 6.2 *Materials, Handling, and Storage Options*

Material Handling & Storage	
Materials Handling	<p>Two potential options:</p> <ul style="list-style-type: none"> – Manually bag biosolids into bulk bags with bag liners for storage and transport. – Bagging for distribution- Class A biosolids can be distributed freely bagged in quantities of less than 5 m³.
Storage	<p>Two potential options:</p> <ul style="list-style-type: none"> – Hartland Silo – construct additional silo(s) at Hartland. – Stockpile - stockpiling of biosolids will require blending 1:1 with sand to safely store. Blended biosolids will no longer be suitable for combustion. Stockpiled biosolids must meet OMRR storage requirements. Biosolids could be stockpiled at Hartland landfill or at land application site.

6.2 Proposed Evaluation Criteria

The following table describes a proposed evaluation criteria which could be used to distinguish and identify the benefits and challenges with each of the biosolid beneficial use options outlined above.

Table 6.3 *Proposed Evaluation Criteria*

Evaluation Criteria	Description
Economic	<ul style="list-style-type: none"> – Estimated CAPEX and OPEX e.g., cost of capital investment for additional infrastructure and cost of processing – Potential for revenue generation e.g., biochar, biofuel – Estimated cost per tonne e.g., CAPEX and OPEX to process tonne of biosolids; estimated based on information available at the time of this report
Environmental Impacts	<ul style="list-style-type: none"> – Odour – Noise – Truck Traffic – Air emissions and dust – Contaminant mass balance
Environmental Sustainability	<ul style="list-style-type: none"> – Production of value derived products e.g., biochar, biocrude, etc. Diversified beneficial use and marketability of products recovered – GHG Emission Implications – Potential to recover energy and reduce dependence on electric grid and natural gas – Potential to co-process additional waste streams – Soil/groundwater impacts
CRD Owned	Yes or no
Reputation	Type of application (thermal treatment, land reclamation, agricultural fertilizer etc.)
Regulatory	New permit requirements and impacts to existing operating permits

6.3 Options Evaluation

The results of the options evaluations using the proposed evaluation criteria are summarized in Table 6.4 below:

Table 6.4 General Option Pathway Evaluation Results

Evaluation Criteria	Description	Mine/Quarry Reclamation	Forest Fertilization	Land Improvement	Direct Land Application	BGM/Composting/Soil-Product	Fuel for Combustion/Incineration (Off-Site)	Pyrolysis (On-Site)	Gasification (On-Site)
Economic	CAPEX and OPEX	Low CAPEX given no investment for additional infrastructure. Medium OPEX due to labour, transport, materials handling, maintenance, storage, public outreach, etc.			Low CAPEX given no investment for additional infrastructure. Higher OPEX due to increased costs from bagging protocol and materials.	Low CAPEX given no investment for additional infrastructure. Medium OPEX due to labour, transport, materials handling, maintenance, storage, public outreach, etc.	Low to medium CAPEX depending on contract agreement. Some vendors may require investment for additional feedstock storage infrastructure. Medium OPEX due to labour, transport, materials handling, maintenance, storage, etc.	High CAPEX due to capital investment for on-site facility. OPEX induced from labour, utility demands (natural gas, electricity, and water), and the transport of biochar. In comparison to off-site alternatives, OPEX will be low in the long-term due to lack of tip-fees for biosolids. However, OPEX may be higher during the early commercial facility commissioning stage until the process becomes optimized.	
	Potential for revenue generation	Low potential for revenue generation as there are no residual products from this process.			Potential for revenue generation through the distribution of bagged biosolids fertilizer product to partially offset processing costs.	Low potential for revenue generation as CRD may not own the rights to the BGM/composting/soil-products.	Low potential for revenue generation as CRD may not own the rights to the value derived products (electricity, cement, heat, etc.).	Potential for revenue from value derived products (biochar, bio-oil) to partially off-set processing costs.	Potential for revenue from value derived product (biochar) to partially off-set processing costs.
	Estimated cost per tonne (CAPEX and OPEX estimate based on information available at the time of this report)	<\$250/tonne	<\$400/tonne	<\$500/tonne	<\$500/tonne	<\$500/tonne	<\$500/tonne	\$500-4,500/tonne ¹	
Environmental Impacts	Odour	Potential for nuisance odour emissions at application site(s). May be mitigated via biosolids stabilization and mixing with soil. Application sites are generally far from population centres.					Minimal odour due to installation of an odour abatement system at the facility.		
	Noise	Noise emitted from land application equipment. However, mines/quarries are generally located far from population centres.			Noise potentially emitted from bagging equipment. However, site is located far from population centres	Noise emitted from land application equipment. However, application sites are generally	Minimal noise due to installation of noise abatement system at the facility.		

Evaluation Criteria	Description	Mine/Quarry Reclamation	Forest Fertilization	Land Improvement	Direct Land Application	BGM/Composting/Soil-Product	Fuel for Combustion/Incineration (Off-Site)	Pyrolysis (On-Site)	Gasification (On-Site)
Environmental Sustainability					and a noise abatement system would be designed as the bagging protocol is developed.	located far from population centres.			
	Estimated Truck Traffic	Truck traffic associated with transport of biosolids from site: Approximately one truck every three days (122 trucks each year)						Truck traffic associated with transport of biochar from site: – Approximately one truck every nine days (41 trucks each year)	
	Air Emissions and Dust	Generally low potential for particulate air emissions/dust.					Minimal air emissions/dust due to installation of advanced capture and treatment systems at facility, though residues from these capture and treatment systems need to be disposed of.		
	Contaminant mass balance	Potential accumulation of contaminants. However, class A biosolids have undergone contaminant reduction processes as per OMRR quality standards.					Contaminants have shown to be reduced through thermal processing. However, the level of reduction and ultimate environmental fate are still under investigation.		
	Production of value derived products e.g., biochar, biocrude, etc.	Biosolids may be considered a fertilizer product derived from a waste stream in the context of land-application, with the added benefit of reducing the need for energy-intensive synthetic fertilizer production.				Produces BGM, compost, soil-products which may be beneficially re-used in various applications and reduces the need for energy-intensive synthetic fertilizer production.	Produces energy which may be beneficially re-used for electricity/heating applications assuming nearby end-users.	Produces steam, syngas, , and bio-oil, which can be beneficially re-used in various applications such as heating, electricity, etc. Also produces biochar, however the potential beneficial applications of this product as a soil amendment are still under investigation.	Produces steam, syngas, and which can be beneficially re-used in various applications such as heating, electricity, etc. Also produces biochar, however the potential beneficial applications of this product as a soil amendment are still under investigation.
	GHG Emission Implications ²	In comparison to landfilling, GHG emissions are significantly reduced due to lesser methane/nitrous-oxide emissions, carbon sequestration into soil, and an offset usage of synthetic fertilizers. In comparison to alternative beneficial use options, biosolids application to degraded areas (mines, quarries, forests, lands, etc.) presents the lowest potential for GHG emission reduction. Any off-site option will have higher GHG emission implications due to the transport distances and trucking frequency associated with the transport of			In comparison to landfilling, GHG emissions are significantly reduced due to lesser methane/nitrous-oxide emissions, carbon sequestration into soil, and offset usage of synthetic fertilizers. In comparison to alternative beneficial use options, the production and sale of biosolids as a soil fertilizer product through bagging, compost, or BGM, presents medium potential for GHG emission reduction, assuming it has greater potential to offset the usage of synthetic fertilizers.		In comparison to landfilling, GHG emissions are significantly reduced (lesser methane/nitrous-oxide emissions, non-renewable fuel usage offsets). Thermal processing options will have increased GHG implications from the oxidization of any gases produced.	In comparison to landfilling, GHG emissions are significantly reduced (lesser methane/nitrous-oxide emissions, non-renewable fuel usage offsets). Advanced thermal processing options will have increased GHG implications from the oxidization of any gases produced. Like combustion/incineration, pyrolysis and gasification present high potential for GHG emission reduction, if biosolids-derived energy (heat, syngas, or bio-oil from	

Evaluation Criteria	Description	Mine/Quarry Reclamation	Forest Fertilization	Land Improvement	Direct Land Application	BGM/Composting/Soil-Product	Fuel for Combustion/Incineration (Off-Site)	Pyrolysis (On-Site)	Gasification (On-Site)
		biosolids, resulting in increased non-renewable fuel usage.			Any off-site option will have higher GHG emission implications due to the transport distances and trucking frequency associated with the transport of biosolids, resulting in increased non-renewable fuel usage.		<p>In comparison to land application options, utilizing biosolids as renewable fuel for cement combustion or energy production via incineration presents high potential for GHG emission reduction, assuming it offsets the usage of non-renewable fuel sources.</p> <p>Any off-site option will have higher GHG emission implications due to the transport distances and trucking frequency associated with the transport of biosolids, resulting in increased fuel usage.</p>	<p>pyrolysis) is beneficially used to offset the usage of non-renewable fuel sources. Depending on process design, this derived energy may not be reused or recycled, and may result in lower GHG emission reductions.</p> <p>On-site options will have lesser GHG emissions associated with transport, as the trucking frequency of hauling biochar will be less than that required of biosolids.</p>	
	Potential to recover energy and reduce dependence on electric grid and natural gas	No potential to recover energy.					High potential to recover energy from products (steam, heat) to offset dependence on electric grid and natural gas. Fulsome energy recovery would depend on presence of nearby end-users.	High potential to recover energy from products (syngas, steam, heat) to offset dependence on electric grid and natural gas onsite. Fulsome energy recovery would depend on presence of nearby end-users.	
	Potential to co-process additional waste streams	No potential for co-processing.				Potential for co-processing via blending of biosolids with compost generated from organic waste streams.	Low potential to co-process mixed waste streams as CRD would not have control over off-site facility operations.	Potential to co-process mixed waste streams. However, co-processing may increase maintenance/operational costs due to added complexity of feedstock.	
	Soil/groundwater impacts	<p>Supplementing soil cover and improving soil health via biosolids application reduces erosion into lakes and streams.</p> <p>Potential negative impact to soil/groundwater if application plan is not followed correctly as per OMRR.</p>			<p>Bagging process presents minimal impacts to soil/groundwater.</p> <p>End-use of the bagged product may present potential negative impact to soil/groundwater if applied in quantities greater than one bag (5m³) per parcel of land.</p> <p>OMRR does not require a land application plan for application quantities less than or equal to 5m³ per parcel of land.</p>	End-use of the products may present potential negative impact to soil/groundwater if application plan is not followed correctly as per OMRR.	Process presents minimal impact to soil/groundwater. End-use of the products (biochar, bio-oil, ash) may present potential negative impact to air/soil/groundwater if proper consideration not taken.		

Evaluation Criteria	Description	Mine/Quarry Reclamation	Forest Fertilization	Land Improvement	Direct Land Application	BGM/Composting/Soil-Product	Fuel for Combustion/Incineration (Off-Site)	Pyrolysis (On-Site)	Gasification (On-Site)
CRD Owned	Yes or no	No. Biosolids would be sent to vendors who would own risk and land application responsibility.			Yes.	No. Biosolids would be sent to vendors who would own risk and responsibility.	No. Biosolids would be sent to off-site facility.	Yes.	
Experience and Reputation	Type of application	<p>Mines/quarries are required by the government to eventually reclaim and close to minimize the long-term environmental effects of operations.</p> <p>Biosolids have shown to be an effective measure in the restoration of former mines/quarries by adding nutrients to promote vegetation growth in their barren soils.</p> <p>However, general public acceptance regarding land application varies due to concerns on noise, odour, contaminants, etc.</p>	<p>Biosolids have shown to be an effective measure in the fertilization of forests to increase tree production, reduce soil erosion, and improve soil health.</p> <p>However, general public acceptance regarding land application varies due to concerns on noise, odour, contaminants, etc.</p>	<p>Land application has demonstrated commercial success and is one of the commonly used management options worldwide.</p> <p>However, general public acceptance regarding land application varies due to concerns on noise, odour, contaminants, etc.</p>	<p>It is unclear if there is a local market for bagged biosolids fertilizer product. A pilot trial would be required to assess demand and feasibility.</p> <p>Biosolids as a bagged product is allowed under OMRR in packages of <5m³.</p> <p>However, general public acceptance regarding land application varies due to concerns on noise, odour, contaminants, etc.</p>	<p>Land application has demonstrated commercial success and is one of the commonly used management options worldwide.</p> <p>However, general public acceptance regarding land application varies due to concerns on noise, odour, contaminants, etc.</p>	<p>High technological readiness as combustion/incineration is a commercially proven and widely used biosolids management process.</p> <p>However, the market for biosolids as fuel does not currently exist.</p> <p>Additionally, public acceptance of waste incinerators varies due to concerns regarding intensive energy usage and potential for air pollutant emissions.</p>	<p>Reputation of pyrolysis is gaining interest as an innovative technology which produces value added products from waste streams, however it has demonstrated low technological readiness as there are a limited number of operational facilities which use biosolids as a sole feedstock.</p> <p>In North America, pyrolysis is ahead of gasification with regards to technological readiness based on the number of operational facilities.</p>	<p>Reputation of gasification is gaining interest as an innovative technology which produces value added products from waste streams, however it has demonstrated low technological readiness as there are a limited number of operational facilities which use biosolids as a sole feedstock.</p> <p>In North America, gasification is below pyrolysis with regards to technological readiness based on the number of operational facilities.</p>

Evaluation Criteria	Description	Mine/Quarry Reclamation	Forest Fertilization	Land Improvement	Direct Land Application	BGM/Composting/Soil-Product	Fuel for Combustion/Incineration (Off-Site)	Pyrolysis (On-Site)	Gasification (On-Site)
Regulatory	New permitting requirements and impacts to existing permits	May require approvals from: - ENV to ensure land application is carried out safely and does not pose a risk to human health or the environment.					Changes to boiler air mass permits may be required. May require approval from Environmental Management Act Air Quality Permit for any emissions associated with thermal process.	May require approval from Environmental Management Act Air Quality Permit for any emissions associated with thermal process.	

1. Due to pyrolysis and gasification being considered emerging technologies in the biosolids industry there are a number of unknown risks associated with these technologies which have the potential of increasing both CPAEX and OPEX associated these types of projects.
2. GHG Emission Implications are based on the 2022 BEAM Model developed by the Northeast Biosolids and Residuals Association, Northwest Biosolids, Northern Tilth LLC.

6.4 General Option Pathways

The available option types outlined in Table 6.4 fall under four general pathways for CRD's consideration in the long-term:

- **On-Site Thermal:** The CRD invests in an on-site advanced thermal technology to process their biosolids. These processes would yield value-added products such as syngas, biochar, bio-oil, or energy that can be converted into heat/electricity. There is also potential to co-process other waste streams in addition to biosolids, such as municipal solid waste.
- **Off-Site Thermal:** Similar to on-site thermal, the CRD transports biosolids from Hartland to a different facility to process the biosolids via an advanced thermal technology. However, in this scenario there is no need to invest in additional infrastructure.
- **Cement Manufacturing:** The CRD transports biosolids from Hartland to off-site facilities for beneficial use as alternative fuel in cement kilns.
- **Land Application:** The CRD would utilize the biosolids for non-agricultural land-application purposes such as mine/quarry reclamation, forest fertilization, land improvement, direct land application, or the production of BGM/compost/soil-product.

7. Long-Term Portfolios

Irrespective of the type of management option selected for the long-term strategy, GHD recommends that the CRD develop a combination of multiple options within a diverse strategy portfolio to ensure resiliency and further protect the CRD against risks of interruption such as future market forces, regulatory changes, facility shutdowns, or other unplanned circumstances. In the unexpected event that a management option is interrupted due to these risks, the added benefit of strategy diversification in following the portfolio approach will allow CRD's biosolids to still be beneficially used in the interim until the interruption is resolved.

The following sections outline the process for developing biosolids beneficial use portfolios and provide a few general portfolios based on the four general pathways described in the previous section.

A portfolio may be made up of three or more biosolids beneficial use options in order to increase resiliency. These three options may be categorized as follows:

1. **Preferred Option** – This refers to the primary management option. For an option to be categorized as preferred, it should be able to accommodate all biosolids produced by the RTF. A preferred option may be made up of several smaller preferred options in order to meet this requirement.
2. **Support Option** – This refers to a secondary option which would be available to beneficial use biosolids if one or all the preferred options were not available. This option does not have to be capable of accommodating all biosolids produced by the RTF and as such may be seasonal and/or have minimum tonnages associated with it.
3. **Contingency Options** – This refers to options which would serve as back-up options for the beneficial use of biosolids in the unexpected event that the preferred and support options are not available. Contingency may not be as economically or environmentally attractive as the preferred or support options however would be available to accept biosolids on short notice.

7.1 General Portfolios

As noted above, portfolios made consist of the following general biosolids beneficial use option pathways:

- **On-Site Thermal**
- **Off-Site Thermal**

- **Cement Manufacturing**
- **Land Application**

Table 7.1 below outlines a few potential general portfolios. It is important to note that this is not an exhaustive list of all potential portfolios and that there may be additional possible combinations. Following consultation, the portfolios may be further refined to include the specific options approved by the public and First Nations groups.

Table 7.1 *General Portfolios*

Option Categories	Existing Scenario Portfolio	Short-Term Portfolio	On-Site Thermal Portfolio	Off-Site Thermal Portfolio	Land Application Portfolio
Preferred Option	Cement Manufacturing	Cement Manufacturing	Thermal/Fuel (on-site)	Thermal/Fuel (off-site)	Land Application
Support Option	N/A	Land Application	Land Application	Land Application	Land Application
Contingency Option	On-Site BGM	On-Site BGM	Cement Manufacturing (off-site)	Cement Manufacturing (off-site)	Cement Manufacturing (off-site)

7.1.1 General Portfolio Narratives

Existing Scenario Portfolio:

- This portfolio illustrates CRD's existing biosolids management strategy, in which the biosolids are transported off-site for use alternative fuel in cement manufacturing. As a contingency, 350 tonnes of biosolids are used to produce BGM under the Definitive Plan. This portfolio lacks a support option, and consequently does not have appropriate redundancy. This has led to significant operational challenges as off-site cement manufacturing has been interrupted. Although temporary, this portfolio is included as a comparison to the proposed portfolios.

Short-Term Portfolio:

- This portfolio depicts CRD's current short-term strategy, in which potential land-application options are being investigated to serve as additional support to the existing scenario for added resiliency.

On-Site Thermal Portfolio:

- This portfolio includes the investment and construction of an advanced thermal facility at Hartland Landfill. The potential to construct an on-site pilot facility is currently being investigated with pyrolysis and gasification technologies. Depending on the results and operations of the pilot, the on-site facility may be able to process and beneficially use CRD's biosolids for the long-term.
- During periods of planned shutdown, a portion of the biosolids could be transported to various land application programs. There are several potential land application options being explored by the CRD in the areas of mine/quarry reclamation, forest fertilization, land improvement, and BGM/composting/soil-product.
- In the unlikely event that both preferred and support options are interrupted, the CRD may send biosolids for use as alternative fuel in cement manufacturing. There are two off-site cement manufacturing options known to be available to the CRD which meet beneficial use criteria.

Off-Site Thermal Portfolio:

- This portfolio also considers the processing of biosolids via an advanced thermal treatment technology. However, in this scenario the biosolids would be transported to an off-site facility rather than investing in the construction of an on-site facility. Currently, there is one potential off-site thermal option available to the CRD in the form of incineration at a waste-to-energy facility.
- During periods of planned shutdown, a portion of the biosolids could be transported to various land application programs. There are multiple potential land application options being explored by the CRD.
- In the unlikely event that both preferred and support options are interrupted, the CRD may send biosolids for use as alternative fuel in cement manufacturing. There are two off-site cement manufacturing options known to be available to the CRD which meet beneficial use criteria.

Land Application Portfolio:

- This portfolio considers the transport of biosolids to one of the various potentially available land application programs.
- In the unlikely event that both preferred and support options are interrupted, the CRD may send biosolids for use as alternative fuel in cement manufacturing. There are two off-site cement manufacturing options known to be available to the CRD which meet beneficial use criteria.

7.2 Resiliency Evaluation

The following criteria in Table 7.2 was prepared to identify and evaluate the risk of interruption of potential portfolios:

Table 7.2 Resiliency Criteria and Factors

Resiliency Criteria	Factors
Preferred Option Sufficient Capital for Start-Up/ Operating/Refurbishment	Insufficient capital leading to potential shutdown or service interruptions.
Preferred Option Change in Ownership	New owner does not honour existing contracts (increase in tipping fees exponentially over short period of time).
Preferred Option Market for End-Product	Lack of market for end-product causes facility to turn away biosolids.
Preferred Option New OMRR Requirements	Updated OMRR with standards that current facility does not meet.
Preferred Option Short-term Shutdown	Short term shutdowns for various reasons - feedstock interruption, highway closure, wildfire, etc.
Preferred Option Facility Reputation	CRD being associated with a facility a causing a nuisance (haul route, odour, noise, etc.)
Preferred Option Facility Non-Compliance	Facility is not in compliance with permits or regulations.
Support Option Seasonality	Support option cannot accept biosolids on-demand due to winter, rain, etc.
Support Option Minimum Tonnage	CRD cannot produce/store enough biosolids to meet support or contingency option minimum tonnage requirements during periods of interruption of preferred option.
Contingency Option Unavailable	Support/Contingency option is unavailable (no longer open, at maximum capacity, etc.).

Each proposed portfolio was evaluated against the criteria noted in Table 7.2 using a risk-matrix per the following steps:

1. The probability of each criteria factor occurring was evaluated on a scale of rare (<3%), unlikely (3-10%), moderate (11-50%), likely (51-90%), to certain (>90%).
2. The consequence severity of the criteria factor occurring was evaluated on a scale of insignificant (easily mitigated by day-to-day process), minor (schedule delays up to 10% and CAPEX/OPEX increase up to 10%), moderate (schedule delays up to 50% and CAPEX/OPEX increase up to 50%), major (schedule delays up to 100% and CAPEX/OPEX increase up to 100%), to catastrophic (need to abandon the project).
3. The probability and consequence severity ratings for each criteria factor were correlated to find a risk of interruption value on a scale of negligible (level 1), low (levels 2-4), moderate (levels 5-10), high (levels 11-24), to extreme (level 25) using the risk matrix depicted in Table 7.3 below.
4. The resulting risk of interruption values for each criteria factor were averaged to generate a weighted risk of interruption rating and risk level for the overall portfolio.

Table 7.3 Risk Matrix

Consequence Severity	Probability				
	Rare (<3%)	Unlikely (3-10%)	Moderate (11-50%)	Likely (51-90%)	Certain (>90%)
Insignificant	Negligible (1)	Low (2)	Low (3)	Low (4)	Moderate (5)
Minor	Low (2)	Low (4)	Moderate (6)	Moderate (8)	Moderate (10)
Moderate	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Major	Low (4)	Moderate (8)	High (12)	High (16)	High (20)
Catastrophic	Moderate (5)	Moderate (10)	High (15)	High (20)	Extreme (25)

The resulting risk of interruption and risk level for each portfolio is summarized in Table 7.4 below:

Table 7.4 Risk Resiliency Evaluation

General Portfolio	Average Portfolio Risk of Interruption Value Rating	Average Portfolio Risk Level	Comments
Existing Scenario	High	11	<ul style="list-style-type: none"> Results in a high average portfolio risk of interruption rating (11) as the existing scenario portfolio does not include a support option for redundancy. Preferred option availability (cement manufacturing) identified as a notable potential risk factor as this option has historically demonstrated operational challenges. Contingency option availability (on-site BGM) identified as a notable potential risk factor as space for BGM cover at Hartland is limited and may eventually reach maximum capacity.
Short-Term	Moderate	9	<ul style="list-style-type: none"> CRD is exploring land-application programs in the short-term to serve as a support option to the existing scenario. This has decreased the average portfolio risk of interruption rating from high (11) to low (9). Contingency option availability (on-site BGM) identified as a notable potential risk factor as space for BGM cover at Hartland is limited and may eventually reach maximum capacity.

General Portfolio	Average Portfolio Risk of Interruption Value Rating	Average Portfolio Risk Level	Comments
On-Site Thermal	Moderate	7	<ul style="list-style-type: none"> – CRD ownership of preferred option (on-site thermal facility) decreases potential risk in multiple criteria factors: change in ownership, market for biosolids intake, facility reputation, and facility non-compliance. – Contingency option availability (cement manufacturing) identified as a notable potential risk factor as this option has historically demonstrated operational challenges.
Off-Site Thermal	Moderate	8	<ul style="list-style-type: none"> – Contingency option availability (cement manufacturing) identified as a notable potential risk factor as this option has historically demonstrated operational challenges.
Land Application	Moderate	8	<ul style="list-style-type: none"> – Contingency option availability (cement manufacturing) identified as a notable potential risk factor as this option has historically demonstrated operational challenges.

It was found that the inclusion of some form of land-application reduced the overall risk of interruption within the generated portfolios due to the diversification of option types resulting in increased resiliency.

Based on feedback from the public and First Nations groups, the CRD may further refine the portfolios and conduct a similar risk matrix exercise on alternative portfolios. This will help the CRD identify notable potential risks of interruption and incorporate mitigation plans accordingly. Further, the risk evaluation will assist the CRD in selecting a single, resilient portfolio for the long-term beneficial use of biosolids.

8. Conclusions & Next Steps

8.1 Conclusions

Development and Evaluation of Land Application Options – There are various beneficial use land application methods which meet CCME beneficial use criteria in the form of mine/quarry reclamation, forest fertilization, land improvement, direct land application, BGM, compost, and soil product production. There are various out-of-region land application programs available. There are currently no in-region land application options available at this time due to the long standing CRD policy banning land application. However, this policy was recently expanded to allow for non-agricultural land application as a contingency or emergency option. As such, a number of in-region land application options could be investigated for inclusion in potential long term management portfolios.

Evaluation of Thermal Options – Thermal biosolids management technologies are generally classified as pyrolysis, gasification, or incineration. Among the thermal technologies, incineration is the most commercially proven and widely used thermal treatment process for biosolids. However, incineration is energy intensive and does not result in the beneficial use of ash and as such may not be considered a beneficial use option by the CCME. Pyrolysis and gasification technologies are both still emerging in the biosolids processing space with slightly more pyrolysis facilities anticipated to move into operations in North America over the next few years.

Thermal technologies have the added benefits of generating potential revenue through biochar, syngas, heat recovery as well as the potential to co-process other mixed waste streams. However, there are challenges in thermal co-processing technologies, as mixing biosolids with other waste streams may increase maintenance and operational costs due to the added complexity of handling/treating mixed waste streams. Co-processing also presents challenges in meeting CCME criteria for the beneficial re-use of 25% of ash.

Contaminants of Emerging Concern - Community concerns around the land application of biosolids and its potential impacts to soil quality, surface water, and groundwater are largely based on the presence, or suspected presence, of

unregulated CEC's. These potential impacts are the subject of ongoing scientific research. CCME's guidelines note that many CECs are found in low concentrations in biosolids, and that detection does not necessarily mean there is a risk to human health or the environment. Generally, risk assessments for each individual CEC have not been completed, but ecotoxicological testing, used to assess the toxicology of residuals holistically, did not detect significant negative impacts. The CCME is supportive of source control measures as an effective way to improve the quality of biosolids. CRD's biosolids have been treated to Class A standards as per OMRR.

The CFIA proposed an interim standard for PFAS in biosolids used in Canada as fertilizers at 50 ppb PFOS (one type of PFAS). The proposed standard aims to protect human health by preventing the small proportion of biosolids products that are heavily impacted by industrial inputs from being applied to agricultural land in Canada. The concentration of PFOS in CRD's biosolids is under the proposed standard at approximately 6 ppb (based on two samples).

The fate of CECs in advanced thermal processing of biosolids is still under investigation. While CECs appear to be reduced in biochar products, some can still be found in syngas and bio-oil products, but the concentrations and environmental fate still need to be confirmed.

Jurisdictional Scan – Globally, biosolids, are beneficially used primarily through land application or thermal treatment methods. The majority of countries assessed in the jurisdictional scan primarily land-apply their biosolids for beneficial use, except for Japan, who relies on incineration due to its high population density and limited areas for land application.

Across the world, the decision to beneficially use biosolids through land application or thermal processes is influenced by a range of factors: regulatory requirements, local infrastructure/resources, public perception, as well as the goals and priorities of local municipalities. Identifying and evaluating these factors are key to the implementation of an effective, long-term biosolids management strategy.

Evaluation of Thermal Pilots – In the evaluation of the Biosolids Thermal Pilot technologies/studies explored by the CRD, valuable insight was gained into the discrete operation of each of these technologies. However, the current pilot results alone may not be sufficient to confirm the feasibility of on-site thermal processing of CRD biosolids or the potential for integration/beneficial use of by-products into other systems at Hartland at this time.

For the upcoming on-site thermal trial, GHD suggests that the CRD capture key operational criteria such as process reliability, operational costs, maintenance requirements, co-processing feasibility, residual product quality, biochar markets, carbon sequestration benefits, and long-term synergies at Hartland.

Long-Term Options & Portfolio Generation – A long-list of biosolids management options available to the CRD was identified and screened against CCME beneficial use criteria.

GHD recommends that the CRD develop of a combination of multiple options within a diverse portfolio to ensure resiliency in the form of strategy redundancy. In the unexpected event that a biosolids management option is interrupted, the inclusion of additional options within a portfolio will allow CRD's biosolids to still be beneficially used in the interim until the interruption is resolved.

General portfolios were generated using the long-list of options available to the CRD. A risk evaluation identified notable potential risk of interruption factors such as contingency option availability and facility ownership changes to consider in the development of the long-term biosolids beneficial use strategy. The risk evaluation also indicated that some form of land-application is likely required in all proposed portfolios to ensure resiliency.

8.2 Next Steps

Following public and First Nations consultation, the CRD may further refine the general portfolios outlined in this report. From the list of options approved by the public and First Nations groups, the CRD may develop portfolios using specific options and vendors and future test these portfolios for resiliency using the risk matrix outlined in Section 7. The risk analysis will help inform the selection of a resilient long-term portfolio for the long-term beneficial use of CRD's biosolids.

Appendices

Appendix A

Provincial Conditional Approval Letter



Reference: 305517

November 18, 2016

Jane Bird
Chair, Core Area Wastewater Treatment Project Board
Capital Regional District
PO Box 1000, 625 Fisgard Street
Victoria BC V8W 2S6

Dear Ms. Bird:

Thank you for your letter of November 17, 2016, regarding my conditional approval of Amendment No. 11 to the Core Area Liquid Waste Management Plan (CALWMP). As requested in your letter, I will clarify my conditional approval of Amendment No. 11 to the CALWMP and have also considered your request to modify my condition for Integrated Resource Management.

To address your concerns, I am revising my September 30, 2016, Conditional Approval of Amendment No. 11. This revised Conditional Approval of Amendment No.11 supersedes my September 30, 2016, decision.

To clarify, Amendment No. 11 includes, but is not limited to, the following:

1. A single 108 megalitre/day wastewater treatment plant located at McLoughlin Point within the Township of Esquimalt capable of tertiary treatment for flows up to 2 times Average Dry Weather Flow (ADWF) for the Core Area up to 2040. For flows that are greater than 2 times ADWF but not more than 3 times ADWF for the Clover Point catchment and up to 4 times ADWF for the Macaulay catchment, primary treatment will be guaranteed. Construction of the wastewater treatment plant will be completed by December 31, 2020.
2. Commitment to advance studies for a wastewater treatment proposal in Colwood, including up to \$2 million to complete the required technical studies and environmental impact assessments.
3. Conveyance of sewage sludge to the Hartland landfill for processing into Class A biosolids, as defined under the Organic Matter Recycling Regulation, for beneficial use and optimization for potential opportunities for integrated resource management.

...2

As a condition of my approval and in accordance with Section 24 (5) of the *Environmental Management Act*, I require the Capital Regional District (CRD) develop a definitive plan for the beneficial reuse of biosolids that does not incorporate multi-year storage of biosolids within a biocell. The Ministry of Environment understands that the plan may need to include short-term storage and/or management options as part of implementing the beneficial reuse plan, but the CRD is strongly encouraged to minimize the need for this. Further, I am amending the deadline for submission of the plan from December 31, 2017, to June 30, 2019, under the condition that the CRD submit, by May 31, 2017, a plan that outlines the procedural steps and schedule it will implement to achieve the definitive plan.

The CRD must ensure that the definitive plan for beneficial reuse of biosolids is supported by an assessment of the full spectrum of beneficial uses and integrated resource management options available for the proposed Class A biosolids produced at the Hartland Landfill, and incorporates a jurisdictional review of how similar-sized and larger municipalities within British Columbia, North America and further abroad, successfully and beneficially reuse biosolids. Ministry staff will assist as necessary and can share the ministry's jurisdictional review of how other similar-sized and larger municipalities reuse biosolids.

The beneficial reuse option selected for treated biosolids must meet the requirements for beneficial use specified in the Canadian Council of Ministers of the Environment *Canada-Wide Approach for the Management of Wastewater Biosolids* (October 11, 2012) and be based on scientific evidence. This definitive plan for the beneficial reuse of biosolids will replace the current proposal to use a biocell for storage.

Please continue to work with staff in the Environmental Protection Division of the Ministry of Environment to ensure that the proposed wastewater treatment facility is registered under the Municipal Wastewater Regulation prior to operation of the plant. Please also inform ministry staff of all beneficial uses of biosolids being considered, in order to ensure all necessary forms of authorization are obtained in advance of discharge.

Additionally, the CRD should continue to engage First Nations and the public on all aspects of the CALWMP.

Be advised that the ministry intends to publically post any reports or other documents received by the CRD on the ministry website related to this conditional approval, the CALWMP and this activity regulated under the *Environmental Management Act*.

Approval of Amendment No.11 to the CALWMP does not authorize entry upon, crossing over or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority shall rest with the local government. This amendment is approved pursuant to the provisions of the *Environmental Management Act*, which asserts it is an offence to discharge waste without proper authorization. It is also the regional district's responsibility to ensure that all activities conducted under this plan amendment are carried out with regard to the rights of third parties and comply with other applicable legislation that may be in force.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary Polak', written in a cursive style.

Mary Polak
Minister

cc: Honourable Peter Fassbender, Minister of Community, Sport and Cultural Development
AJ Downie, Director, Environmental Protection Division, Ministry of Environment
Robert Lapham, Chief Administrative Officer, Capital Regional District
Larisa Hutcheson, Interim Project Director, Core Area Wastewater Treatment Project,
Capital Regional District
Sharon Singh, Associate, Bennett Jones Vancouver

Appendix B

**CRD Board Minutes Land Application
Restrictions July 13, 2011**



Making a difference...together

**MINUTES OF THE MEETING OF THE CAPITAL REGIONAL DISTRICT BOARD,
held Wednesday, July 13, 2011 in the Board Room, 625 Fisgard Street, Victoria, BC**

PRESENT: **Directors:** G. Young (Chair), S. Brice, J. Brownoff, C. Causton, L. Cross, V. Derman, B. Desjardins, J. Evans, D. Fortin, C. Green (for A. Finall), K. Hancock, G. Hendren, M. Hicks (3:30 p.m.), G. Hill, P. Lucas, F. Leonard (2:37 p.m.), J. Mar, J. Mendum, J. Ranns (2:37 p.m.), D. Saunders, L. Seaton (for D. Blackwell), C. Thornton-Joe and L. Wergeland
Staff: K. Daniels, J. Hull, L. Hutcheson, B. Lapham, L. Rushton, S. Santarossa and N. More (Recorder)
Also Present: Kathryn Stuart, Staples McDannold Stewart, Board Solicitor

ABSENT: J. Brownoff, L. Cross and B. Desjardins,

The Chair called the meeting to order at 2:34 p.m.

1 APPROVAL OF THE AGENDA

MOVED by Director Lucas, **SECONDED** by Director Derman,
That the agenda and supplementary agenda be approved; and

That a Notice of Motion to be presented by Director Derman be added to the agenda under item 8 (New Business).

CARRIED

MOVED by Director Derman, **SECONDED** by Alternate Director Green,
That the late request to speak by C. Bannister (#19) be approved.

DEFEATED
Evans OPPOSED

2 ADOPTION OF MINUTES OF THE MEETING OF JUNE 15, 2011

MOVED by Lucas, **SECONDED** by Director Hancock,
That the minutes of the meeting of June 15, 2011 be adopted.

CARRIED

3 REPORT OF THE CHAIR

Chair Young acknowledged the passing of former Capital Regional District (CRD) Alternate Director Allan Cassidy, highlighting his service to the CRD Board from 1999–2002 and 2007, his role as a Royal and McPherson Theatre Society Board member, 2000–2004, and his involvement with the restoration of the Royal Theatre.

Directors Leonard and Ranns entered the meeting at 2:37 p.m.

4 PRESENTATIONS/DELEGATIONS**a) Canadian Association of Municipal Administrators (CAMA) 2011 Education Award – Bill Holtby**

Bill Holtby, CAMA Board representative, recognized the CRD for its leadership in the education of its municipal employees because of the custom training program called iLead, developed in association with Royal Roads University (RRU), and presented the CRD with the 2011 National Municipal Education Award in the form of a plaque. Chair Young expressed appreciation on behalf of the CRD Board and thanked RRU for assisting in designing and implementing the iLead program.

b) Victoria Airport Authority 2010 Report to Nominators – Colin Smith, CRD Nominee and Geoff Dickson, President & CEO

Mr. Smith reported on the 2010 activities of the Victoria Airport Authority, using a PowerPoint presentation to illustrate main points, with the assistance of Mr. Dickson. He also provided an overview of the 2011 Capital Program.

c) Supplementary delegates

1. Ruby Commandeur re Item 5.3.1 – Director Lucas Motion re Biosolids—spoke in favour of the motion because of the toxicity of contaminants in biosolids, the pressures on the food supply due to climate change, how farmland is managed and the difficulty in regulating the use of biosolids on farmland. She urged the Board to think carefully on decisions about land use application of biosolids.
2. Marcie Zemluk re Item 5.3.1 – Director Lucas Motion re Biosolids—spoke about the legal liabilities in American case law and current cases before the Canadian courts on the issue of biosolids land application. She noted the importance of understanding the potential for contaminated sites, ongoing regulatory responsibility and liability for the Province and the CRD, and the hardship that an error in regulation or monitoring can have on farmland in the region.
3. Chloe Donatelli re Item 5.3.1 – Director Lucas Motion re Biosolids—Did not appear to speak when called.

Directors Cross and Mendum left the meeting at 3:10 p.m.

Director Mar excused himself from the meeting at 3:13 p.m., noting that he cannot be present to receive further input on the Peninsula Co-op development proposal as the public hearing has been held.

4. David Lawson re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the Central Saanich Official Community Plan (OCP) and the Regional Growth Strategy (RGS).

Director Desjardins left the meeting at 3:15 p.m.

5. Mike Achtem re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because of economic impacts of concern related to the development proposal.
6. Jennifer Kay re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the OCP and the RGS.
7. Don & Shelly Bottrell re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the OCP.
8. Alexander Marr re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the RGS.

Director Hicks entered the meeting at 3:30 p.m.

9. David Wilson re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the OCP.
10. Tom Hall re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—Did not appear to speak when called.
11. Michelle Passmore re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—Did not appear to speak when called.
12. Hanne Kohout re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the RGS.
13. Carol Pickup re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—withdrawn from agenda prior to the meeting.
14. Constance Christiansen re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—Did not appear to speak when called.
15. Ryan Windsor re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in favour of the response because the development proposal is inconsistent with the OCP and the RGS, and due to the importance of maintaining the integrity of the OCP and RGS.
16. Frances Pugh re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke in appreciation of the RGS and the response.
17. Jack Thornburg re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke of the interests of the larger community and the legacy to future generations in the thoughtful stewardship of land, air and water.
18. John Hannam re Item 5.8.1 – Response to Central Saanich Referral re Peninsula Co-op—spoke of stormwater management issues and inconsistencies with the OCP and the RGS.

Director Mar returned to the meeting at 3:45 p.m.

Directors Brownoff and Mendum left the meeting at 3:45 p.m.

5 REPORTS OF COMMITTEES**5.1 CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE – June 29, 2011****1. Core Area Infrastructure Upgrade Projects for 2011**

MOVED by Director Brice, **SECONDED** by Director Leonard,
That the CRD Board authorize proceeding with the infrastructure upgrading projects identified in Appendix A of the staff report, that costs be shared as outlined in Appendix B of the staff report, and that funding be provided by the trunk sewer reserve fund in the amount of \$530,000.

CARRIED**5.2 ELECTORAL AREA SERVICES COMMITTEE – June 1, 2011****1. Galiano Island Community Use Building Service Establishment And Loan Authorization Bylaws**

MOVED by Director Hancock, **SECONDED** by Director Hicks,
That a second referendum be held concurrently with the November 2011 BC civic election in order to confirm the proposed service area's position regarding the updated service establishment and loan authorization bylaws.

CARRIED

MOVED by Director Hancock, **SECONDED** by Director Hicks,
That Bylaw No. 3792, cited as "Galiano Island Community Use Building Service Establishment Bylaw No. 2, 2011", be introduced and read a first time and second time.

CARRIED

MOVED by Director Hancock, **SECONDED** by Director Hicks,
That Bylaw No. 3792 be read a third time.

CARRIED

Director Mendum returned to the meeting at 3:47 p.m.

MOVED by Director Hancock, **SECONDED** by Director Hicks,
That Bylaw No. 3793, cited as "Galiano Island Community Use Building Loan Authorization Bylaw No. 2, 2011", be introduced and read a first and second time.

CARRIED

MOVED by Director Hancock, **SECONDED** by Director Hicks,
That Bylaw No. 3793 be read a third time.

CARRIED

2. Grants-In-Aid

MOVED by Director Hancock, **SECONDED** by Director Hicks,
That the following grants-in-aid applications be approved for payment:

1. Juan de Fuca Grants-in-Aid as approved by Director Hicks
 - a) Shirley Community Association \$4,800
2. Salt Spring Island Grants-in-Aid as approved by Director Hendren
 - a) Canadian Red Cross \$5,014
3. Southern Gulf Islands Grants-in-Aid as approved by Director Hancock
 - a) Mayne Island Integrated Water Systems Society \$3,607
 - b) Pender Community Transition Society \$2,000
 - c) Saturna Heritage Committee \$2,000

CARRIED

5.3 ENVIRONMENTAL SUSTAINABILITY COMMITTEE – May 25, 2011**1. Motion to Protect Local Farmland and to Harmonize Sewage Treatment Strategies within the CRD – Director Lucas**

MOVED by Director Lucas, **SECONDED** by Director Derman,
Whereas the CRD is committed to developing regional sewage treatment strategies that have the lowest impact on both the environment and public health, and the highest resource recovery potential;

And Whereas the Core Area Liquid Waste Management Committee has passed a motion banning the land application of biosolids in order to address legitimate public health and environmental concerns about the accumulation and dispersal of Polycyclic Aromatic Hydrocarbons, heavy metals, pharmaceuticals, and other Emerging Compounds of Concern (ECCs) on our land, in our food, and in the regional water table;

And Whereas protecting the “integrity of rural communities” and “regional green and blue spaces”, and managing “natural resources and environmental sustainability” are important and explicit goals and responsibilities of the CRD as outlined in the Regional Growth Strategy (<http://tinyurl.com/65wdd8p>), and “improving population health and regional food security” are noted as Priority Actions in the Capital Region Food and Health Action Plan (<http://tinyurl.com/4xetqbz>);

Be it so moved that the CRD will harmonize current and long-term practices at all CRD-owned regional facilities and parks with the approved policies of the regional treatment strategy, including ending the production, storage and distribution of biosolids for land application at all CRD facilities and parks; and

Be it further moved that the CRD does not support the application of biosolids on farmland in the CRD under any circumstances, and let this policy be reflected in the upcoming Regional Sustainability Strategy.

MOVED by Director Hendren, **SECONDED** by Director Hancock,
That the motion **be amended** by adding the following:

"That it be further moved that the pasteurized, lime-stabilized Class A biosolids material produced at the Saanich Peninsula Wastewater Treatment Plant may be beneficially used by Hartland Landfill operations to replace chemical fertilizers as the soil amendment blended with soil and compost for use as the final cover material in the closure of Phase 2 Cell 1, in full compliance with all environmental and health regulations."

Concerns were raised that the amendment creates an exception and that other exemptions may need to be considered.

MOVED by Director Evans, **SECONDED** by Director Hill,
That the **amendment be referred** to the Environmental Sustainability Committee for consideration.

CARRIED

MOVED by Director Hendren, **SECONDED** by Director Hill,
That consideration of the main motion be postponed until the Environmental Sustainability Committee reports on exemptions.

DEFEATED

Hicks, Ranns, Evans, Seaton, Young, Brice, Causton and Wergeland IN FAVOUR

The question on the main motion was called.

CARRIED

Evans, Seaton, Causton OPPOSED

Director Saunders left the meeting at 4:17 p.m.

5.4 ENVIRONMENTAL SUSTAINABILITY COMMITTEE – June 22, 2011

1. #EEP 11-44 Millstream Meadows 2011 Work Plan – Award of Project Management Consulting Contract

Director Causton and Alternate Director Green left the meeting at 4:19 p.m.

MOVED by Director Ranns, **SECONDED** by Director Derman,
That staff be directed to:

- 1) award a project management consulting contract to Golder Associates Ltd. at a cost of \$265,000 excluding HST to implement the Stage 1 work;
- 2) undertake the design and tendering for the Stage 1 work; and
- 3) report to the Committee following completion of Stage 1 work.

CARRIED

Director Evans OPPOSED

5.5 FINANCE AND CORPORATE SERVICES COMMITTEE – July 6, 2011**1. Recreation Services and Facilities Fees and Charges 2011/2012**

Director Causton and Alternate Director Green returned to the meeting at 4:20 p.m.

MOVED by Director Mar, **SECONDED** by Director Evans,
That Bylaw No. 3794, cited as “Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 2, 2011”, be introduced and read a first and second time.

MOVED by Director Evans, **SECONDED** by Director Mar,
That consideration of Bylaw No. 3794, cited as “Capital Regional District Recreation Services and Facilities Fees and Charges Bylaw No. 1, 2009, Amendment Bylaw No. 2, 2011”, **be postponed** until the SEAPARC Recreation Commission has reviewed the proposed fee changes.

CARRIED

2. Budget Direction for the Year 2012

MOVED by Director Causton, **SECONDED** by Director Evans,
That staff prepare the draft 2012 financial plan within the following guidelines:

- 1) no increase in service levels for existing services
- 2) new services only as previously approved by the Board
- 3) staff continue to explore innovative practices to absorb inflationary costs, benefits and utility/fuel costs within existing budgets as much as possible
- 4) the draft budget recognize provisions for new initiatives directly related to the Board’s strategic priorities.

Staff noted that an interim budget report will be forwarded to the committee in October.

The question on the motion was called.

CARRIED

5.6 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK A – June 21, 2011**1. Development Permit with Variance – DP-09-11 – Lot A, Section 74, Renfrew District, Plan VIP71883 (Lynge – 11237 West Coast Road)**

MOVED by Director Hicks, **SECONDED** by Director Evans,
That the steep slopes, foreshore and marine shoreline and watercourses, wetlands and riparian areas development permit (DP-09-11) for Lot A, Section 74, Renfrew District, Plan VIP71883 and the request for:

- a. Relaxation of the rear yard setback from 15m to 7.5m for the existing deck; and
- b. Exemption from floodplain setback regulations of Part 5 of Bylaw No. 2040, as shown in Appendices 1 and 2, be approved subject to the following conditions:
 - i. that the proposed development comply with the Steep Slope, Foreshore and Marine Shoreline and Watercourses, Wetlands and Riparian Areas Development Permit Guidelines outlined in the Shirley/Jordan River Official Community Plan, Bylaw No. 3352;

- ii. that the driveway proposed to be constructed prior to subdivision comply with CRD Residential Driveway standards;
- iii. that the proposed development comply with the recommendations outlined in the environmental report prepared by Brian Wilkes & Associates dated November 18, 2010; and
- iv. that the geotechnical report prepared by Ryzuk Geotechnical dated December 15, 2010, as shown in Appendix 4, be recommended to be secured by the Approving Officer as a restrictive covenant as part of the subdivision process.

CARRIED

5.7 JUAN DE FUCA LAND USE COMMITTEE – VOTING BLOCK B – June 21, 2011

1. Development Permit with Variance – DP-08-11 – Block 352, Malahat District, Except Part in VIP84067 and Block 399 Malahat District (Isis Land Corporation/Hawes)

MOVED by Director Hicks, **SECONDED** by Director Mar,

That the steep slope and foreshore, wetland and riparian development permit (DP-08-11) for Block 352, Malahat District, Except Part in VIP84067 and Block 399 Malahat District District, and the request for an exemption of Section 944 of the Local Government Act to relax the requirement that the minimum frontage of a lot shall be one tenth of the perimeter of the lot that fronts on the highway, for the purposes of permitting a 86-lot subdivision, be approved subject to the following conditions:

- a. That the proposed subdivision and development comply with the Development Permit Guidelines in the Malahat Official Community Plan, Bylaw No. 3228; and
- b. That the geological reports prepared by Thurber Engineering Ltd. dated October 18, 2010, and April 18, 2011 as shown in Appendix 3, be secured by restrictive covenant as part of the building permit process; and
- c. That the report prepared by PA Harder and Associates Ltd. dated March 31, 2011, be secured by restrictive covenant as part of the building permit process; and
- d. That the applicant register a Statutory Right of Way to provide access to Regional Parks for access to and construction of the portion Trans Canada Trail through the property as shown on Appendix 2.

CARRIED

Leonard and Mendum OPPOSED

5.8 PLANNING, TRANSPORTATION AND PROTECTIVE SERVICES COMMITTEE – June 22, 2011

Director Hicks left the meeting at 4:45 p.m.

Staff reported on legal opinion about the potential for conflict of interest in regard to Directors and Co-op membership. Upon advice to Directors to seek legal advice or make their own decision on whether they have a conflict, it was determined there would not be quorum to hear the item.

MOVED by Director Fortin, **SECONDED** by Director Lucas,
That consideration of the agenda item "Response to Central Saanich Referral re Peninsula Co-op" be postponed until the next meeting to give Directors that are members of the Peninsula Co-op an opportunity to determine whether they have a conflict of interest.

CARRIED

Staff was requested to circulate the legal opinion prepared by Staples McDannold Stewart.

Staff was asked to close the item to further delegations, since it was a postponement on procedural grounds rather than for the addition of new information.

5.9 REGIONAL PARKS COMMITTEE – June 15, 2011

1. E&N Rail Trail Project – Intersection Improvements Esquimalt Road to Admirals/Colville

MOVED by Director Causton, **SECONDED** by Director Hill,
That the single source procurement of rail infrastructure improvements be approved for five intersections and one pedestrian crossing in the amount of \$1,672,200 (not including HST) as per the letters from SVI dated May 17, 2011.

CARRIED

MOVED by Director Causton, **SECONDED** by Director Mar,
That commencement of the expenditure is conditional upon confirmation by the provincial and federal governments that they will financially support active use of the E&N rail line.

CARRIED

MOVED by Director Causton, **SECONDED** by Director Evans,
That this motion be included in the Board Chair's letters to the Minister of Transportation and Infrastructure and the federal government regarding rail investment.

CARRIED

2. Elk/Beaver Lake Recreational Use Advisory Group Revised Terms of Reference

MOVED by Director Evans, **SECONDED** by Director Lucas,
That the revised Terms of Reference for the Elk/Beaver Lake Recreational Use Advisory Group be approved.

CARRIED

6 ADMINISTRATION REPORTS

6.1 2011 GENERAL LOCAL ELECTION – APPOINTMENT OF CHIEF ELECTION OFFICER AND DEPUTY CHIEF ELECTION OFFICER – ELECTORAL AREA DIRECTORS

MOVED by Director Evans, **SECONDED** by Director Lucas,
1) That pursuant to Section 41 of the Local Government Act, Thomas F. Moore be appointed Chief Election Officer with the power to appoint such other assistance as may be required for the administration and conduct of the 2011 General Local Election of the Capital Regional District Electoral Area Directors; and

- 2) That Sonia Santarossa, Sheila Norton, Kerry Fedosenko, Mary Cooper and Anthony Kennedy be appointed Deputy Chief Election Officers

CARRIED

6.2 EXTENSION TO THE CONTRACT WITH LANGFORD FOR CALL RELAY SERVICES

MOVED by Director Seaton, **SECONDED** by Director Evans,
That an extension of the Call Relay Contract with the City of Langford from August 1, 2011 to May 31, 2012 in the amount of \$364,574 be approved.

CARRIED

7 BYLAWS AND RESOLUTIONS

7.1 BYLAW NO. 3784, "SOUTHERN GULF ISLANDS ELECTORAL AREA FALSE ALARM REDUCTION BYLAW NO. 1, 2011"

MOVED by Director Hancock, **SECONDED** by Director Evans,
That Bylaw No. 3784 "Southern Gulf Islands Electoral Area False Alarm Reduction Bylaw No. 1, 2011" be adopted.

CARRIED

7.2 BYLAW NO. 3785, "ANIMAL REGULATION AND IMPOUNDING BYLAW NO. 1, 1986, AMENDMENT BYLAW NO. 8, 2011"

MOVED by Director Hancock, **SECONDED** by Director Evans,
That Bylaw No. 3785 "Animal Regulation and Impounding Bylaw No. 1, 1986, Amendment Bylaw No. 8, 2011" be adopted.

CARRIED

8 NEW BUSINESS

8.1 2011 GENERAL LOCAL ELECTION – APPOINTMENT OF CHIEF ELECTION OFFICER AND DEPUTY CHIEF ELECTION OFFICER (ISLANDS TRUST) & ISLANDS TRUST 2011 ELECTION SERVICES AGREEMENT

- MOVED** by Director Evans, **SECONDED** by Director Leonard,
- a) That the Islands Trust 2011 Election Services Agreement between the CRD and the Islands Trust Council be approved and authorized for execution; and
 - b) That pursuant to Section 41 of the Local Government Act, Thomas F. Moore be appointed Chief Election Officer with the power to appoint such other assistance as may be required for the administration and conduct of the 2011 General Local Election of Island Trustees; and
 - c) That Sonia Santarossa, Sheila Norton, Kerry Fedosenko, Mary Cooper and Anthony Kennedy be appointed Deputy Chief Election Officers.

CARRIED

8.2 NOTICE OF MOTION – VIC DERMAN – MARINE TRAIL HOLDINGS

Director Derman gave notice of his intention to propose the following motion at the August Board meeting:

That the Board of the Capital Regional District determines that the Marine Trail Holdings Ltd. Rezoning application to build 257cabins, 6 caretaker residences, a resort lodge and two recreation centres in the Juan de Fuca Rural Resource lands is inconsistent with the Regional Growth Strategy and therefore shall not be permitted to proceed.

9 MOTION TO MOVE IN CAMERA

MOVED by Director Hill, **SECONDED** by Director Derman,

That the Board close the meeting and move in camera in accordance with the Community Charter, Part 4, Division 3, 90(1)(a) personal information about an identifiable individual who is being considered for a position appointed by the Board; (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The Board convened the in camera portion of the meeting at 5:00 p.m. and resumed in open meeting at 5:32 p.m. to rise and report.

10 RISE AND REPORT

- **Water Treatment Upgrade Project**

That payment is authorized to Ridgeline Mechanical Ltd. in the amount of \$190,000 from the Highland and Fernwood Water Treatment Upgrade Project funds to settle a claim related to CRD Contract No. 09-1645.

- **Appointment to Juan de Fuca Economic Development Commission**

Ken Douch was appointed.

- **Appointment to Port Renfrew Utility Services Committee**

Dorothy Hunt was appointed.

11 ADJOURNMENT

MOVED by Director Hill, **SECONDED** by Director Derman,

That the meeting be adjourned at 5:35 p.m.

CARRIED

CERTIFIED CORRECT:

CHAIR

CORPORATE OFFICER

Appendix C

CRD Board Minutes Land Application

February 15, 2023



Notice of Meeting and Meeting Agenda Environmental Services Committee

Wednesday, February 15, 2023

1:30 PM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

B. Desjardins (Chair), S. Tobias (Vice Chair), J. Brownoff, J. Caradonna, G. Holman,
D. Kobayashi, D. Murdock, M. Tait, D. Thompson, A. Wickheim, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [23-156](#) Minutes of the January 18, 2023 Environmental Services Committee Meeting

Recommendation: That the minutes of the Environmental Services Committee meeting of January 18, 2023 be adopted as circulated.

Attachments: [Minutes - January 18, 2023](#)

4. Chair's Remarks

5. Presentations/Delegations

The public are welcome to attend CRD Board meetings in-person.

Delegations will have the option to participate electronically. Please complete the online application at www.crd.bc.ca/address no later than 4:30 pm two days before the meeting and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

5.1. [23-166](#) Delegation - Dave Cowen; Representing Peninsula Biosolids Coalition: Re: Agenda Item 7.1.: Motion with Notice: Healthy Waters Project for Tod Creek on the Saanich Peninsula (Director Caradonna)

6. Committee Business

- 6.1. [23-103](#) 2022 Solid Waste Stream Composition Study Results
- Recommendation:** There is no recommendation. This report is for information only.
- Attachments:** [Staff Report: 2022 Solid Waste Stream Composition Study Results](#)
 [Appendix A: CRD 2022 Solid Waste Stream Composition Study - Tetra Tech](#)
- 6.2. [23-130](#) Recycle BC - Packaging and Printed Paper Product, Extended Producer
Responsibility - Draft Program Plan
- Recommendation:** There is no recommendation. This report is for information only.
- Attachments:** [Staff Report: Recycle BC - Packaging & Paper, EPR - Draft Program Plan](#)
 [Appendix A: Cont'd Participation in EA Depot Recycling - SR - Feb 7/18](#)
 [Appendix B: Depot Impacts Analysis](#)
 [Appendix C: Consultation Feedback Ltr to Recycle BC from CRD \(Jan 3/23\)](#)
- 6.3. [23-131](#) Central Saanich Request for CRD Carbon-based Budget Policy
- Recommendation:** The Environmental Services Committee recommends to the Capital Regional District
Board:
That the CRD not adopt a policy of carbon budgeting as part of its budget cycle but
continue to monitor progress in carbon budget methodologies and implications on CRD
financial planning processes and share learnings with local governments through the
CRD Inter-Municipal Working Group and Task Force, as appropriate.
- Attachments:** [Staff Report: Central Saanich Request for CRD Carbon-based Budget Policy](#)
 [Appendix A: Central Saanich Letter to CRD Board - November 8, 2022](#)
 [Appendix B: Summary and History of Carbon Budgeting](#)
- 6.4. [23-138](#) Bylaw No. 2922 - Sewer Use Bylaw Amendments
- Recommendation:** The Environmental Services Committee recommends to the Capital Regional District
Board:
1. That Bylaw No. 4530, "Capital Regional District Sewer Use Bylaw No. 5, 2001,
Amendment Bylaw No. 7, 2023", be introduced and read a first, second, and third time;
and
2. That Bylaw No. 4530 be adopted.
3. That Bylaw No. 4531, "Capital Regional District Ticket Information Authorization
Bylaw 1990, Amendment Bylaw No. 75, 2023", be introduced and read a first, second,
and third time; and
4. That Bylaw No. 4531 be adopted.
- Attachments:** [Staff Report: Bylaw No. 2922 - Sewer Use Bylaw Amendments](#)
 [Appendix A: Bylaw No. 2922 - Unofficial Consolidated Bylaw with Amendments](#)
 [Appendix B: Bylaw No. 4530](#)
 [Appendix C: Bylaw No. 4531](#)

7. Motions with Notice

- 7.1. [23-154](#) Motion with Notice: Healthy Waters Project for Tod Creek on the Saanich Peninsula (Director Caradonna)

Recommendation: That the Healthy Waters project proposal for Tod Creek watershed be referred to staff to report back, by end of March or within the span of two committee meetings, on project implications including resources, service mandate, and regulatory framework.

Attachments: [Motion with Notice: Healthy Waters Project for Tod Creek](#)

8. New Business

9. Adjournment

The next meeting is March 29, 2023 at 9:30 am (Special).

To ensure quorum, please advise Jessica Dorman (jdorman@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

Environmental Services Committee

Wednesday, January 18, 2023

1:30 PM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

PRESENT

Directors: B. Desjardins (Chair), S. Tobias (Vice Chair), J. Brownoff, J. Caradonna, G. Holman (EP),
D. Kobayashi, D. Murdock, M. Tait, D. Thompson

Staff: T. Robbins, Chief Administrative Officer; L. Hutcheson, General Manager, Parks and
Environmental Services; G. Harris, Senior Manager, Environmental Protection; S. May, Senior Manager,
Environmental Engineering; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk
(Recorder)

EP - Electronic Participation

Regrets: Director(s) C. Plant, A. Wickheim

The meeting was called to order at 1:30 pm.

1. Territorial Acknowledgement

Vice Chair Tobias provided a Territorial Acknowledgement.

2. Approval of Agenda

MOVED by Director Caradonna, **SECONDED** by Director Kobayashi,
That the agenda for the January 18, 2023 Environmental Services Committee
meeting be approved.

CARRIED

3. Adoption of Minutes

- 3.1. [23-065](#) Minutes of the June 15, 2022 and the minutes of the September 28, 2022
Environmental Services Committee Meeting.

MOVED by Director Tait, **SECONDED** by Director Murdock,
That the minutes of the Environmental Services Committee meeting of June 15,
2022 and September 28, 2022 be adopted as circulated.

CARRIED

4. Chair's Remarks

I am pleased to continue as the Chair of the Environmental Services Committee and looking forward to working with all of the committee members. We are in exciting times within the mandate and work of the Environmental Services Committee, we are on critical paths towards solutions for solid resources whether they be biosolids, wood solid, or organic resources. We are also coming through the pandemic time, where Hartland received a significant per capita increase, and that adds more pressure to make good decisions and set direction going forward. We need some good decision making for critical movement forward for our climate and solid waste targets.

5. Presentations/Delegations

There were no presentations.

- 5.1. [23-068](#) Delegation - Daniel Kenway; Representing Willis Point Community Association: Re: Agenda Item 6.3.: Evaluation of Passing Lane on Willis Point Road
D. Kenway spoke to item 6.3.
- 5.2. [23-071](#) Delegation - Philippe Lucas; Representing Biosolid Free BC: Re: Agenda Item 6.2.: Biosolids Short-term Contingency Beneficial Use Plan
P. Lucas spoke to Item 6.2.
- 5.3. [23-072](#) Delegation - Hugh Stephens; Representing Peninsula Biosolids Coalition: Re: Agenda Item 6.2.: Biosolids Short-term Contingency Beneficial Use Plan
H. Stephens spoke to Item 6.2.

6. Committee Business

- 6.1. [23-044](#) 2023 Environmental Services Committee Terms of Reference
L. Hutcheson presented 6.1. for information.

Discussion ensued on clarification of corporate and community climate action.
There is no recommendation. This report is for information only.

6.2. 23-052 Biosolids Short-term Contingency Beneficial Use Plan

G. Harris spoke to Item 6.2.

Discussion ensued on the following:

- water quality testing and monitoring
- thermal process pilot studies and established programs
- consultation and engagement processes
- chemicals and contaminants testing
- contingency planning related to operational changes
- shipping and additional costs
- associated risks of the service
- land application in other jurisdictions
- regulatory process
- gasification or composting possibilities

**MOVED by Director Holman, SECONDED by Director Tait,
That the Environmental Services Committee recommends to the Capital Regional
District Board:**

**1. That the Capital Regional District (CRD) Board amend its policy to allow
non-agricultural land application of biosolids as a short-term contingency
alternative;**

and

**2. That staff be directed to update the CRD's short-term biosolids contingency
plan correspondingly.**

DEFEATED

OPPOSED: Caradonna, Desjardins, Kobayashi, Thompson, Tobias

**MOVED by Director Caradonna, SECONDED by Director Thompson,
That we move to direct staff to look at alternative options and maintain the status
quo for now.**

CARRIED

OPPOSED: Brownoff, Holman, Murdock, Tait

6.3. [23-009](#) Evaluation of Passing Lane on Willis Point Road

S. May presented Item 6.3. for information.

Discussion ensued on the following:

- existing turn lanes off of Willis Point road
- jurisdiction and authority of road
- cost of passing lane

There is no recommendation. This report is for information only.

7. Notice(s) of Motion

Appendix D

CRD Board Minutes On-Site Thermal RFP

March 29, 2023

Meeting Minutes

Environmental Services Committee

Wednesday, March 29, 2023

9:30 AM

**6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7**

Special Meeting

PRESENT

Directors: B. Desjardins (Chair), S. Tobias (Vice Chair), J. Brownoff, J. Caradonna, G. Holman (9:33 am) (EP), D. Kobayashi (EP), D. Murdock, M. Tait (9:43 am) (EP), D. Thompson (9:51 am) (EP), A. Wickheim, C. Plant (Board Chair, ex-officio)

Staff: T. Robbins, Chief Administrative Officer; L. Hutcheson, General Manager, Parks and Environmental Services; G. Harris, Senior Manager, Environmental Protection; R. Smith, Senior Manager, Environmental Resource Management; N. Elliott, Climate Action Program Coordinator, Environmental Protection; L. Ferris, Manager, Policy & Planning, Environmental Resource Management; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk (Recorder)

EP - Electronic Participation

The meeting was called to order at 9:30 am.

1. Territorial Acknowledgement

Vice Chair Tobias provided a Territorial Acknowledgement.

2. Approval of Agenda

**MOVED by Director Caradonna, SECONDED by Director Wickheim,
That the agenda for the March 29, 2023 Environmental Services Committee
meeting be approved.**

CARRIED

3. Presentations/Delegations

- 3.1.** [23-258](#) Delegation - Philippe Lucas; Representing Biosolid Free BC: Re: Agenda Item 4.1.: Long-term Biosolids Planning and Biosolids Thermal Plan Updates

P. Lucas spoke to Item 4.1.

- 3.2.** [23-259](#) Delegation - Jonathan O'Riordan; Representing Peninsula Biosolids Coalition: Re: Agenda Item 4.1.: Long-term Biosolids Planning and Biosolids Thermal Plan Updates

J. O'Riordan spoke to Item 4.1.

4. Special Meeting Matters

4.1. [23-253](#) Long-term Biosolids Planning and Biosolids Thermal Plan Updates

L. Hutcheson spoke to Item 4.1.

Discussion ensued on the following:

- gasification and thermal processing of biosolids in North America
- international participation in RFP
- co-processing of municipal waste streams
- pyrolysis pilot study in Kelowna and pilot study in Esquimalt
- resource recovery and potential innovation grants
- funding for thermal processing pilot studies
- potential collaboration with other regional districts
- air quality and differentiating technologies
- timelines for consolidation, proposal call, and long term plan

Director Tait joined the meeting at 9:43 am.

Director Thompson joined the meeting at 9:51 am.

Director Murdock left the meeting at 9:53 am.

**MOVED by Director Caradonna, SECONDED by Director Tobias,
The Environmental Services Committee recommends to the Capital Regional
District Board:**

1. That staff develop a consultation plan for long-term biosolids management for the July Environmental Services Committee meeting, to be implemented in the fall of 2023; and
2. That staff concurrently initiate a Request for Proposals process for a biosolids advanced thermal site trial.

Director Murdock returned to the meeting at 10:05 am.

Director Tait left the meeting at 10:16 am.

**MOVED by Director Caradonna, SECONDED by Director Plant,
That the following words be added following" site trial"; "and that the RFP be
scoped broadly to include potential for co-processing of municipal solid waste
streams, and that submissions be welcomed from both domestic and
international vendors".**

CARRIED

The question was called on the main motion as amended.

**The Environmental Services Committee recommends to the Capital Regional
District Board:**

1. That staff develop a consultation plan for long-term biosolids management for the July Environmental Services Committee meeting, to be implemented in the fall of 2023; and
2. That staff concurrently initiate a Request for Proposals process for a biosolids advanced thermal site trial; and that the RFP be scoped broadly to include potential for co-processing of municipal solid waste streams, and that submissions be welcomed from both domestic and international vendors.

CARRIED

4.2. [23-239](#) Capital Regional District Climate Action Inter-Municipal Task Force

N. Elliott spoke to Item 4.2.

**MOVED by Director Brownoff, SECONDED by Director Caradonna,
The Environmental Services Committee recommends to the Capital Regional
District Board:**

**That the Terms of Reference for the Climate Action Inter-Municipal Task force,
attached as Appendix A, be approved.**

CARRIED

4.3. [23-131](#) Central Saanich Request for CRD Carbon-based Budget Policy

N. Elliott spoke to Item 4.3

Discussion ensued on the participants and outcomes of the workshop.

Motion Arising:

**MOVED by Director Caradonna, SECONDED by Director Plant,
The Environmental Services Committee recommends to the Capital Regional
District Board:**

**That CRD staff host a workshop on the concept of carbon budgeting with
municipal and electoral area staff and elected officials.**

CARRIED

OPPOSED: Holman

4.4. [23-236](#) Solid Waste Advisory Committee Motions of March 3, 2023

R. Smith presented Item 4.4. for information.

Discussion ensued on the following:

- organics processing and composting within the region
- current mandates on collection
- waste composition study
- Compost Education Centre

**MOVED by Director Plant, SECONDED by Director Caradonna,
The Environmental Services Committee recommends to the Capital Regional
District Board:**

**That staff be directed to explore mandatory curbside organics collection from the
municipalities around the region.**

CARRIED

**4.5. [23-241](#) Previous Minutes of Other CRD Committees and Commissions for
Information**

The following minutes were received for information:

- a) Climate Action Inter-Municipal Task Force - March 2, 2023
- b) Solid Waste Advisory Committee Minutes - February 3 and March 3, 2023

5. Adjournment

MOVED by Director Murdock, **SECONDED** by Director Tobias,
That the March 29, 2023 Environmental Services Committee meeting be
adjourned at 10:58 am.

CARRIED

CHAIR

RECORDER

Appendix E

CRD Class A Biosolids SDS

SAFETY DATA SHEET

Dried, Pelletized, Class A biosolids

(From the CRD Residuals Treatment Facility)

SECTION 1 – IDENTIFICATION

Material Name:	Biosolids from wastewater treatment
Other Designations:	RTF Biosolids, Class A Biosolids
Source:	CRD Residuals Treatment Facility, Saanich, BC
Product Use:	RTF biosolids are currently used at Hartland as a soil amendment (fertilizer) product after mixing with other carbon and nitrogen sources (wood waste/sand/soil). Off site, biosolids are used as an alternative fuel.

SECTION 2 – HAZARD IDENTIFICATION

DANGER: Biosolids may pose a flammability/explosion risk if handled contrary to safety procedures. See Section 16.

Hazard Statements:	Combustible solid – do not expose to moisture/precipitation (exothermic reaction) Combustible dust – dust dispersed in sufficient concentrations in confined spaces, or enclosed areas, may create an explosion hazard in the presence of ignition sources May cause respiratory irritation (dust) May cause eye irritation (dust) Symptoms may be delayed
Precautionary Statements:	No smoking, open flame, sources of heat or ignition. Do not expose to water/moisture unless the material is being blended/mixed with inert material. Do not store as a raw product in large piles for longer than 24 hours. Prompt mixing with inert material recommended.
Other Hazards:	Lung/eye irritant (dust)

SECTION 3 – COMPOSITION

Wastewater biosolids are regulated for use under the BC Organic Matter Recycling Regulation. At Hartland, biosolids are blended with sand, soil and wood waste into a biosolids growing medium (BGM) product and applied as a soil amendment for closure areas, or further blended and applied to open areas for landfill gas mitigation.

Biosolids are a brown/grey granular solids consisting of dried wastewater residuals from the CRD's tertiary wastewater treatment plant (McLoughlin Point). Please refer to Appendix 1 for lab results.

SECTION 4 – FIRST AID MEASURES

Inhalation:	Remove to fresh air. Check for clear airway, breathing, and presence of pulse. Provide cardiopulmonary resuscitation for person without pulse or respirations. Remove victim to fresh air, if safe to do so. Keep at rest and comfortably warm. Seek medical attention.
Skin Contact:	Wash with soap and water
Eye Contact:	Dust may cause eye irritation. Relocate to fresh air and flush with clean water.
Ingestion:	Not an expected route of exposure. If necessary, consult with a physician.

Safety Data Sheet - Dried, Pelletized, Class A Biosolids (CRD)

SECTION 5 – FIRE FIGHTING MEASURES

Call fire department immediately and follow site-specific fire safety/response procedures. Do not attempt to extinguish fire.

SECTION 6 – ACCIDENTAL RELEASE MEASURES

Avoid exposure to dust. Reload material into containment vessel/bin. Do not allow product to enter surface watercourses.

SECTION 7 – HANDLING AND STORAGE

Safe Storage:	Short-term (<24 hours) Store in cool, well-ventilated place. Do not store raw biosolids in ambient air, or expose to precipitation for more than 24 hours. For longer-term storage, store under controlled conditions in oxygen- reduced/free environment with inert gas (e.g. nitrogen or carbon dioxide blanket).
Safe Handling:	Wear full- or half-face respiratory (P100) protection when disturbing material. Avoid dust generation in enclosed areas/buildings.

SECTION 8 – EXPOSURE CONTROLS AND PERSONAL PROTECTION

Permissible Exposure Limits:	WorkSafeBC limit for Particles (Insoluble or Poorly Soluble) Not Otherwise Classified (PNOC) – 10 mg/m ³ 8-hour average for total dust; and 3 mg/m ³ 8-hour average for the respirable portion.
PPE:	Always wear chemical-/liquid-resistant gloves (butyl rubber, natural latex, nitrile rubber) and protective eyewear (goggles) when working around biosolids. Standard protective clothing is required at the landfill (follow all site PPE requirements – high visibility gear, steel-toed boots).
Respiratory Protection:	Use half- or full-face respirator equipped with P100 particulate filter when working in areas that have the potential to exceed WorkSafeBC thresholds.

Ensure adequate ventilation when disturbing the material.

SECTION 9 – PHYSICAL AND CHEMICAL PROPERTIES

Physical State	solid (<10% total moisture)
Appearance	granular/pelletized, soil-like
Colour	brown
Odour	earthy, musty, compost
Odour Threshold	not applicable
Combustion/Explosion	See Section 10

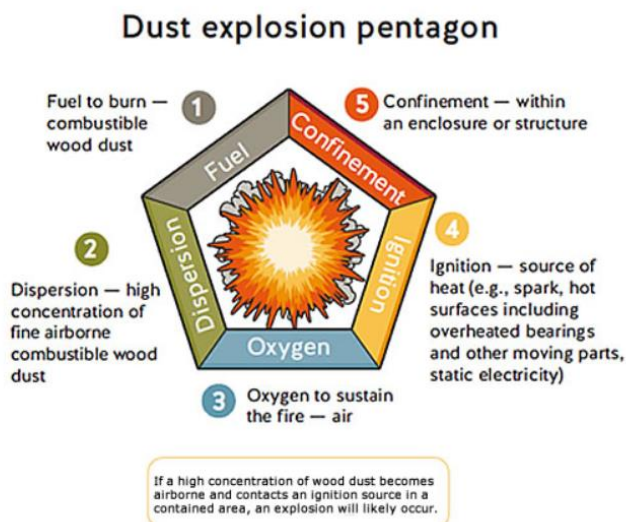
SECTION 10 – STABILITY AND REACTIVITY

Combustion:	Dried biosolids undergo slow exothermic oxidation in the presence of oxygen and water/moisture and can undergo combustion. Avoid prolonged exposure to ambient air and moisture in raw form.
Explosivity:	Explosibility testing was completed for the biosolids and results are provided below. At moisture contents less than 10%, the material is explosive as a dust cloud. This is similar to other operations that manage materials that create dust (e.g., flour/grain processing, sawmills, etc.).

Sample	Moisture content (wt.%)	Concentration (g/m ³)	Explosible
Biosolid dust	5.0	1000	Yes
Biosolid dust	10.0	1000	Yes
Biosolid dust	15.0	2000	No
Biosolid dust	20.0	2000	No

WorkSafeBC indicates: “many dusts are combustible, which means they can catch fire and burn. When fine dust particles catch fire while they’re suspended in the air, known as deflagration, fire can spread rapidly and sometimes leads to an explosion”.

When dust is exposed to enough heat or even a spark, it can ignite. When airborne dust is near a fire, it often results in an explosion. For an explosion to occur, the following five factors must be present.



Safety Data Sheet - Dried, Pelletized, Class A Biosolids (CRD)

SECTION 11 – TOXICOLOGICAL INFORMATION

Routes Of Exposure:	Inhalation, ingestion, skin and eye contact
Immediate Effects:	May cause irritation to skin or mucous membranes
Toxicity:	No acute toxicity

SECTION 12 – ECOLOGICAL INFORMATION

Aquatic Toxicity:	No additional information on aquatic toxicity available.
Additional Ecological Information:	Do not allow biosolids to enter watercourses. Product will cause harm to aquatic organisms (suspended solids/asphyxiation).

SECTION 13 – DISPOSAL CONSIDERATIONS

Do not landfill material (prohibited under provincially approved management plan).

SECTION 14 – TRANSPORT INFORMATION

UN Classification:	Non-regulated material
Other Transport Considerations:	Loads transported long distances (outside of Hartland) require a nitrogen or non-reactive gas blanket (oxygen free).

SECTION 15 – REGULATORY INFORMATION

BC Hazardous Waste Regulation:	Not a Hazardous Waste
Other Regulations:	Management and use of product is regulated under the BC Organic Matter Recycling Regulation.

SECTION 16 – OTHER INFORMATION

None.

APPENDIX 1 – BIOSOLIDS LAB DATA

Summary statistics: RTF biosolids, February 3 to April 26, 2021.

Substance	OMRR Limit * (mg/kg)	Biosolids Samples **		
		Avg ***	Min	Max
Arsenic (As)	75	2.4	1.7	3.7
Cadmium (Cd)	20	1.4	1.1	1.9
Chromium (Cr)	1060	33.2	26.4	45.2
Cobalt (Co)	151	3.0	2.3	3.9
Copper (Cu)	757	744	591	880
Mercury (Hg)	5	0.6	0.4	1.0
Molybdenum (Mo)	20	6.2	4.8	7.7
Nickel (Ni)	181	17.6	13.0	28.7
Lead (Pb)	505	31.5	25.0	39.0
Selenium (Se)	14	3.6	2.0	4.6
Thallium (Tl)	5	0.08	0.0	<0.5
Vanadium (V)	656	20.7	13.3	33.0
Zinc (Zn)	1868	713	576	826

Solids	n/a	96.9%	94.4%	98.4%
Chlorine	n/a	0.066%	0.061%	0.072%
Iron (Fe)	n/a	29363	23000	35100
Fecal Coliforms	n/a	1.9 MPN/g	<3.0 MPN/g	3.5 MPN/g
Acidity	n/a	5.7 pH	5.6 pH	5.8 pH

Note:

- Mercury: 11 samples.
- Arsenic, Cadmium, Chromium, Cobalt, Copper, Molybdenum, Nickel, Lead, Selenium, Thallium, Vanadium and Zinc: 10 samples.
- Solids and Iron: 8 samples.
- Fecal coliforms: 5 samples.
- Chlorine and pH: 2 samples.

* Based on a 4,400 kg/ha/year application rate.

** Values in mg/kg unless otherwise noted. Samples taken from February 3 to April 26, 2021.

*** Values below the detection limit were replaced with values half the detection limit.



1.0 COVER LETTER

Tuesday, June 27, 2023
Capital Regional District

Att: Tracy Urquhart, Supervisor, Communications and Education Development
Peter Kickham, Manager of Environmental Regulations

RE: **Re: Consulting Services - Long-term Biosolids Strategy consultation**

Thank you for the opportunity to submit a proposal for consulting services to support development of a longterm biosolids plan.

As a firm with a passion for meaningful public engagement and extensive experience supporting public sector agencies - including the Capital Regional District- we believe we offer a unique balance of professional experience, skill and insight.

We believe that when public engagement is done well, there is higher potential to deliver important programs and services sooner to the community and with greater awareness and understanding.

We would welcome the opportunity to work together with you to inform a plan that reflects community input, will guide the beneficial use of biosolids, and meet Provincial requirements.

As part of our work we uphold your commitment to meaningful engagement as a strategic component of implementing the consultation plan. We have outlined our estimate to support this initiative, and we hope this submission provides the necessary detail requested

We look forward to discussing our proposal further. Should you have any additional questions, please let us know.

Tavola Strategy Group Ltd.

Sincerely,



Katie Hamilton. MA Leadership
Principal
Tavola Strategy Group Ltd.
250.217.8343
katie@tavolagroup.com

2.0 COMPANY AND TEAM EXPERIENCE

TAVOLA STRATEGY GROUP: Why Choose Us

Established in 2016, Tavola Strategy Group is a leading strategic communications and public engagement firm providing strategic leadership, communications, and public engagement horsepower to public sector agencies across Western Canada. We specialize in all aspects of the communications and public engagement strategy from planning, design, implementation, and evaluation.

OUR SERVICES:

Public Engagement and Stakeholder Engagement

- ☒ *Stakeholder identification and mapping*
- ☒ *Engagement strategy, tools, and techniques – planning, facilitation, and evaluation*
- ☒ *Training for staff, elected officials and advisory committees*
- ☒ *Evaluation and reporting*

Strategic Communications

- ☒ *Strategic communications planning and implementation*
- ☒ *Media and social media strategy development*
- ☒ *Issues management advice and implementation*

Organizational Development and Strategic Planning

- ☒ *Leadership support and organizational development*
- ☒ *Team facilitation and employee engagement*
- ☒ *Strategic advisor, planning and facilitation*
- ☒ *Change management strategies*
- ☒ *Recruitment support*

Program and Service Reviews

- ☒ *Service reviews and analysis, and program development including business case, planning and project implementation*
- ☒ *Citizen-centric customer service models*
- ☒ *Evaluation and monitoring*

To view some of the other great organizations we work with, visit:

www.tavolagroup.com/our-clients/

3.0 OUR APPROACH

We understand that you are looking for an experienced consultant to work with the Capital Regional District team to develop and implement strategic communications UbX public engagement efforts to support the development of a long-term biosolids management plan. We offer 20 years of senior public engagement experience, advancing important and complex public initiatives across an array of sectors, including waste management.

Although there is no one size fits all approach to public engagement, we have the unique benefit of having worked with provincial and local governments and a variety of stakeholders across BC. We draw on context, established relationships, and lessons learned that will directly benefit this project. We also draw on our experience supporting engagement on long-term sustainability initiatives, climate action, transportation and waste management projects.

Our work is premised on the belief that the public sector can do amazing things to support healthy, engaged, and sustainable communities, and sometimes that requires complex or difficult conversations. We also believe these are often the conversations most worth having.

We are attracted to working with organizations that are willing to invest in new ways of doing things and are committed to effective and meaningful public engagement. We look for opportunities to capture and celebrate what works and use it as a catalyst for doing more important work.

We see a tremendous opportunity to tell the story about what the CRD is doing to manage waste responsibility, maximize beneficial uses and reduce greenhouse gas emissions, as well as the role everyone plays in achieving ambitious and legislated targets. To do this work well, we see the need for a strategic, thoughtful, and well-executed approach to relationship-building and public engagement to identify and explore potential concerns and opportunities, as well as options and support for implementation.

Meanwhile, our professional experience doesn't stop at great engagement. We offer over a decade of experience leading strategic and operational planning, governance advice and reporting, business process and service reviews, and managing staff at all levels of the organization. Our value-add is that we understand public sector agencies from the inside and out, and we are well-versed in developing plans that are well-informed, achievable, and easy to understand.

Based on the tailored program that will be developed in collaboration with the project team, we have prepared a draft workplan and budget based on what we know to date, expected hours and expected activities. This is adjustable based on future discussions.

Our approach is tailored to the opportunities and risks associated with each project. The principles we follow to ensure effective project delivery:

- Clearly defined project scope and deliverables
- Open, regular, and two-way communications with project manager, both verbally and written
- Invest in relationships early on
- Do what we say we will
- Realistic timelines
- Routine discussions about project and budget risks
- Monthly invoicing

PROJECT APPROACH

Four phases of plan development and implementation are outlined.

We understand the timeline is Fall 2023 to Spring 2024, with expectations to deliver the following:

Setting the stage for success – July/August 2023

- ✓ *Kick off meeting and establish detailed workplan with/ dates and deliverables*
- ✓ *Review background materials including current short-term management plan, previous biosolids engagement input and awareness-raising activities.*
- ✓ *Facilitate meeting with project team to discuss hopes and fears for consultation*
- ✓ *Develop framework for consultation plan, including stakeholder identification, alignment with IAP2 values and spectrum and Ministry of Environment consultation requirements*

Plan development and approval – September 2023

- ✓ *Meet with technical advisor and advisory group to solicit input into consultation approach*
- ✓ *Draft consultation plan*
- ✓ *Presentation of draft plan to technical advisor, project team and leadership*

*Active consultation – Fall 2023**

- ✓ *Implement approved consultation plan including, but not limited to:*
- ✓ *Develop key messaging and materials that can be used across all channels, including BangtheTable platform, media, educational tools etc.*
- ✓ *Develop engagement tools (e.g. survey and event formats to capture input online)*
- ✓ *Lead virtual facilitation*
- ✓ *Coordinate with parallel First Nations consultation process*

**Scope for Active Consultation will need to be refined based on approved engagement plan*

Closing the Loop – Spring 2024

- ✓ *Compile and analyze all input*
- ✓ *Develop What We Heard Summary outlining process and input collected. Report will be shared with public and submitted to Ministry of Environment to demonstrate that adequate consultation has occurred.*
- ✓ *Present What We Heard report to advisory and leadership groups*

APPENDIX A - TEAM BIOGRAPHIES

KATIE HAMILTON, MA, Leadership – Principal, Lead

Katie is a recognized senior leader and strategic communicator. Her professional interest is helping public-serving organizations change how they do business, how they involve their communities, and their staff in creating cultures and decision-making that supports positive change and delivery of high value services.

With 20 years experience working in public sector communications and public engagement, Katie is a trusted advisor to public sector organizations, providing strategic leadership, communications and public engagement advice and horsepower to provincial, municipal, and educational institutions across Canada. She has experience in a diverse range of areas including transportation planning, infrastructure and environment, community and economic development, regulatory and policy development.



Professional Experience

TAVOLA STRATEGY GROUP LTD., VICTORIA, BC
Principal 2016-Present

CITY OF VICTORIA, VICTORIA, BC
Director of Citizen Engagement and Strategic Planning 2007-2016

CITY OF VICTORIA, VICTORIA, BC
Manager of Corporate Communications Strategic Planning Coordinator 2005-2007

Project Awards/Honours

- 2018 CACE Bravo Award of Excellence - Planning for the Future of Vic High - Public Engagement Strategy
- 2017 Marcom Gold Website Education award - Greater Victoria School District
- 2016 Government Finance Officers Association Award for Distinguished Budget Presentation
- 2015 International Association of Public Participation IAP2 Canadian Organization of the Year
- 2013 Gold Medal Winner, Planning Institute of BC - City of Victoria Official Community Plan
- 2013 Queen's Diamond Jubilee Medal
- 2005 Government Finance Officers Association Award for Annual Reporting -2016
- 2011 Global Public Awareness Award International Association of Emergency Managers 2011
- 2009 ARC Award for Graphic Design in Annual Reporting

2008 Honorary Citizen of Managua, Nicaragua Federation of Canadian Municipalities:
Managua- Tipitapa Sanitary Landfill-Health Education Project

Speaker at various events and programs:

IAP2, UVic Master of Public Administration, social media camp, LGMA, etc.

Select Project Experience:

- ☒ *BBC Transit Public Engagement TToolkit*
- ☒ *Ministry of Advance Education, Skills and Training - Sector Toolkit*
- ☒ *Land development for siting operational transit facilities*
- ☒ *Developing public space values for infrastructure projects*
- ☒ *School land disposal*
- ☒ *Siting of affordable housing, emergency shelter(s) and safe consumption sites*
- ☒ *Siting of new composting facilities*
- ☒ *Land application of biosolids*
- ☒ *Official Community Plan consultation*
- ☒ *Open Government /Open Data initiatives*
- ☒ *Bylaws and regulatory: Central Business District Zoning, Medicinal Marijuana regulations, skateboard regulations*
- ☒ *Consultation about multi-modal transportation networks and protected bike lanes*
- ☒ *Communications and engagement on neighbourhood park and street upgrades*
- ☒ *Bridge design, financing and construction projects*
- ☒ *Intergovernmental land exchange*
- ☒ *Borrowing Referendum and Counter Petition communications to fund large capital projects*
- ☒ *Review of student enrolment priorities who gets into schools when space is limited*
- ☒ *Communicating sensitive rate increases – parking, waste, parking, sewer, taxes.*
- ☒ *Consultation on residential solid waste service model*
- ☒ *Solid Waste Master Plan*
- ☒ *Student and community engagement on expansion of on-campus student housing*
- ☒ *Business process review and overhaul of municipal parking services model*
- ☒ *Emergency management – Chief Public Information officer*

CLAIRE PETHERICK – Graphic Designer

Claire provides branding, graphic design and web design services to clients in a wide variety of industries. Some of her clients include School District 61, City of Victoria, the Fraser Valley Regional District, Chilliwack Society for Community Living, Tourism Abbotsford, and Tourism Harrison.

Claire studied Industrial Design at UNSW, one of Australia's premiere universities. The degree offered the perfect marriage of creative and technical subjects, encompassing product design, graphic design, manufacturing technologies, CAD modeling, ergonomics, engineering, and marketing. Following graduation, Claire found full time employment with W.L. Gore, working as their in-house graphic designer supporting marketing for GORE-TE in Australia New Zealand.



Over the past 15 years Claire has continued to pursue her passion for visual communication in a way that helps others achieve their goals. Claire seeks to interact with integrity, openness, and honesty, and to create meaningful designs that communicate with a thoughtful balance of order and creativity. The satisfaction in her work is incomplete unless she knows she provided an exceptional solution to a client's design needs.

PROJECT ROLE: Graphic design of print, presentation and online materials.

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, AUGUST 02, 2023**

SUBJECT **2023 Governance Committee Terms of Reference - Revised**

ISSUE SUMMARY

To approve a revised Terms of Reference for the Governance Committee that reflects the recent establishment of the CRD Accessibility Advisory Committee.

BACKGROUND

On December 14, 2022, the Regional Board approved the 2023 Terms of Reference (TOR) for standing committees.

On April 12, 2023, the CRD Board approved the establishment of a CRD Accessibility Advisory Committee (TOR attached as Appendix A) and directed that the Governance Committee's TOR be amended to include consideration of matters related to accessibility.

To reflect the establishment of the new Accessibility Advisory Committee, the Governance Committee TOR has been revised to include receiving reports and recommendations from the Accessibility Advisory Committee and recommending appointment to that Committee. These updates were made to the Governance Committee's TOR, attached as Appendix B to this report. A redlined copy is attached as Appendix C.

The TOR are being provided for review by the Committee. Any proposed revisions to the TOR will require ratification by the Board.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the revised 2023 Governance Committee Terms of Reference be approved as presented.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:
That the revised 2023 Governance Committee Terms of Reference be approved as amended.

CONCLUSION

Terms of Reference serve to clarify the mandate, responsibilities and procedures of committees and provide a point of reference and guidance for the committees and their members. To reflect the establishment of the new Accessibility Advisory Committee, the Governance Committee TOR has been revised to include receiving reports and recommendations from the Accessibility Advisory Committee and recommending appointment to that Committee.

RECOMMENDATION

That the Governance Committee recommends to the Capital Regional District Board:
That the revised 2023 Governance Committee Terms of Reference be approved as presented.

Submitted by:	Marlene Lagoa, MPA, Manager, Legislative Services & Deputy Corporate Officer
Concurrence:	Steven Carey, B.Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Accessibility Advisory Committee Terms of Reference (Final)
Appendix B: Revised Governance Committee Terms of Reference (Draft)
Appendix C: Revised Governance Committee Terms of Reference (Redlined)

Terms of Reference



CRD ACCESSIBILITY ADVISORY COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Accessibility Advisory Committee (AAC) is an advisory committee of the CRD Governance Committee created further to the *Accessible British Columbia Act*. The AAC is established to provide recommendations on improving accessibility to the Governance Committee on CRD policies, programs, services, built environments, infrastructure, and outdoor spaces that to improve the livability, inclusivity, and accessibility for persons with disabilities in the capital region.

The Committee's official name is to be:

Accessibility Advisory Committee

1.0 PURPOSE

The Accessibility Advisory Committee will:

- a) Provide recommendations on the development of an accessibility plan.
- b) Identify barriers of access to CRD services and programs for persons with disabilities in the community and recommend solutions for consideration by the CRD.
- c) Be available as a resource to the CRD on matters relating to accessibility and participate in community engagement activities in an objective and unbiased manner, as needed, and avoid reflecting preferred outcomes.
- d) Collaborate and share information and best practices with other committees and organizations focused on supporting persons with disabilities.
- e) Provide input and advice to the Governance Committee on the best methods to engage the public and stakeholders.
- f) Ensure that the accessibility plan and community engagement are neutral, balanced and inclusive.
- g) Ensure that adequate information is provided to community members to enable them to provide informed feedback.
- h) Remain objective and unbiased while overseeing the process of community education and participation.

- i) Review CRD accessibility plan every three (3) years.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Governance Committee will:
 - Recommend AAC member appointments to the CRD Board for up to a two-year term; and
 - Appoint a member as the liaison between the AAC and the Governance Committee.
- b) The AAC will appoint a Chair and a Vice-Chair on an annual basis.
- c) The AAC will report its input to the Governance Committee for consideration. The CRD Board is the final decision-making authority.

3.0 COMPOSITION OF VOTING MEMBERSHIP

- a) To the extent that it is possible, members will be people from diverse backgrounds, including Indigenous peoples, no less than half of whom must either be persons with disabilities or persons representing a disability-serving organization.
- b) The AAC will be composed of at least five (5), and up to 11, members.
- c) The AAC may include both members external and internal to the CRD organization.
- d) Members will be appointed for a 2-year term (except in the first year when 3 citizen appointments will be appointed for a 1-year term to allow for staggered expiration terms).
- e) A term will equal 2 years, and members will serve no more than 3 consecutive terms (i.e. 6 years).
- f) Public members of the AAC will receive an honorarium in the amount of \$110.00 per meeting and reimbursement of any necessary travel expenses. Honoraria are not intended for members who are representatives of organizations or businesses where they are employed.
- g) AAC vacancies will be publicly posted for a minimum of 30 days and appointments will be made in accordance with the CRD Appointment of Public Members to External Boards Policy.

4.0 PROCEDURES

- a) The CRD Board Procedures Bylaw will apply.
- b) The AAC shall meet at a minimum of every two (2) months at the call of the Chair and have special meetings, as required.
- c) The agenda will be finalized in consultation between staff and the Chair.

- d) A quorum is a majority of the committee membership and is required to conduct committee business.
- e) AAC meetings will be held in a manner which is as accessible as possible by default, including but not limited to: accessible meeting locations; use of accessible hybrid virtual meeting technology; provision of accessibility supports including ASL interpreters and live caption services; and other as identified by the AAC.

5.0 RESOURCES AND SUPPORT

- a) The Senior Manager, Human Resources and Corporate Safety, will lead the coordination and allocation of resources to the Committee.
- b) Appropriate CRD staff and resources will be provided to assist with the activities of and support to the AAC.
- c) Minutes and agendas are prepared and distributed by the Legislative Services division.

Approved by the CRD Board on April 12, 2023

Terms of Reference



GOVERNANCE COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Governance Committee is a standing committee established by the CRD Board to make recommendations to the Board regarding items related to governance and corporate administration. The Committee will also provide advice to the Board on agenda items for Committee of the Whole meetings.

The Committee's official name is to be:

Governance Committee

1.0 PURPOSE

- (a) To consider matters and make recommendations to the Board or to the Committee of the Whole regarding the following functions:
 - i. Board, committee and commission governance and meeting procedures;
 - ii. General governance issues such as communication, access and accountability processes;
 - iii. Corporate administration and operations such as but not limited to:
 - Labour Relations and Human Resource Matters
 - Internal and external communications systems
 - Intergovernmental relations
 - iv. Legal and Risk Management;
 - v. Matters related to accessibility;
 - vi. Identification of items of regional interest and/or items that are relevant to more than one standing committee that are better suited for consideration at a Committee of the Whole meeting;
- (b) The Committee may also make recommendations to the Board to advocate to provincial and federal governments on matters affecting the Regional District.
- (c) The following committee will report through the Governance Committee
 - Accessibility Advisory Committee
- (d) The Committee may establish an Appointment Advisory Committee, on an as-and-when needed basis, responsible for reviewing applications and making recommendation for appointments to external boards and the Accessibility Advisory Committee.

- i. The Appointment Advisory Committee is permitted to meet in closed when evaluating public member applications.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Capital Regional District Board for consideration; and
- b) The Board Chair will appoint the Committee Chair, Vice Chair and Committee members annually.

3.0 COMPOSITION

- a) Committee members will be appointed CRD Board Members;
- b) All Board members are permitted to participate in standing committee meetings, but not vote, in accordance with the CRD Board Procedures Bylaw; and
- c) First Nation members are permitted to participate in standing committee meetings at their pleasure, in accordance with the CRD Procedures Bylaw, where the Nation has an interest in matters being considered by the committee.

4.0 PROCEDURES

- a) The Committee shall meet every second month on even months, or at the call of the Committee Chair;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business

5.0 RESOURCES AND SUPPORT

- a) The General Manager, Corporate Services will act as liaison to the Committee;
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department; and
- c) The Executive Services Department will provide additional Committee support as required.

Approved by CRD Board _____

Appendix C

Terms of Reference

CRD

GOVERNANCE COMMITTEE

PREAMBLE

The Capital Regional District (CRD) Governance Committee is a standing committee established by the CRD Board to make recommendations to the Board regarding items related to governance and corporate administration. The Committee will also provide advice to the Board on agenda items for Committee of the Whole meetings.

The Committee's official name is to be:

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- i. Board, committee and commission governance and meeting procedures;
- ii. General governance issues such as communication, access and accountability processes;
- iii. Corporate administration and operations such as but not limited to:
 - Labour Relations and Human Resource Matters
 - Internal and external communications systems
 - Intergovernmental relations
- iv. Legal and Risk Management;

v. Matters related to accessibility;

vi. Identification of items of regional interest and/or items that are relevant to more than one standing committee that are better suited for consideration at a Committee of the Whole meeting;

(b) The Committee may also make recommendations to the Board to advocate to provincial and federal governments on matters effecting the Regional District.

(c) The following committee will report through the Governance Committee

- Accessibility Advisory Committee

(e)(d) The Committee may establish an Appointment Advisory Committee, on an as-and-when needed basis, responsible for reviewing applications and making recommendation for appointments to external boards and the Accessibility Advisory Committee.

- i. The Appointment Advisory Committee is permitted to meet in closed when evaluating

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public member applications.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Committee will make recommendations to the Capital Regional District Board for consideration; and
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- a) Committee members will be appointed CRD Board Members;
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4.0 PROCEDURES

- a) The Committee shall meet every second month on even months, or at the call of the Committee Chair;
- b) The agenda will be finalized in consultation between staff and the Committee Chair and any Committee member may make a request to the Chair to place a matter on the agenda through the Notice of Motion process;
- c) With the approval of the Committee Chair and Board Chair, Committee matters of an urgent or time sensitive nature may be forwarded directly to the Board for consideration;
- d) A quorum is a majority of the Committee membership and is required to conduct Committee business

5.0 RESOURCES AND SUPPORT

- a) The General Manager, Corporate Services will act as liaison to the Committee;
- b) Minutes and agendas are prepared and distributed by the Corporate Services Department; and
- c) The Executive Services Department will provide additional Committee support as required.

Approved by CRD Board _____



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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 18, 2023

SUBJECT **Development Variance Permit for Lot 1, Section 98, Sooke District,
Plan VIP23938 – 6144 East Sooke Road**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the requirement that ten percent of the perimeter of the lot front onto a public highway in order to authorize a four-lot subdivision.

BACKGROUND

The 1.78 hectare (ha) property is zoned Rural Residential 5 (RR-5) under the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and located at 6144 East Sooke Road in East Sooke (Appendix A). The subject property is adjacent to other RR-5 zoned parcels to the east and west, East Sooke Road to the south and Sooke Basin to the north. Timberdoodle Road currently terminates at the western boundary of the lot. Portions of the proposed parcels are designated as Steep Slope and Shoreline Protection development permit areas.

The owners have submitted subdivision and development permit applications (SU000757/DP000395) to create four lots greater than 0.4 ha each. The proposed plan indicates that Timberdoodle Road will be extended and constructed to provide access to three of the proposed parcels with the remaining parcel to use the existing East Sooke Road access (Appendix B). As a result of the location of Timberdoodle Road and in order to achieve the 0.4 ha minimum lot size required in the RR-5 zone, the proposed subdivision plan configuration includes a hooked formation for Lot 2 resulting in a substantial increase of the lot perimeter of Lot 3.

Ten percent of the perimeter of proposed Lot 3 is approximately 32 m; however, given the configuration of the parcel, the frontage is only 8.6% (27.5 m). Therefore, the applicants have requested a variance to reduce the requirement specified by Part 1, Section 3.10(4)(a) of Bylaw No. 2040 that one tenth of the perimeter of the lot front a public highway.

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

Alternative 2:

The Land Use Committee recommends to the CRD Board:

That the development variance permit be denied and require that the subdivision comply with zoning requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule “A”, Part 1, Section 3.10(4) specifies that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be the greater of: (a) one tenth of the perimeter of the lot that fronts on the highway; or (b) the minimum frontage specified in this Bylaw for the lot. As no other frontage requirement is specified for the zone, the frontage for each proposed lot is one-tenth of the perimeter of the lot. A development variance permit is required in order to allow proposed Lot 3 to have a frontage of 27.5 m or approximately 8.6% of the lot perimeter.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes to pass a resolution to issue a development variance permit, it must give notice to each resident/tenant within a distance specified by bylaw. Capital Regional District Bylaw No. 3885, Juan de Fuca Application Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the July 18, 2023, Land Use Committee meeting.

Land Use Implications

The parent property is designated as Settlement Area in the East Sooke Official Community Plan (OCP), Bylaw No. 4000. For the purposes of considering future amendments to the zoning bylaw, the Settlement Area designation supports an average parcel size of one hectare with a minimum parcel size of 0.4 hectares for residential development. The OCP recognizes, however, that existing zones may permit a density that exceeds the desired 1 ha average. The subject property is zoned RR-5, which permits a minimum lot size of 0.4 ha. All parcels included in the proposed plan of subdivision meet the RR-5 minimum lot size requirement.

The land that is the subject of this application is designated as Steep Slope and Shoreline Protection Development Permit Areas by the East Sooke OCP and requires a Development Permit. Application DP000395 is in-progress to authorize the 4-lot subdivision layout.

Part 1, Section 3.10(7) of Bylaw No. 2040 requires that side lot lines to be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply. The angle of the side lot lines between the southern hooked portion of proposed Lot 2 and proposed Lot 3 are conventionally configured and the creation of a hooked parcel to accommodate the minimum lot size required in the zone is not prohibited within bylaws or subdivision regulations. However, a restrictive covenant prohibiting further subdivision will be required for proposed Lot 2 since the parcel will be split by a road. Such a configuration would otherwise permit further subdivision.

The primary area of ecological significance identified on the subject property is related to the marine shoreline area, which is designated as a Shoreline Protection DP area and is located on proposed Lot 1. Proposed Lot 1 includes the existing home and no additional development is planned in proximity to that area at this time.

The subject property is located within the East Sooke Participating Area of the Juan de Fuca Water Distribution System and each of the proposed parcels will be served by water connections either on East Sooke Road or Timberdoodle Road.

Through the public notification process, any residences that may be affected by the proposed frontage reduction will have an opportunity to come forward with their concerns. The Ministry of Transportation and Infrastructure’s review of the subdivision will involve final consideration of road

network and access options. Staff recommends Alternative 1, subject to public notification and consideration of comments from neighbouring residents.

CONCLUSION

The applicant has submitted a four-lot subdivision application and is requesting a reduction of the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m). Staff recommend approval of development variance permit VA000159 (Appendix C), subject to public notification.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:

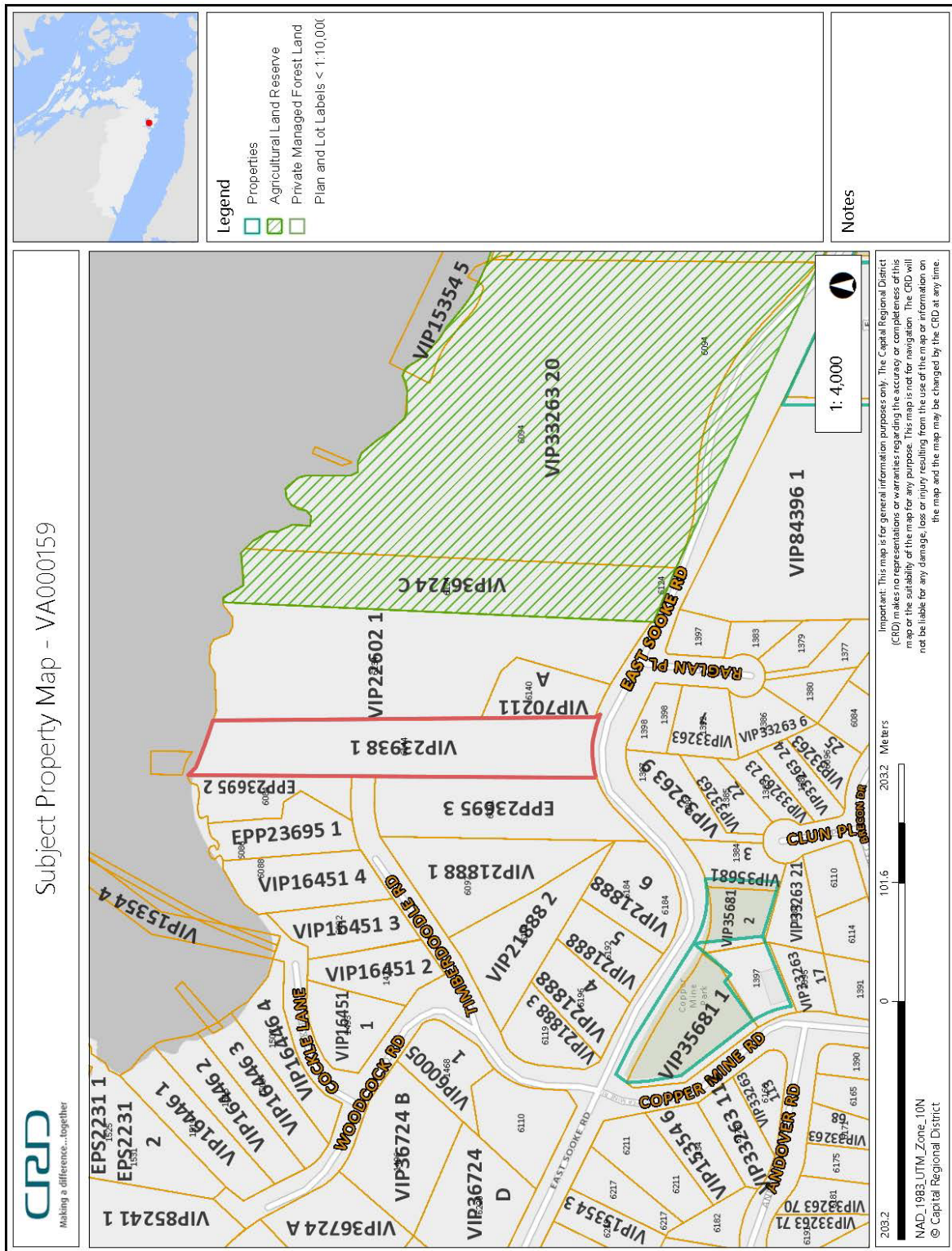
That Development Variance Permit VA000159 for Lot 1, Section 98, Sooke District, Plan VIP23938 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 3 from 10% of the lot perimeter (32 m) to 8.6% of the lot perimeter (27.5 m) for the purpose of permitting a four-lot subdivision, be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

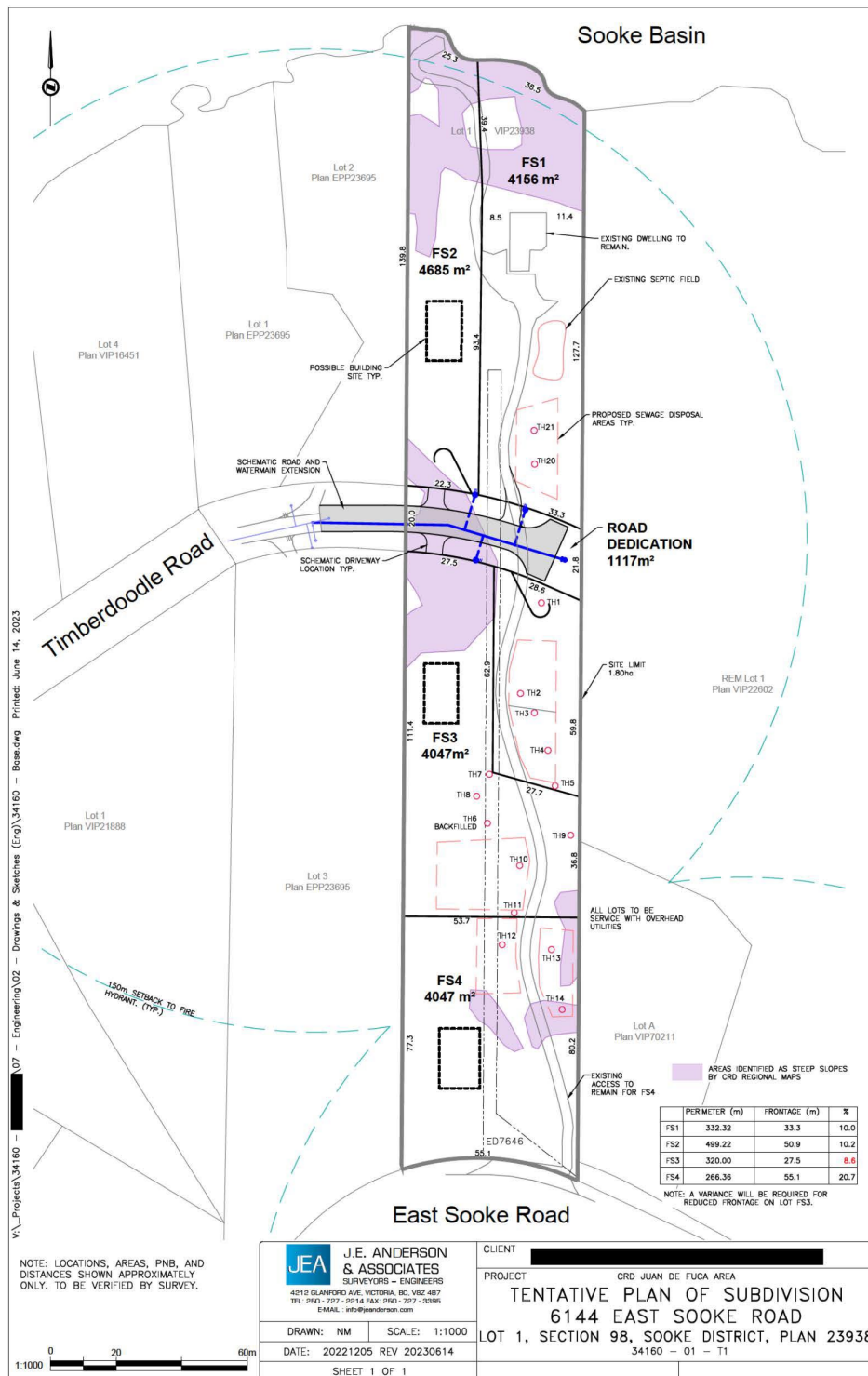
ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Proposed Subdivision Plan - J. E. Anderson and Associates, June 14, 2023
Appendix C: Permit VA000159

Appendix A: Subject Property Map



Appendix B: Proposed Subdivision Plan, J. E. Anderson and Associates, June 14, 2023



Appendix C: Permit VA000159



CAPITAL REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT NO. VA000159

1. This Development Variance Permit is issued under the authority of Section 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically authorized by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 002-928-604

Legal Description: Lot 1, Section 98, Sooke District, Plan VIP23938

3. The Capital Regional District's **Bylaw No. 2040, Schedule A, Part 1, Section 3.10 (4)(a)** is varied under Section 498 of the *Local Government Act* as follows:
 - a) By reducing the minimum frontage requirement for proposed Lot 3 from 10% of the perimeter of the lot (32 m) to 8.6% of the perimeter of the lot (27.5 m) as shown on the Proposed Subdivision Plan, prepared by JE Anderson and Associates, dated June 14, 2023, attached.
4. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (VA000159) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
5. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
5. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
6. The following plans and specifications are attached:

Attachment 1: Tentative Plan of Subdivision, prepared by JE Anderson & Associates, dated June 14, 2023.
7. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ____ th day of _____, 2023.

ISSUED this ____ day of _____, 2023

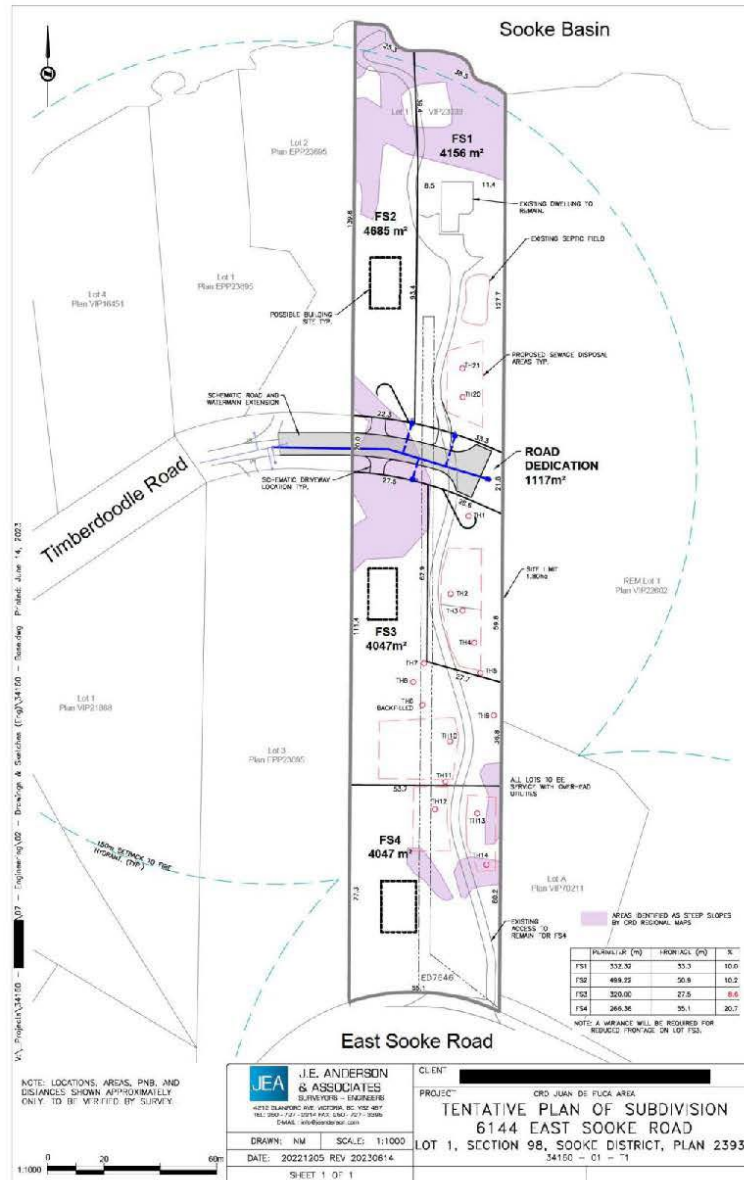
Corporate Officer
Kristen Morley



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VA000159

Attachment 1: Tentative Plan of Subdivision





Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 18, 2023

SUBJECT **Provision of Park Land for Subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 – 6144 East Sooke Road**

ISSUE SUMMARY

To consider the provision of park land or cash-in-lieu equivalent pursuant to Section 510 of the *Local Government Act (LGA)* in conjunction with the proposed four-lot subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938.

BACKGROUND

The 1.78 hectare (ha) parcel is located on the north side of East Sooke Road adjacent to Sooke Basin and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw, 1992, No. 2040 (Appendix A).

The applicant has applied to subdivide the property into 4 fee simple lots (Appendix B). The requirement for provision of park land or payment for parks purposes pursuant to Section 510 of the *LGA* applies to the subdivision. The requirement for Access to Waterfront pursuant to Section 75 of the *Land Title Act* would not apply to this subdivision since an access exists approximately 140 m to the west at Cockle Lane meeting the minimum interval requirement of 200 m.

At their meeting of May 30, 2023, the Juan de Fuca Electoral Area (JdF EA) Parks and Recreation Advisory Commission (the Commission) considered options for park land requirements and recommended that cash in-lieu of park land be received (Appendix C).

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 1, Section 98, Sooke District, Plan VIP23938 subject to verification of the land value pursuant to Section 510 of the *Local Government Act*.

Alternative 2:

Refer the application back to staff for more information.

IMPLICATIONS

Legislative Implications

Section 510 of the *LGA* requires the provision of park land at the time of subdivision where three or more additional lots are created and the smallest lot being created is 2 ha or less. Where a regional district provides a community park service and an official community plan contains policies and designations respecting the location and types of future parks, the owner may be required to provide either land or cash-in-lieu at the discretion of the local government. The amount of land to be provided may not exceed 5% of the land being subdivided.

If an owner is to provide cash-in-lieu, the value of the land is based on the average market value of all the land in the proposed subdivision calculated as that value would be on the date of preliminary approval of the subdivision before any works or services are installed, or a value

agreed upon by the parties. Any money received for park land must be deposited in a reserve for the purpose of acquiring park land.

Public Consultation Implications

There are no public consultation requirements in Bylaw No. 3885 for subdivision applications. An internal review of subdivision requirements is conducted by staff and conditions are forwarded to the Provincial Approving Officer. As the proposed subdivision requires provision of park land under Section 510 of the *LGA*, the application was referred to the JdF EA Parks and Recreation Advisory Commission. Meetings are open to the public, advertised in the local newspaper and on the CRD website.

Land Use Implications

The East Sooke Official Community Plan, Bylaw No. 4000, includes policies and objectives related to parks and trails. A network of parks and trails within the community is identified; however, the area around the subject property is not specifically referenced.

The JdF EA Community Parks & Recreation Strategic Plan, 2023, identifies that it may be more appropriate to defer park land in favour of cash-in-lieu at the time of subdivision if the land in question would not provide value to the community.

East Sooke Regional Park and Copper Mine Park are located approximately 450 m to the east and 150 m to the west of the subject property respectively; however, any trail construction to provide connectivity between community features in the area would also require road crossings since both parks are located on the south side of East Sooke Road.

The Commission considered the application at its meeting of May 30, 2023, (Appendix C) and passed the following motion:

MOVED by Commissioner McKay, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for the proposed subdivision of Lot 1, Section 98, Sooke District, Plan 23938 (SU000757), be received in the form of cash-in-lieu.

CARRIED

Staff support acceptance of cash in-lieu of park land dedication as recommended by the Commission.

CONCLUSION

The applicant proposes to subdivide the 1.78 ha property at 6144 East Sooke Road into four lots. The JdF EA Parks and Recreation Advisory Commission considered the application on May 30, 2023, and recommended accepting cash-in-lieu of park land dedication pursuant to Section 510 of the *LGA*. If the Land Use Committee and Regional Board agree to accept cash-in-lieu, the requirement would be fulfilled prior to final approval of the subdivision.

RECOMMENDATION

The Land Use Committee recommends to the CRD Board:

That cash in lieu of park land dedication be requested for the proposed subdivision of Lot 9, Section 129, Sooke District, Plan VIP67208, subject to verification of the land value pursuant to Section 510 of the *Local Government Act*.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

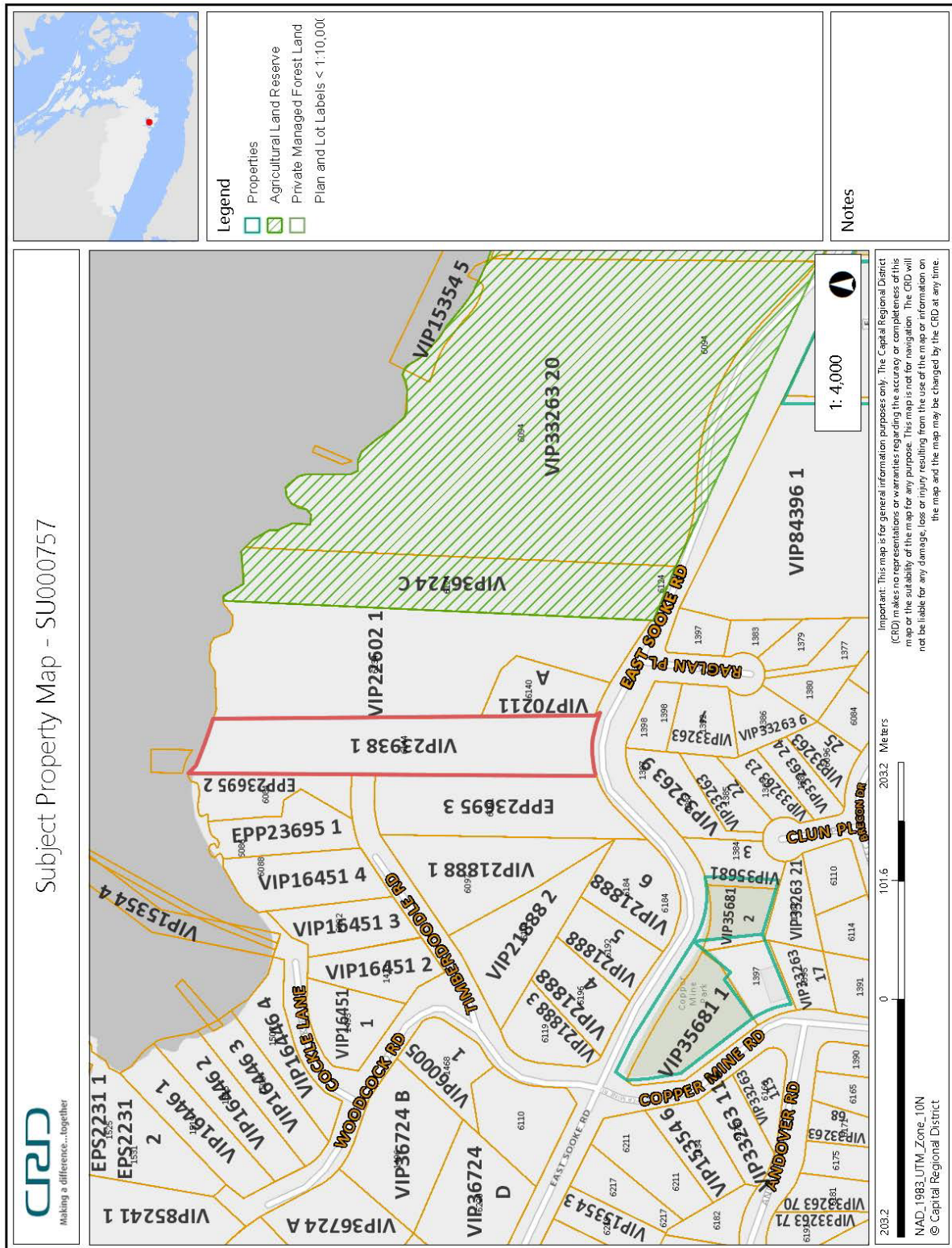
ATTACHMENTS

Appendix A: Subject Property Map

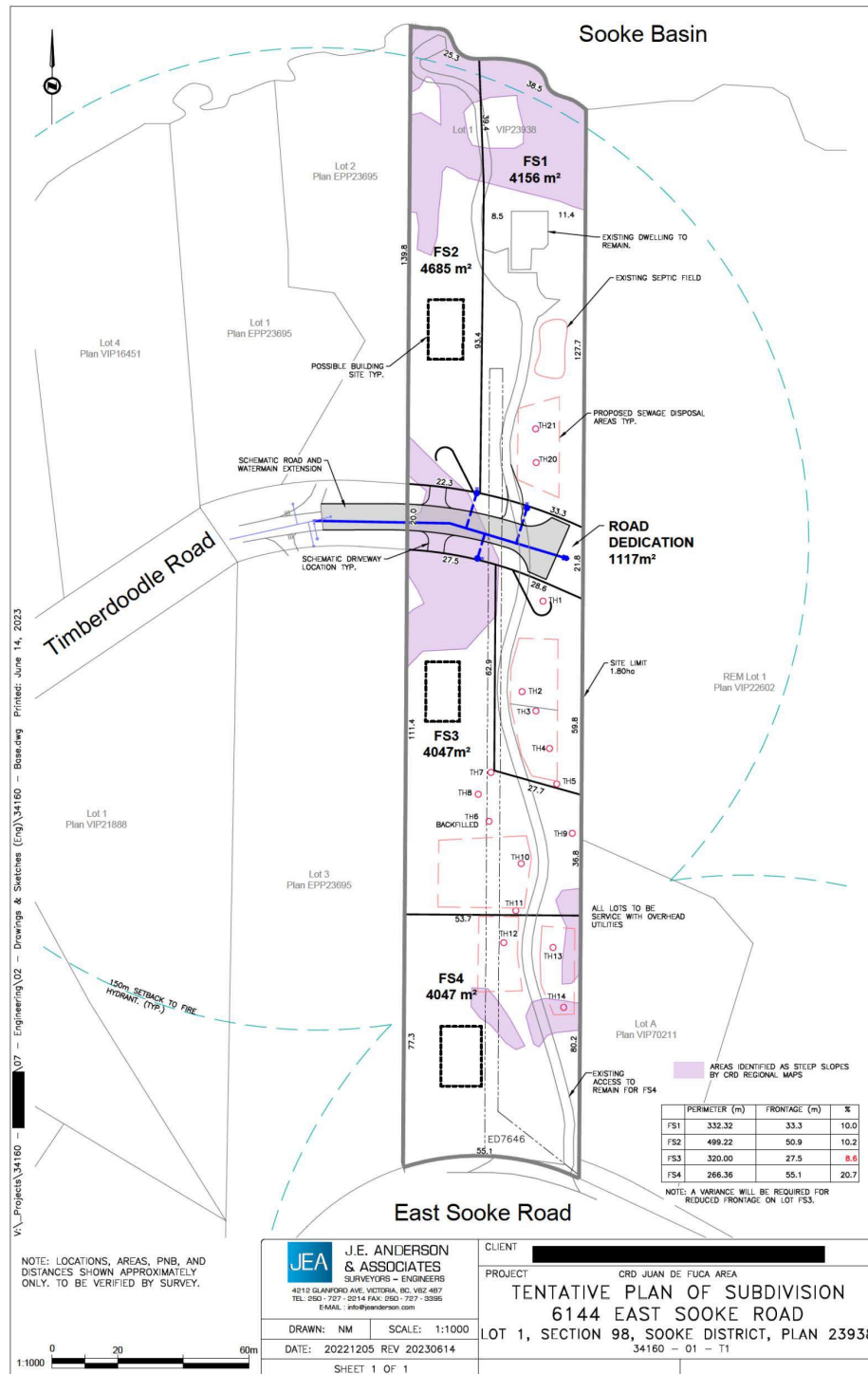
Appendix B: Plan of Subdivision

Appendix C: Commission Minutes May 30, 2023

Appendix A: Subject Property Map



Appendix B: Proposed Subdivision Plan



Appendix C: Commission Minutes May 30, 2023

a) **Subdivision Applications SU000757 – Lot 1, Section 98, Sooke District, Plan 23938 (6144 East Sooke Road)**

Regina Robinson spoke to the staff memo to the Commission regarding a referral received from the Ministry of Transportation and Infrastructure for a 4-lot fee simple subdivision of a 1.78 ha property.

Commission comments noted that the subject property does not provide connectivity to existing community parks or trails and that park dedication would provide limited community use.

MOVED by Commissioner McKay, **SECONDED** by Commissioner Sloan that the Juan de Fuca Electoral Area Parks and Recreation Advisory Commission recommend to the Juan de Fuca Land Use Committee that the requirement for park land dedication in accordance with Section 510 of the *Local Government Act*, for proposed subdivision of Lot 1, Section 98, Sooke District, Plan 23938 (SU000757), be received in the form of cash-in-lieu.

CARRIED

**REPORT TO REGIONAL WATER SUPPLY COMMISSION
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT **Watershed Security Officer Designation**

ISSUE SUMMARY

To appoint additional Watershed Security Officers with authority to enforce Bylaw No. 2804, Capital Regional District (CRD) Water Supply Area Regulations and Bylaw No. 4225, CRD Parks Regulation.

BACKGROUND

Appointment of Watershed Security Officers

Bylaw No. 2804, CRD Water Supply Area Regulations, provides authority to authorized personnel to enforce the bylaw. Authorized personnel are defined as “peace officer, conservation officer, or person appointed or employed by the CRD as a park officer, animal control officer, bylaw enforcement officer, *watershed security officer*, or other authorized CRD employee”.

Watershed Security Officers were last appointed in 2020 and staffing changes require an update to those appointed. CRD staff appointed as Watershed Security Officers receive bylaw training and have experience with bylaw compliance and enforcement for the Greater Victoria Water Supply Area (GVWSA). Watershed Security Officers supplement the existing service of CRD Bylaw Enforcement Officers who will continue to provide advice, additional coverage, and assistance with serious and complex incidents in the GVWSA.

The CRD Parks Regulation Bylaw No. 4225 was amended in June 2017 to include Watershed Security Officers to provide authority to enforce park regulations along the Sooke Hills Wilderness Trail (portion of the Great Trail) through and near the GVWSA. Parks Officers were already designated with authority to enforce the Water Supply Area Regulation.

Both CRD Regional Parks and Watershed Protection officers provide compliance and enforcement regardless of whether an infraction occurs within or outside of the trail corridor. Regional Parks and Watershed Protection staff work to provide a consistent approach with the public in providing compliance and enforcement along the trail.

Pursuant to Section 233 of the *Local Government Act* and Section 28(3) of the *Offence Act* and in accordance with CRD Bylaw No. 2681, the Regional Board must make resolutions for appointment to the office of Watershed Security Officer.

ALTERNATIVES

Alternative 1

That the Regional Water Supply Commission recommends that the Capital Regional District Board:

Appoint Jim Harradine and Derek Hall as Watershed Security Officers; and that Devon Barnes be removed from appointment; for the purpose of Section 233 of the Local Government Act and

Section 28(3) of the Offence Act, and in accordance with Capital Regional District Bylaw No. 2681.

Alternative 2

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

IMPLICATIONS

Financial Implications

There are no financial implications.

Service Delivery and Regional Water Supply Strategic Plan Implications

The appointment of Watershed Security Officers assists CRD staff in delivering on compliance and enforcement of the Water Supply Area Regulation to protect drinking water for Greater Victoria for the long term.

Social Implications

The ability to enforce the Water Supply Area Regulation is important in maintaining compliance and society's expectation for a closed watershed for drinking water. The Sooke Hills Wilderness Trail and the increased residential growth in the Langford and Goldstream areas are increasing pressure as members of the public look for new and interesting areas for recreation nearby. Existing security infrastructure (gates and fences) provides a visual barrier and a barrier to vehicles and motorcycles but cannot keep out pedestrians and cyclists without presence and enforcement.

CONCLUSION

To enforce CRD Bylaw No. 2804 Water Supply Area Regulations and Bylaw No. 4225 Parks Regulation, it is recommended that the CRD Board make resolutions for appointment to the office of Watershed Security Officer.

RECOMMENDATION

That the Regional Water Supply Commission recommends that the Capital Regional District Board:

Appoint Jim Harradine and Derek Hall as Watershed Security Officers; and that Devon Barnes be removed from appointment; for the purpose of Section 233 of the Local Government Act and Section 28(3) of the Offence Act, and in accordance with Capital Regional District Bylaw No. 2681.

Submitted by:	Annette Constabel, M.Sc., RPF., Senior Manager, Watershed Protection
Concurrence:	Ian Jesney, P. Eng., Acting General Manager, Integrated Water Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, AUGUST 9, 2023**

SUBJECT Disaster Mitigation and Adaptation Fund Grant Application

ISSUE SUMMARY

To inform the Capital Regional District (CRD) Board of the *Disaster Mitigation and Adaptation Fund* (DMAF) grant opportunity and to seek approval for CRD staff to enter into an agreement to receive grant funds if successful.

BACKGROUND

There is an opportunity for the CRD to resubmit a grant application under Canada's Disaster Mitigation and Adaptation Fund (DMAF) program. The project is a complete seismic resiliency upgrade to the Regional Water Transmission Main No. 4 and portions of the Saanich Peninsula Water system.

Endorsement to proceed with the grant application was received from both the Regional Water Supply Commission and the Saanich Peninsula Water Commission at their meetings of July 19 and July 20, 2023, respectively. Staff reports attached as Appendices A and B.

ALTERNATIVES

Alternative 1

The Regional Water Supply Commission and the Saanich Peninsula Water Commission recommend to the Capital Regional District Board:

That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects.

Alternative 2

That Staff be instructed not to proceed with a grant application to the *Disaster Mitigation and Adaptation Fund* for the proposed projects.

CONCLUSION

There is an opportunity for the Capital Regional District (CRD) to receive up to \$63.5 million in grant funding under the *Disaster Mitigation and Adaptation Fund* grant. To be able to potentially access this grant CRD staff need to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects. Endorsement to proceed with the application has been received from the Regional Water Supply Commission and the Saanich Peninsula Water Commission.

RECOMMENDATION

The Regional Water Supply Commission and the Saanich Peninsula Water Commission recommend to the Capital Regional District Board:

That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects.

Submitted by:	Joseph Marr, P.Eng., Acting Senior Manager, Infrastructure Engineering
Concurrence:	Alicia Fraser, P.Eng., General Manager, Integrated Water Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: July 19, 2023, Staff Report to Regional Water Supply Commission

Appendix B: July 20, 2023, Staff Report to Saanich Peninsula Water Commission

**REPORT TO REGIONAL WATER SUPPLY COMMISSION
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT **Regional Water Supply Commission - Disaster Mitigation and Adaptation Fund Grant Application**

ISSUE SUMMARY

To inform the Regional Water Supply Commission (RWS) of the *Disaster Mitigation and Adaptation Fund* (DMAF) grant opportunity and to seek approval for Capital Regional District (CRD) staff to enter into an agreement to receive grant funds if successful.

BACKGROUND

There is an opportunity for the CRD to resubmit a grant application under Canada's Disaster Mitigation and Adaptation Fund (DMAF) program. The application includes a complete seismic resiliency upgrade to the Regional Water Transmission Main No. 4 and portions of the Saanich Peninsula Water Supply System. The scope of the project includes replacing vulnerable sections of reinforced concrete cylinder and asbestos cement pipe, constructing supply system interconnections to provide redundancy, and constructing direct bulk water connections to two First Nations Reserves. The scope was reduced slightly from previous applications as CRD was recently successful in obtaining a \$6 million grant under the *2022 Strategic Priorities Fund Intake – Canada Community-Building Fund Program* to upgrade a section of Regional Water Transmission Main No. 4 from Mt. Newton Cross Road to Highway 17. Please refer to Appendix A and the table below outlining the current scope of the eligible grant projects.

Phase	Project Type	Location	Year Constructed	Pipe Material / Size (diameter)	Length (m)
1A	Replace	SPW - McTavish Reservoir to Mills Rd.	1980	AC / 500mm dia.	3,500
1B	Replace	SPW – Mills Rd.	1980	AC / 450mm dia.	2,000
1C	Proposed	SPW – Pauquachin First Nation & Tseycum Meters	N/A	Ductile Iron / 300mm dia.	2,000
2	Replace	RWS – Main No.4 Goldstream Ave.	1972	Concrete / 1,372mm dia.	1,900
3A	Replace	RWS – Main No.4 Elk Lake to McTavish	1978	Concrete / 610 – 762mm dia.	7,000
3B	Proposed	SPW – East Saanich Rd. – Mt. Newton to Dean Park Lower Reservoir	N/A	Ductile Iron / 600mm dia.	3,000
				Total	19,400

The total project budget is estimated at \$150 million and is to be cost-shared with the Regional Water Supply Service contributing \$60 million and the Saanich Peninsula Water Service contributing \$26.5 million. The grant could contribute the remaining \$63.5 million.

ALTERNATIVES

Alternative 1

That the Regional Water Supply Commission recommends to the Capital Regional District Board: That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects.

Alternative 2

That the Regional Water Supply Commission recommends to the Capital Regional District Board: That staff be instructed not to proceed with a grant application to the *Disaster Mitigation and Adaptation Fund* for the proposed projects.

IMPLICATIONS

Financial Implications

By instructing CRD staff to apply for the *Disaster Mitigation and Adaptation Fund* grant, and if successful, enter into an agreement, up to \$63.5 million in grant funding could become available to the CRD to upgrade infrastructure and would accelerate the proposed upgrade timelines.

CONCLUSION

There is an opportunity for the Capital Regional District (CRD) to receive up to \$63.5 million in grant funding under the *Disaster Mitigation and Adaptation Fund* grant. To be able to potentially access this grant CRD staff need to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects. The CRD has previously applied for this grant but was unsuccessful in its previous attempts.

RECOMMENDATION

That the Regional Water Supply Commission recommends to the Capital Regional District Board: That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects.

Submitted by:	Joseph Marr, P.Eng., Acting Senior Manager, Infrastructure Engineering
Concurrence:	Ian Jesney, P. Eng., Acting General Manager, Integrated Water Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Steven Carey, B.Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2023 Disaster and Mitigation Grant Eligible Projects Map

Disaster Mitigation and Adaptation Fund



Making a difference...together

0 0.5 1 2 3 Kilometres

UTM Zone 10N NAD 1983

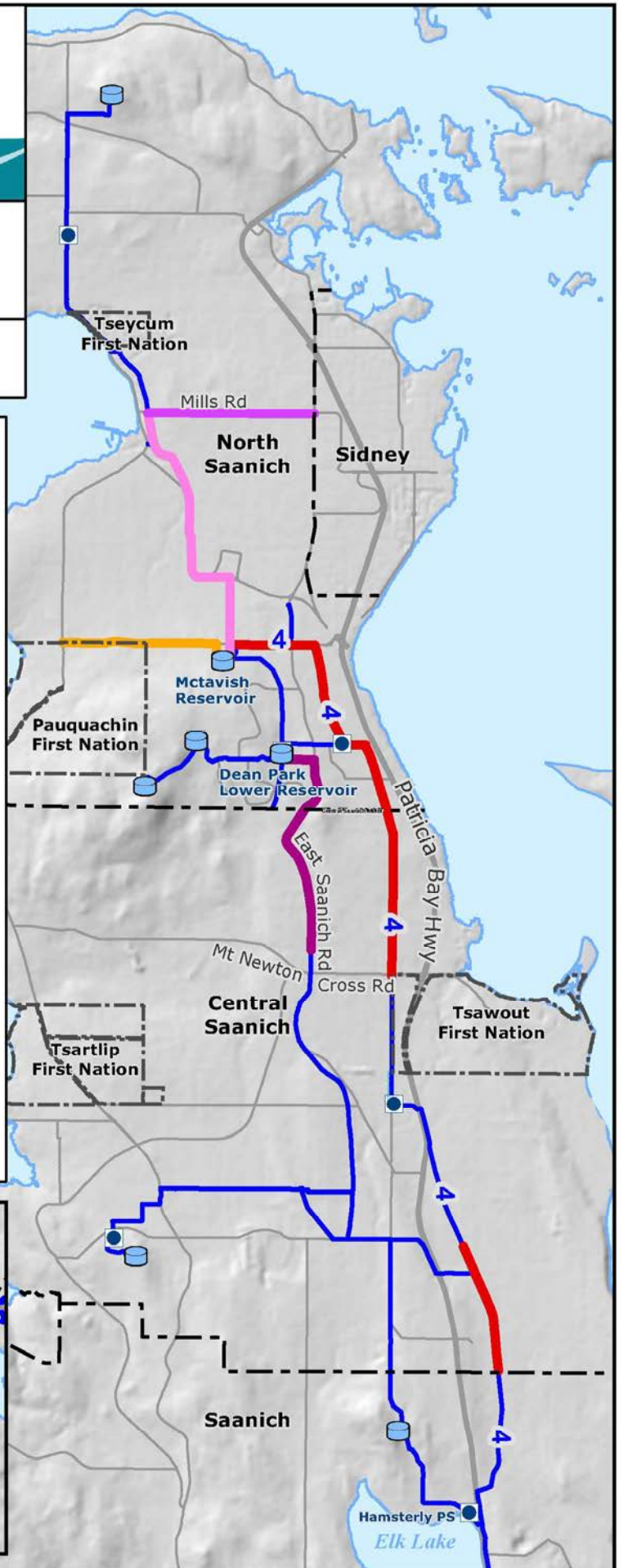


DISCLAIMER

This map is for general information only and may contain inaccuracies.

July 2023 | DisasterMitigationandAdaptationFund2023.mxd | helpdesk@crd.bc.ca

- Existing Supply Main
- Replace
SPW Water Main – West Saanich Road:
McTavish Reservoir to Mills Road
Phase 1A
AC \varnothing 500mm 1980 ~3,500m
- Replace
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- Proposed
Pauquachin First Nation Water Main
Pauquachin & Tseycum Meters/Connections
Phase 1C
Proposed Main ~2,000m
- Replace
RWS Supply Main No. 4 – Goldstream Ave
Phase 2
Concrete \varnothing 1,372mm 1972 ~1,900m
- Replace
RWS Supply Main No. 4 – Elk Lake to
McTavish (only replacing concrete sections)
Phase 3A
Concrete \varnothing 610-762mm ~1978 ~7,000m
- Proposed
SPW Water Main – East Saanich Road:
Mt. Newton to Dean Park Lower Reservoir
Phase 3B
Proposed Main ~3,000m



**REPORT TO SAANICH PENINSULA WATER COMMISSION
MEETING OF THURSDAY, JULY 20, 2023**

SUBJECT **Saanich Peninsula Water - Disaster Mitigation and Adaptation Fund Grant Application**

ISSUE SUMMARY

To inform the Saanich Peninsula Water Commission (SPWC) of the *Disaster Mitigation and Adaptation Fund* (DMAF) grant opportunity and receive approval for Capital Regional District (CRD) staff to enter into an agreement to receive grant funds if successful.

BACKGROUND

There is an opportunity for the CRD to resubmit a grant application under Canada's Disaster Mitigation and Adaptation Fund (DMAF) program. The application includes a complete seismic resiliency upgrade to the Regional Water Transmission Main No. 4 and portions of the Saanich Peninsula Water Supply System. The scope of the project includes replacing vulnerable sections of reinforced concrete cylinder and asbestos cement pipe, constructing supply system interconnections to provide redundancy and constructing direct bulk water connections to two First Nations Reserves. The scope has been reduced slightly from previous applications as CRD was recently successful in obtaining a \$6 million grant under the *2022 Strategic Priorities Fund Intake – Canada Community-Building Fund Program* to upgrade a section of Regional Water Transmission Main No. 4 from Mt. Newton Cross Road to Highway 17. Please refer to Appendix A and the table below outlining the current scope of the eligible grant projects.

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3B	Proposed	SPW – East Saanich Rd. – Mt. Newton to Dean Park Lower Reservoir	N/A	Ductile Iron / 600mm dia.	3,000
				Total	19,400

The total project budget is estimated at \$150 million and is to be cost-shared with the Regional Water Supply Service contributing \$60 million and the Saanich Peninsula Water Service contributing \$26.5 million. The grant could contribute the remaining \$63.5 million.

ALTERNATIVES

Alternative 1

That the Saanich Peninsula Water Commission recommends to the Capital Regional District Board:

That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects.

Alternative 2

That the Saanich Peninsula Water Commission recommends to the Capital Regional District Board:

That staff be instructed not to proceed with a grant application to the *Disaster Mitigation and Adaptation Fund* for the proposed projects.

IMPLICATIONS

Financial Implications

By instructing CRD staff to apply for the *Disaster Mitigation and Adaptation Fund* grant, and if successful, enter into an agreement, up to \$63.5 million in grant funding could become available to the CRD to upgrade infrastructure and would accelerate the proposed upgrade timelines.

CONCLUSION

There is an opportunity for the Capital Regional District (CRD) to receive up to \$63.5 million in grant funding under the *Disaster Mitigation and Adaptation* grant. To be able to potentially access this grant CRD staff need to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects. The CRD has previously applied for this grant but was unsuccessful in its previous attempts.

RECOMMENDATION

That the Saanich Peninsula Water Commission recommends to the Capital Regional District Board:

That staff be instructed to apply for, negotiate, and if successful, enter into an agreement, and do all such things necessary for accepting *Disaster Mitigation and Adaptation* grant funds and overseeing grant management for the proposed projects.

Submitted by:	Joseph Marr, P.Eng., Acting Senior Manager, Infrastructure Engineering
Concurrence:	Ian Jesney, P. Eng., Acting General Manager, Integrated Water Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Steven Carey, B.Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: 2023 Disaster and Mitigation Grant Eligible Projects Map

Disaster Mitigation and Adaptation Fund



Making a difference...together

0 0.5 1 2 3 Kilometres

UTM Zone 10N NAD 1983

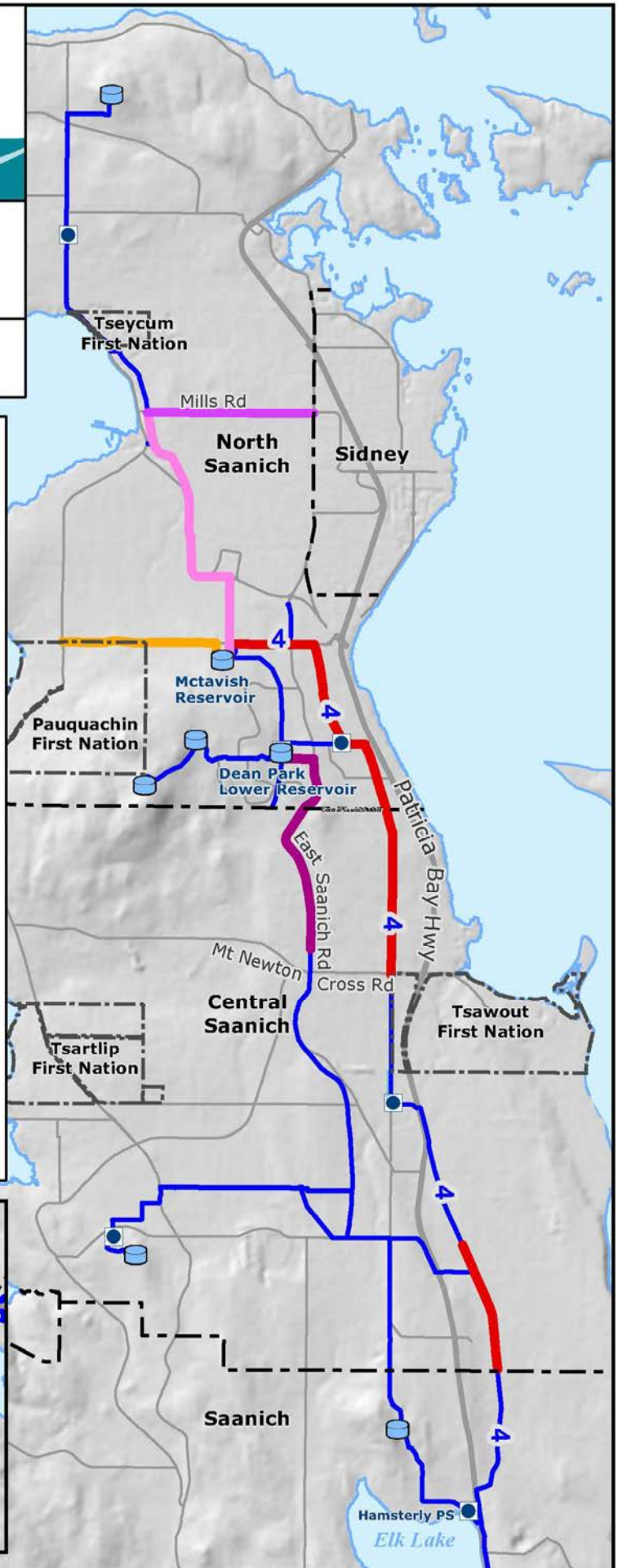


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July 2023 | DisasterMitigationandAdaptationFund2023.mxd | helpdesk@crd.bc.ca

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Phase 1C
Proposed Main ~2,000m
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RWS Supply Main No. 4 – Goldstream Ave
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RWS Supply Main No. 4 – Elk Lake to
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Concrete \varnothing 610-762mm ~1978 ~7,000m
- Proposed
SPW Water Main – East Saanich Road:
Mt. Newton to Dean Park Lower Reservoir
Phase 3B
Proposed Main ~3,000m



**REPORT TO SALT SPRING ISLAND LOCAL COMMUNITY COMMISSION
MEETING OF TUESDAY, JULY 18, 2023**

SUBJECT MERCHANT MEWS PATHWAY DESIGN – ADDITIONAL FUNDING

ISSUE SUMMARY

Additional funding is required to complete the design of the Merchant Mews Pathway.

BACKGROUND

The Capital Regional District (CRD) contracted with a local Salt Spring Island not for profit organization, Island Pathways Society, for the investigation, design and construction estimate of a 300 m long pathway from the retail and commercial area known as Merchant Mews to the intersection of Upper Ganges Road and Leisure Lane along the west side of Upper Ganges Road. The project has been contemplated since 2021 with IP doing some preliminary work starting at that time. The CRD initiated a capital project in April of 2022.

The initial budget for CRD project management was \$2,000. The current CRD project management spending is at \$15,800 due to the following factors:

- Excessive amount of time spent by CRD project management supporting and guiding Island Pathways Society to produce the defined deliverables. This time, and attendant cost, is far more than what would normally be spent using an industry design consultant. To put this in perspective, the Project Manager for this project has ~ 600 e-mails in the project files for what should be a small, simple project.
- To illustrate what this design project might have cost, the design of a much more complicated and longer (1.1 km) pathway from Booth Canal Road to Vesuvius Bay Road cost approximately \$21,500 (in 2019) carried out by a professional engineering consulting company with far less involvement from CRD engineering staff.
- IP drawings did not meet Ministry of Transportation and Infrastructure standards which caused re-work as well as extra CRD PM time for additional meetings and extra correspondence.
- Considerable CRD project management time was spent applying for a BC Active Transportation grant to fund construction of the pathway which was denied because of drawings not meeting standards.
- The BC Active Transportation grant will need to be applied for again and it is hoped that much of the application documentation and information assembled for the failed submission can be re-used.

Budget amounts, along with costs to date and costs to complete are shown in the table below.

	Approved budget	Costs to date	Estimated future costs to complete	Revised budget	Additional funding required
Design Costs	18,000	-	16,600	16,600	- 1,400
Project Management	2,000	15,800	2,000	17,800	15,800
Contingency	-	-	2,000	2,000	2,000
Total	20,000	15,800	20,600	36,400	16,400

ALTERNATIVES

Alternative 1

The Salt Spring Island Local Community Commission recommends to the Capital Regional District Board that the Salt Spring Island Transportation Service 2023 Capital Plan be amended to increase the budget for the Merchant Mews project by \$16,400 funded from the Capital Reserve Fund.

Alternative 2

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

IMPLICATIONS

Alternative 1

This additional funding will provide for completion of the design of the pathway and allow re-submission of the application to the Ministry of Transportation and Infrastructure for a Permit to Construct and License of Occupation.

Alternative 2

A request for further information will further delay the project.

CONCLUSION

Additional funding is required to complete the design of the Merchant Mews Pathway. Fortunately, adequate funds are available in the Service's Capital Reserve Fund so that there are no further delays to the completion of the design and initiation of construction.

RECOMMENDATION

The Salt Spring Island Local Community Commission recommends to the Capital Regional District Board that the Salt Spring Island Transportation Service 2023 Capital Plan be amended to increase the budget for the Merchant Mews project by \$16,400 funded from the Capital Reserve Fund.

Submitted by:	Dean Olafson, P. Eng., MBA, Manager of Engineering, SSI Electoral Area
Concurrence:	Karla Campbell, MBA, BPA, Senior Manager, SSI Electoral Area
Concurrence:	Lia Xu, M. Sc., CPA, CGA, Finance Manager, Local Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**REPORT TO ENVIRONMENTAL SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT **Healthy Waters Project for Tod Creek on the Saanich Peninsula - Update - July 2023**

ISSUE SUMMARY

To provide the Environmental Services Committee with an update on existing baseline monitoring and identification of funding sources in support of the Healthy Waters project proposal for Tod Creek on the Saanich Peninsula.

BACKGROUND

The Capital Regional District (CRD) received an unsolicited proposal from the Raincoast Conservation Foundation (RCF) to monitor the Tod Creek watershed. The objectives of this proposed monitoring program are "to conduct a risk-based evaluation of contaminants of concern in the Tod Creek watershed in support of healthy fish habitat" and "to document possible sources of contaminants of concern in the Tod Creek watershed, including Hartland Landfill and local land use."

At the May 10, 2023 CRD Board meeting, staff were directed to: "help identify sources of funding and supports for the Healthy Waters project proposal for Tod Creek on the Saanich Peninsula," and "prepare a report on what baseline data exists for contamination including Tod Inlet when they report back to the Environmental Services Committee next meeting."

Staff have since met with representatives from the RCF and confirmed that the monitoring program could be designed to align with both existing CRD monitoring programs and RCF objectives.

IMPLICATIONS

Environmental & Climate Action

After meeting with the RCF, staff have confirmed that the Healthy Waters study design objectives will not be able to identify whether Hartland Landfill is a source of contamination to Tod Creek. The RCF's primary objectives are to provide a baseline summary of contaminants in a watershed for comparison to other watersheds across coastal BC; to provide a high-level summary of general contaminant levels as they relate to pathways from various land uses (e.g., road runoff, agriculture, sewage, atmospheric deposition, etc.); and to assess risk to fish health. Existing environmental regulatory programs at the landfill are designed to evaluate whether landfill-related contamination is contained on-site and not migrating beyond the property boundary.

By incorporating existing CRD stormwater and Hartland Landfill monitoring stations into the study design and by expanding the list of contaminants to be analyzed to include the full suite proposed by the RCF, the study may:

- have enhanced scientific and technical value for both the CRD and RCF; and
- provide value to the community in the form of reassurance that the CRD and community-based monitoring programs are adequate to confirm that past and current landfill activities are not linked to contaminant-related concerns in the watershed.

Including new stations throughout the watershed will:

- provide additional background or control stations for comparison to existing CRD monitoring station results; and
- satisfy the RCF's objectives for province-wide watershed comparisons and an assessment of risk to fish health.

As noted at the April 19, 2023 Environmental Services Committee meeting, the CRD, as well as the Friends of Tod Creek Watershed, have undertaken sampling for many years in the watershed. A summary of the data generated from these sampling efforts is provided in Appendix A. As requested, this summary also includes previous Tod Inlet monitoring undertaken by SeaChange and Peninsula Streams and also includes a contaminant analysis of CRD biosolids.

There is very limited existing baseline data for the majority of organic contaminants of concern targeted by the RCF study in the surface waters of the Tod Creek watershed. Limited data is available in a variety of media (e.g., leachate, biosolids, ground and surface water); this data will be useful during sampling location and target contaminant selection for the RCF study design.

Financial Implications

The original Healthy Waters project for Tod Creek proposal had an estimated cost of \$250,000 for a snapshot assessment that would inform subsequent seasonal monitoring. The bulk of the funding will be drawn from Hartland Landfill operating reserves. For other existing services to support this project, the Healthy Waters sampling design must align with the CRD monitoring program objectives. This alignment will allow limited funding to be drawn from the CRD Saanich Peninsula and core area stormwater, core area biosolid and wastewater, onsite/septic and Hartland Landfill monitoring service budgets.

Staff have capacity to assist in study design and provide some in-kind sampling support at existing CRD monitoring locations. Staff will not have capacity to support coordination of external groups; this coordination effort will be facilitated by RCF.

The CRD investigated potential external funding sources to support this project but did not identify any current provincial or federal programs to investigate ambient environmental conditions. Community groups are also more likely to have access to future, relevant grant opportunities and may be able to find some funding to enhance the project. The CRD could participate as partners through in-kind support for any grant applications that community groups take forward.

Intergovernmental Implications

The WSÁNEĆ Leadership Council (WLC) has expressed interest in the project and is meeting internally to determine how study goals might align with its interests. The CRD's support for this project through Hartland Landfill operational reserves may also support the WLC's desire to

enhance environmental assessment around the landfill, evaluate ambient conditions in the watershed, and provide opportunities for shared learning.

CONCLUSION

The Capital Regional District (CRD) received a request to consider an ambient watershed monitoring program for the Tod Creek watershed. This proposal will not identify point source contamination but could provide additional background information to support existing monitoring programs and broader service delivery. The proposal can be aligned with several services to characterize average environmental concentrations across the watershed. No external funding sources were identified for the program. The majority of funding will come from the Hartland Landfill operating reserve, with limited funds available from existing CRD monitoring budgets. The proposal may also align with interest and objectives identified by the W̱SÁNEĆ Leadership Council for enhanced environmental monitoring around Hartland Landfill, better understanding of environmental quality across the watershed, and an opportunity for shared learning. Staff will be able to support and inform study design and provide some in-kind sampling support.

RECOMMENDATION

There is no recommendation. This report is for information only.

Submitted by:	Glenn Harris, Ph.D., R.P.Bio., Senior Manager, Environmental Protection
Concurrence:	Larisa Hutcheson, P. Eng., General Manager, Parks & Environmental Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT

Appendix A: Summary of Background Data Available for Tod Creek, Tod Inlet and CRD Biosolids

SUMMARY OF BACKGROUND DATA AVAILABLE FOR TOD CREEK, TOD INLET AND CRD BIOSOLIDS

July 2023

Group	Areas / Median Monitored	Years Monitored	Conventional Parameters	Additional parameters	High Resolution / Organic
Proposed Analytical Work					
Proposed Raincoast Conservation Foundation Project	TBD	-	DO*, coliforms*, nutrients*, pH*, conductivity*, temperature*	Metals*	PAH*, PPCP*, pesticides*, PFAS*, sucralose, 6- PPD quinone, alkylphenol ethoxylates, microplastics
Current and Historical Analytical Work					
CRD Stormwater Monitoring Program	Mouth of Tod Creek (surface water)	1998-present	DO, <i>E. coli</i> , nutrients, pH conductivity, temperature, turbidity		
CRD Stormwater Monitoring Program	Mouth of Tod Creek (sediment)	2000-present		Metals, TOC	PAH
CRD Stormwater Monitoring Program	5 locations in watershed (surface water)	2017	DO, <i>E. coli</i> , nutrients, pH, conductivity, temperature, turbidity	Metals, TSS, TOC, benthic invertebrates (1 location)	
CRD Stormwater Monitoring Program	Tod Inlet – 3 locations (sediment)	2018		Metals, TOC	PAH
CRD GeoEnvironmental Monitoring Program	Landfill (groundwater)	1980's- present	Nutrients, pH, conductivity, pH, sulphate, chloride, temperature	Metals	PFAS, 1,4 Dioxin, EE2, DIPA permethrin, PFBS, Nonylphenols and Ethoxylates, Sulfolane
CRD GeoEnvironmental Monitoring Program	Various locations in watershed (surface water)	1980's - present	nutrients, pH, organic carbon, conductivity, temperature	Metals, TSS, sulphate, chloride	PPCP

Appendix A
Summary of Background Data Available for Tod Creek, Tod Inlet and CRD Biosolids

2

Group	Areas / Median Monitored	Years Monitored	Conventional Parameters	Additional parameters	High Resolution / Organic
CRD GeoEnvironmental Monitoring Program	Landfill (leachate)	1980's-present	DO, coliforms nutrients, pH, conductivity, BOD/COD, temperature	Metals, TSS, chloride, oil and grease, sulphate sulphide, ORP	PFAS, 1,4 Dioxin, EE2, DIPA permethrin, PFBS, Nonylphenols and Ethoxylates, Sulfolane
CRD Core Area Biosolids Monitoring Program	Residuals Treatment Facility (biosolids)	2021-2022	Coliforms, pH	Metals	PAH, PFAS, PPCP, Volatile / Semi-Volatile Organic Compounds, PBDE, PCB, Dioxins, Pesticides
Friends of Tod Creek Community Group	8 locations in watershed (surface water)	2017 - present	DO, pH, conductivity, temperature turbidity, water height		
SeaChange/ Peninsula Streams Community Groups	Tod Inlet (marine sediment)	~2011		Metals	PAH, PCB, Dioxins/Furans

Notes:

* = parameters already monitored in some aspect within Tod Creek watershed

DO = dissolved oxygen

Nutrients: nitrate, total phosphorus and/or ortho-phosphate

PAH = polycyclic aromatic hydrocarbons

TOC/DOC = total organic carbon/dissolved organic carbon

TSS = total suspended solids

ORP = oxidation reduction potential

PFAS = Perfluoro-alkyl substances

PFBS = Perfluorobutanesulfonic acid

PPCP = Pharmaceuticals and personal care products

DIPA = Diisopropanolamine

EE2 = 17 α -ethynylestradiol

**REPORT TO FINANCE COMMITTEE
MEETING OF WEDNESDAY, JULY 05, 2023**

SUBJECT Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement

ISSUE SUMMARY

The service funding agreement between the Capital Regional District (CRD) and CREST expired on December 31, 2021. Additional funding exceeding call answer levy (CAL) revenue requires a new service funding agreement.

BACKGROUND

Service Authority Bylaws and Agreements

The CRD has the authority within **Bylaw No. 2891**, "Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001", to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization.

The CRD under **Bylaw No. 2893**, "CREST Members' Agreement Bylaw No. 1, 2001", entered into a membership agreement with CREST, together with the other partners. Each member, including 13 municipalities, the Provincial Government and other public agencies hold a single share except the CRD, where the regional district holds three, representing three Electoral Areas within the capital region. Each member appoints a representative to the CRD Board of Directors equal to the number of shares held. For the CRD, the appointees represent each Electoral Area and are not required to be the Electoral Area Director(s).

Within the Member Agreement, the CRD financial contribution ("CRD Charge") is capped at the net fees collected from consumers with active land phone lines each month in the region under **Bylaw No. 2911**, "Emergency Communications Charge Bylaw No. 1, 2001". Currently the rate is set at 66 cents per line per month, commonly referred to as the Call Answer Levy (CAL). CREST revenue requirements over and above the CRD Charge are recovered from members by way of cost sharing. CAL revenues vary by year and have been trending down since 2013. The decline in phone line revenue creates a difference in CREST's revenue requirements.

A discretionary subsidy contribution over and above the CAL was granted by the CRD Board from 2017 through 2021; the terms and conditions of the subsidy contribution have been set out in the "Emergency Communications Service Agreement" (Service Agreement), an agreement between the CRD and CREST.

Since the expiration of the Service Agreement, the CRD contribution to CREST has been in accordance with the existing aforementioned bylaws in place, as there has been no authority for the CRD to provide a contribution above the CAL.

Agreement Renewal

At the December 8, 2021 CRD Board meeting, the Board approved a recommendation from the Planning and Protective Services Committee:

That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.

In the process of negotiating and preparing a new Service Agreement, an agreement was drafted that incorporated financial constraints including annual Consumer Price Index adjustments to a base fee, an upper limit on annual operational expense increases at 3%, and revised financial reporting and disclosure requirements.

As a result of subsequent discussions between the CRD and CREST staff, in March 2022 the CRD Board approved a recommendation from the Finance Committee:

That the Chief Administrative Officer be authorized to enter into a service agreement as attached (Revised 2022 Service Agreement) to provide general emergency radio communications services.

The revised agreement, attached as Appendix B, included an upper limit on inflation of 3% reflecting financial constraints set by the CRD Board at the time through the annual financial planning process. Additionally, upon request, CREST would be required to provide financial information in alignment with the Financial Information Act. Finally, that CREST be required to present annually to the CRD Board.

CREST did not agree to the terms of the (revised) Service Agreement as approved by the CRD Board. Negotiations and discussions have continued between Chairs of both organizations (through the spring/summer 2022) and more recently between staff where a further revised Service Agreement has been drafted and agreed to in principle between CRD and CREST staff. The following changes to the March 2022 draft agreement are being proposed:

Table 1: Service Agreement Concordance of Changes

Section	July 2023																					
2. Term	Extend term of the agreement from five (5) years to six (6) years																					
3. Services	Revise sub-section 3.2 and 3.3, 3.1 and 3.4 remain unchanged																					
3.2	Each year, at least once annually on a date determined by mutually agreeable to both CREST and the CRD, CREST will present to the CRD Board on CREST's annual operational and financial plans, including on performance against strategic plan and project plans, and other organizational and financial matters requested by CRD.																					
3.3	Upon request from the CRD, and as per the 'Financial Statements' requirements of the Members' Agreement , CREST will provide financial information in the form of annual audited financial statements, annual budget and five-year financial plan. in alignment with the provisions of the Financial Information Act as if the Act applied to CREST as a regional district service (e.g. schedules of remuneration for board directors and staff >\$75,000) in relation to the regional district service.																					
4. Payment Matters	Revise sub-section 4.1(i), remove sub-sections 4.1(ii), (iii), and (iv)																					
<ul style="list-style-type: none">4.1(i) add that the service payment will be increased annually over the base year (2021) by a percentage increase equal to the following schedule:																						
<table><tr><th>Year</th><th>Rate Per Agreement</th><th>Amount Per Agreement</th></tr><tr><td>2022</td><td>2.0%</td><td>\$1,749,540</td></tr><tr><td>2023</td><td>3.8%</td><td>\$1,816,023</td></tr><tr><td>2024</td><td>4.9%</td><td>\$1,905,008</td></tr><tr><td>2025</td><td>4.9%</td><td>\$1,998,353</td></tr><tr><td>2026</td><td>4.9%</td><td>\$2,096,272</td></tr><tr><td>2027</td><td>2.9%</td><td>\$2,157,064</td></tr></table>		Year	Rate Per Agreement	Amount Per Agreement	2022	2.0%	\$1,749,540	2023	3.8%	\$1,816,023	2024	4.9%	\$1,905,008	2025	4.9%	\$1,998,353	2026	4.9%	\$2,096,272	2027	2.9%	\$2,157,064
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2026	4.9%	\$2,096,272																				
2027	2.9%	\$2,157,064																				
<ul style="list-style-type: none">4.1(ii), (iii) and (iv) are removed as the terms related to CPI are no longer relevant																						

The CRD Board resolution approved on March 9, 2022 will need to be rescinded and Board approval of the 2022 to 2027 Emergency Communications Service Agreement included in Appendix C is being recommended.

ALTERNATIVES

Alternative 1

The Finance Committee recommends to the Capital Regional District Board:

1. That the March 9, 2022 Board resolution pertaining to the approved Service Agreement be rescinded;
2. That the Chief Administrative Officer be authorized to enter into a further revised Service Agreement to provide emergency communications services, as attached at Appendix C; and,
3. That Staff be directed to amend the Financial Plan to reflect the increased service agreement payments for 2022 to 2027.

Alternative 2

The Finance Committee recommends to the Capital Regional District Board:

1. That the Chief Administrative Officer be directed to enter into the Service Agreement as approved March 9, 2022 to provide emergency communications services.

Alternative 3

The Finance Committee recommends to the Capital Regional District Board:

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

IMPLICATIONS

Service Delivery Implications

The CRD has the authority within Bylaw No. 2891, “Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001” to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. Additionally, the CRD under Bylaw No. 2893, “CREST Members’ Agreement Bylaw No. 1, 2001”, entered into a membership agreement on behalf of the three electoral areas with CREST to receive emergency communication services. Other members are the 13 regional municipalities, the Provincial Government, and other public agencies such as BC Transit.

Under alternative 1, the Service Agreement as included in Appendix C, will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD. Service levels and operational oversight are provided by and approved by the CREST Board annually through their planning approval processes.

The more recent Service Agreement negotiations were based on:

- The CRD’s need to ensure the annual contribution percentage increases for the CRD were the same as the other member agency contribution annual percentage increases; this is now the case for proposed 2024-2027 increases.
- An acknowledgment that CREST is facing increasing annual operational and capital costs.
- Forecast decline in CAL revenue and forecast Service Agreement (subsidy) revenue to balance CREST five year financial plan.
- The CRD’s need for improved financial and service delivery reporting.

Alternative 2, results in service payment escalation tied to inflation with a 3% cap reducing the payments through 2023-2026 of the 2022-2027 six-year term. This would most likely result in an equivalent increase in memberships fees to maintain required operations of CREST and potentially, if not covered by membership fees, result in a CREST service level adjustment.

Financial Implications

Service payments, as contained within the agreement in Alternative 1, are set to escalate each year based on specified percentage rates. Based on this schedule of payments, the service payments will continue to be higher than the originally intended cap which was previously equal to the CAL revenue and higher than the agreement under Alternative 2. The voluntary subsidy contribution over and above the CAL was granted from 2017 through 2021 by way of the service agreement. Currently, the rate per line per month is set at 66 cents. The CRD contribution amount over and above the CAL revenue collected is optional and within full discretion of the CRD Board.

With the CAL revenue expected to continue to decline, the voluntary subsidy will grow as a share of the total service payment. Table 2 shows the subsidy \$ and % under the previous service agreement and under Alternative 1 for 2022 and 2023.

Table 2: Alternative 1 – Service Agreement Payments vs. Projected CAL Revenue

	2017	2018	2019	2020	2021	2022	2023
\$ Service Payment (\$M)	1.58	1.62	1.65	1.68	1.72	1.75	1.82
\$ Call Answer Levy (\$M)	1.33	1.31	1.29	1.26	1.11	1.09	1.09
\$ Subsidy (\$M)	0.25	0.30	0.36	0.42	0.60	0.66	0.73
% Subsidy	16%	19%	22%	25%	35%	38%	40%

For comparison, under Alternative 2, the subsidy in 2023 would be reduced to \$0.71M and 39%.

Additionally, under Alternative 1, a difference from the approved financial plan by year would be as shown in table 3 below:

Table 3: 2022-2027 Financial Plan Amendment by Year

Year	\$ Amount per Plan	\$ Amount per Agreement	\$ Financial Plan Amendment
2022	\$1,749,540	\$1,749,540	-
2023	\$1,784,531	\$1,816,023	\$31,492
2024	\$1,820,221	\$1,905,008	\$84,787
2025	\$1,856,626	\$1,998,353	\$141,727
2026	\$1,893,758	\$2,096,272	\$202,514
2027	\$1,931,634	\$2,157,064	\$225,430
Total	\$11,036,310	\$11,722,260	\$685,950

Upon completion of the service agreement, the 2023 to 2027 CRD Financial Plan will require amendment to reflect the agreement. The net difference for 2023 can no longer be an amendment to revenue, so will result in a deficit within the service. As required by legislation a deficit within a service will be included in the immediate next year plan for revenue purposes. The anticipated deficit is \$31,492.

Additionally, upon completion of the agreement, amounts withheld since 2022 will be released. Without a service agreement in place, payments to CREST were aligned and capped to the CAL based on applicable bylaw and member agreement. For 2022, CRD remitted \$1,166,360 versus the approved 2022 budget of \$1,749,540, withholding the voluntary subsidy of \$583,180 or 33%.

CONCLUSION

The service agreement between the CRD and CREST was set to expire on Dec 31, 2021, and requires renewal. The CRD has the authority within Bylaw No. 2891, “Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001”, to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, is delivering this service to users within the regional district. Renewal of the service agreement will result in continuance of CRD contributions to CREST, and in turn, the required operations of an emergency communications service on behalf of the CRD.

RECOMMENDATION

The Finance Committee recommends to the Capital Regional District Board:

1. That the March 9, 2022 Board resolution pertaining to the approved Service Agreement be rescinded;
2. That the Chief Administrative Officer be authorized to enter into a further revised Service Agreement to provide emergency communications services, as attached at Appendix C; and
3. That Staff be directed to amend the Financial Plan to reflect the increased service agreement payments for 2022 to 2027.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Acting Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

- Appendix A: Staff Report: December 8, 2021 CRD Board CREST
Appendix B: Staff Report: March 9, 2022 CRD Board CREST
Appendix C: Service Agreement 2022-2027 (with tracked changes)



REPORT TO PLANNING AND PROTECTIVE SERVICES COMMITTEE MEETING OF WEDNESDAY, NOVEMBER 17, 2021

SUBJECT Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement Renewal

ISSUE SUMMARY

The service agreement between the Capital Regional District (CRD) and Capital Region Emergency Service Telecommunications Inc. (CREST) is set to expire on Dec 31, 2021, and requires renewal.

BACKGROUND

The CRD has the authority within Bylaw No. 2891, “Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001”, to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, is delivering this service to users within the regional district.

The CRD under Bylaw No. 2893, “CREST Members’ Agreement Bylaw No. 1, 2001”, entered into a membership agreement with CREST, together with the other partners. Each member, including municipalities, the Provincial Government, and other public agencies hold a single share except the CRD, where the regional district holds three, one for each Electoral Area (EA). The list of members is included in Appendix D.

Each member appoints a representative to the CREST Board of Directors equal to the number of shares held. For the CRD, the appointees represent each EA and are not required to be the elected official. The CREST Board approves the annual operating and capital budgets, appoints the CREST General Manager and approves all other permanent positions.

Within the Member agreement, the “CRD Charge” is capped at the net fees collected under Bylaw No. 2911, Emergency Communications Charge Bylaw No. 1, 2001”. The bylaw establishes a fee charged to consumers with active phone lines each month in the region. Currently the rate is set at 66 cents per land phone line per month, commonly referred to as the Call Answer Levy (CAL). Revenue requirements over and above the “CRD Charge” are recovered from members by way of cost sharing. A graphical summary of agreements and the cost sharing methodology is included in Appendix A.

The CRD is billed for the member share of costs for the Electoral Areas and recovers the costs by raising requisition directly from each EA under Bylaw No. 2891.

CAL Revenues vary by year and have been trending down since 2013. The decline in land phone line revenue creates a difference in CREST’s revenue requirements. To balance, the CRD has been requisitioning costs over and above the CAL. Historical contributions are included in Appendix B.

Up until 2014, the CRD contribution to CREST equaled net fees collected from the CAL. In 2015 the contribution to CREST exceeded net fees collected and has since been funded regionally, cost apportioned by population.

The expected value of a 5 year renewal agreement exceeds the delegated authority limit to the Chief Administrative Officer.

ALTERNATIVES

Alternative 1

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.

Alternative 2

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

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

IMPLICATIONS

Service Delivery Implications

Renewal of the service agreement (Appendix C) will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD. Service levels and operational oversight are provided by and approved by the CREST Board annually through their planning approval processes.

Legislative Implications

The review by staff identified the fees and charges collected under Bylaw No. 2911 have been lower than the revenue requested by CREST for a number of years and is now trending significantly lower. A review of the service establishment bylaw, fees and charges bylaw and accompanying membership agreement is recommended and will be included in service planning in future years.

Financial Implications

In 2020, CRD contributions equalled 21.6% or \$1,681,602 of total CREST revenue, compared to \$1,262,187 of CAL revenue collected from telephone land lines, resulting in a regional contribution of \$419,415. The 2021 planned contributions under the expiring agreement are \$1,715,234 (a growth of 2% from prior year). With renewal of the service agreement, beginning in 2022, the annual contribution will be adjusted to actual CPI measured within the calendar year by BC Stats.

As included in the 2022 Provisional Plan, CAL revenues are anticipated to be \$1,191,596. Based on renewal of the current agreement with inflation adjustments, the CREST contribution would be

\$1,749,539. The resulting difference is \$557,943. While the annual CRD contribution grows by CPI, the funding difference between CAL and the total CREST contribution grows at a higher rate due to reductions in telephone land line levies. The resulting difference grew by 19.8% in 2021 and 11.0% in 2022.

CONCLUSION

The service agreement between the Capital Regional District (CRD) and Capital Region Emergency Service Telecommunications Inc. (CREST) is set to expire on Dec 31, 2021, and requires renewal. The CRD has the authority within Bylaw No. 2891, "Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001", to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, is delivering this service to users within the regional district. Renewal of the service agreement will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD.

RECOMMENDATION

The Planning and Protective Services Committee recommends to the Capital Regional District Board:

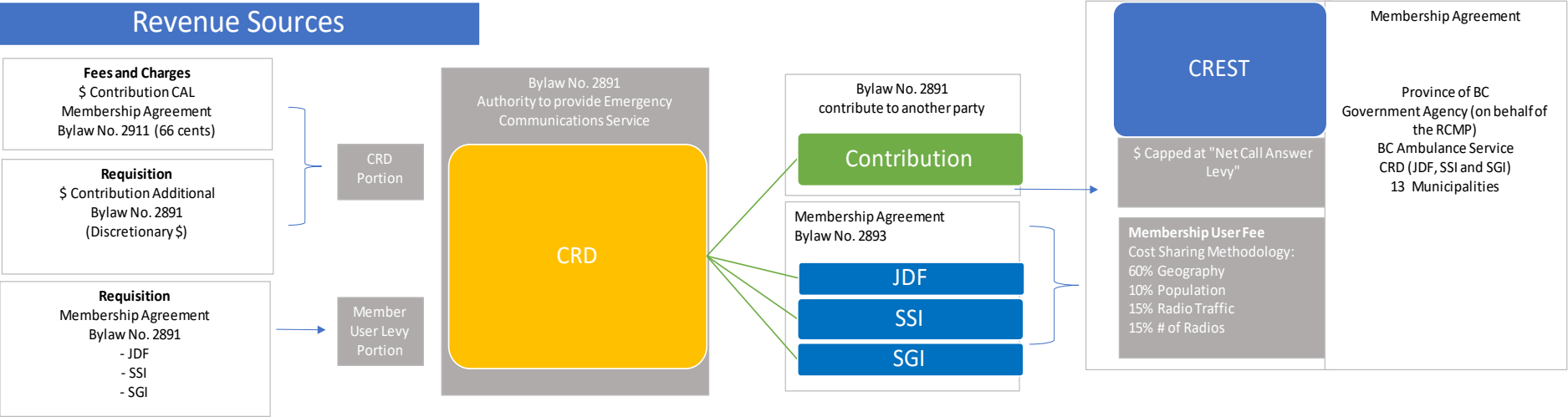
That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.

Submitted by:	Rianna Lachance, BCom, CPA, CA, Senior Manager, Financial Services
Concurrence:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: CREST Relationship Diagram
Appendix B: Historical Payments to CREST
Appendix C: Service Agreement between CRD and CREST
Appendix D: Membership Agreement

CREST Relationship Diagram



Historical Payments to CREST

Year	Member User Levy			CRD Portion		
	JDF	SGI	SSI	CRD Fees and Charges (net Call Answer)	Additional Contribution	Total CRD Payment
2021	110,982	175,447	139,694	1,113,625	601,609	1,715,234
2020	97,172	157,497	86,785	1,262,187	419,415	1,681,602
2019	95,534	154,659	82,983	1,290,424	358,206	1,648,630
2018	93,388	151,186	81,119	1,313,265	303,035	1,616,300
2017	94,117	148,690	83,204	1,334,624	250,266	1,584,890
2016	92,374	145,374	80,428	1,403,593	16,851	1,420,444
2015	88,552	141,971	78,185	1,372,21	22,529	1,394,746
2014	84,817	138,521	75,819	1,330,917	-	1,330,917
2013	83,790	135,422	72,941	1,386,937	-	1,386,937
2012	83,209	133,387	68,281	1,541,858	-	1,541,858
2011	83,264	132,445	60,902	1,409,460	-	1,409,460

EMERGENCY COMMUNICATIONS SERVICE AGREEMENT

(the "Agreement")

THIS AGREEMENT dated for reference the ____ day of ____ 20__

BETWEEN:

CAPITAL REGIONAL EMERGENCY SERVICE TELECOMMUNICATIONS INC.**110 2944 W Shore Pkwy****Victoria, BC****V9B 0B2****("CREST")**

OF THE FIRST PART

AND:

CAPITAL REGIONAL DISTRICT**625 Fisgard Street,****Victoria, BC****V8W 2S6****("CRD")**

OF THE SECOND PART

WHEREAS the CRD Board has adopted Bylaw No. 2891, the Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001 to establish a service of emergency communications in the service area, including contributing to the cost of an emergency communications service operated by a third party;

AND WHEREAS CREST is a non-profit corporation established under the *Emergency Communications Corporations Act*, to provide a unified system of inter-municipal radio and electronic communication services;

AND WHEREAS the CRD Board has also adopted Bylaw No. 2893, the CREST Members' Agreement Bylaw No. 1, 2001 authorizing the CRD to hold three shares in CREST and appoint three Directors annually to the CREST Board;

NOW THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements set forth in this Agreement, and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged) the CRD has requested CREST provide the Services defined herein and the CREST has agreed to provide those Services in accordance with the Agreement, as follows:

1. INTERPRETATION

In this Agreement, the following terms have the following meanings:

- (a) **"Service Payment"** means the net monies raised and collected as user fees by the CRD pursuant to Emergency Communications Charge Bylaw No. 01, 2001 (as

amended, re-enacted or replaced) available for disbursement to CREST, and additional payments as determined by the CRD Board.

- (b) **“Service Area”** means the Service Area established under Bylaw No. 2891 “Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001”.

2. TERM

- 2.1 The Term of this Agreement will be for a period of five (5) years commencing on January 1, 2022, and continuing until December 31, 2026, unless sooner terminated pursuant to section 5.

3. SERVICES

- 3.1 In consideration of the CRD making the payments required under this Agreement and performing its other obligations under this Agreement, CREST will provide and maintain a radio communications system to provide emergency communications and related services for municipalities and the CRD as members of CREST (the **“Services”**).

3.2 Inability to Provide Service

Despite any other provision of the Agreement, the CRD acknowledges that CREST is not obliged to provide these Services where its systems are not operational by reason of acts of God, strike, lockout, or other labour dispute, acts of war, terrorism, sabotage or any other causes beyond the reasonable control and not the result of the fault or neglect of CREST.

4. PAYMENT MATTERS

4.1 Payment Amounts

- (i) The CRD will make an annual contribution to CREST (the “Annual Contribution”) in monthly installments. In 2022 the annual contribution amount will be \$1,715,234 based on the 2021 Board approved contribution (One million, seven hundred and fifteen thousand, two hundred and thirty-four dollars) (the “Base Year Fee”) representing the service payment and an additional contribution.
- (ii) Commencing in 2022, and for each year of the Term thereafter, the Annual Contribution will be adjusted in accordance with the percentage change in the All Items Consumer Price Index for Victoria, British Columbia, published by Statistics Canada (the “CPI”) as calculated in accordance with this section. The Base Year Fee will be multiplied by the yearly percentage change in the CPI since 2021 (the “CPI Adjustment”) and will be added to the Base Year Fee to determine the Annual Contribution for that year.

- (iii) If the CPI Adjustment is a negative change for any year in the Term, the Annual Contribution for that year will be the Base Year Fee.
- (iv) Any monthly contribution due in the calendar year prior to the annual release of the CPI will be made in the amount of the previous year's monthly installment, and will be reconciled in the monthly payments due for the remainder of that year.

4.2 Taxes

Any sales, use or goods and services taxes arising with respect to the Services will be paid by the CRD.

4.3 Services as Exempt Supply

The parties have determined, acting in good faith, that the Services are an exempt supply under the Excise Tax Act (Canada).

5. **TERMINATION**

5.1 Termination Rights

- (i) This Agreement will terminate at the end of the term set out in section 2.1
- (ii) CREST will have the right to terminate this Agreement for cause if:
 - a. The CRD fails to pay any amount under the Agreement when due, or
 - b. The CRD commits any material breach of its obligations under this Agreement (other than pursuant to subsection 5.1(ii)(a) above) that is not cured to the satisfaction of CREST, acting reasonably, within 120 (one hundred twenty) days after written notice to the CRD describing the material breach in reasonable detail.
- (iii) The CRD will have the right to terminate this Agreement immediately for cause if CREST commits any material breach of its obligations under this Agreement that is not cured to the satisfaction of the CRD, acting reasonably, within 120 (one hundred twenty) days after written notice to CREST describing the breach in reasonable detail.

5.2 Obligation Upon Termination

Unless the parties enter into a new Agreement, the parties will cooperate fully with each other to provide for an orderly transition of the Services to a successor service

provider. CREST will continue to provide Services and to be paid for such Services during the period of transition to a successor provider to a maximum of 120 (one hundred twenty) days after the effective date of termination.

6. PROTECTION OF PRIVACY

- 6.1 Each party will abide by applicable laws relating to the collection, use and disclosure of personal information or information to which the *Freedom of Information and Protection of Privacy Act* (British Columbia) applies.

7. DISPUTE RESOLUTION

7.1 Process

If there is any dispute arising out of or relating to this Agreement, then the parties will use reasonable good faith efforts to resolve such dispute, first by direct negotiation and then, if that is not successful, by mediation with a neutral third party mediator acceptable to both parties. Each party will bear its own costs and expenses in connection with any mediation and all costs and expenses of the mediator will be shared equally by the parties. Any dispute arising out of or relating to this Agreement that is not settled by agreement between the parties within a reasonable time will, on agreement of both parties, be settled by binding arbitration by a single arbitrator. The location of any arbitration proceeding will be in Victoria, British Columbia. The arbitration will be governed by the *Arbitration Act* (British Columbia). The arbitrator will be selected and the arbitration conducted in accordance with the British Columbia Domestic Arbitration Rules ("Rules"), except that the provisions of this Agreement will prevail over the Rules. The parties will share equally in the fees and expenses of the arbitrator and the cost of the facilities used for the arbitration hearing, but will otherwise each bear their respective costs incurred in connection with the arbitration including each parties own legal fees. The parties will use their best efforts to ensure that an arbitrator is selected promptly and that the arbitration hearing is conducted no later than two (2) months after the arbitrator is selected.

7.2 Award Final

The award of the arbitrator will be final and binding on each party. Judgment upon the award may be entered in any court of competent jurisdiction.

8. GENERAL PROVISIONS

8.1 No Third Party Beneficiaries

Nothing contained in this Agreement will create a duty or liability on the part of CREST, the CRD or their respective directors, officers, members, public officials, employees or agents to any member of the public. There are no third party beneficiaries to this Agreement.

8.2 Notices

Any notice required under the terms of this Agreement must be in writing. Any such notice will be deemed delivered:

- (a) on the day of delivery in person;
- (b) ten (10) days after date of deposit by prepaid registered mail, or upon confirmation receipt;
- (c) on confirmation of delivery by courier;
- (d) on the date sent by electronic mail if receipt is confirmed in writing by other party to whom it is directed, set forth below:

Capital Regional District
625 Fisgard Street
Victoria, BC V8W 2S6
Email: _____

-And-

CREST
110 2944 W Shore Parkway
Victoria, BC V9B 0B2
Email: _____

-Or- to such other address or contact person as that party may notify the other in accordance with this section.

8.3 Assignment

The CRD will not have the right to assign, transfer (whether directly or indirectly) or otherwise dispose of any of its interest in all or any part of this Agreement, whether gratuitously or for consideration, without the prior written consent of CREST and any attempt to do so will be void. CREST will have the right at any time to assign, transfer or otherwise dispose of the whole of this Agreement to any subsidiary or affiliate company, provided that the CRD approves the assignment in writing, not to be unreasonably withheld, and the subsidiary or affiliate company assumes all of the obligations of CREST under this Agreement.

8.4 Benefit

This Agreement will enure to the benefit of and be binding upon the parties and their respective successors and assigns.

8.5 Entire Agreement

This Agreement constitutes the entire agreement of the parties relating to the Services and supersedes any previous agreement with respect to the Services whether written or verbal.

8.6 Severability

If any provision of this Agreement is held to be unenforceable then such provision will be severed from this Agreement and the remaining provisions will remain in full force and effect. The parties will in good faith negotiate a mutually acceptable and enforceable substitute for the unenforceable provision, which substitute will be as consistent as possible with the original intent of the parties.

8.7 Waiver

The failure of either party to require the performance of any obligation hereunder, or the waiver of any obligation in a specific instance, will not be interpreted as a general waiver of any of the obligations hereunder, which will remain in full force and effect.

8.8 Relationship of Parties

This Agreement will not create nor will it be interpreted as creating any association, partnership or any agency relationship between the parties.

8.9 Governing Law

This Agreement is governed by, and if interpreted and construed in accordance with the laws applicable in British Columbia.

8.10 Counterpart

This Agreement may be executed in any number of counterparts. Each executed counterpart shall be deemed to be an original. All executed counterparts taken together shall constitute one agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement as of the date first written above.

CAPITAL REGIONAL DISTRICT by its)
authorized signatories:)
)
)
_____)
Name)
)
)
_____)
Name)

)
)
CAPITAL REGION EMERGENCY)
SERVICE TELECOMMUNICATIONS INC.)
by its authorized signatories:)
)
)
)
)
_____)
Name)
)
)
)
_____)
Name)

**MEMBERS' AGREEMENT
(First Amendment and Restatement)**

**CAPITAL REGION EMERGENCY SERVICES TELECOMMUNICATIONS
(CREST)
INCORPORATED**

MEMBERS' AGREEMENT
(First Amendment and Restatement)

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Schedule C – Cost Sharing Formula for Company Services

Schedule D – List of Shareholders

Schedule E – List of Members

MEMBERS' AGREEMENT
(First Amendment and Restatement)

This amended and restated Members' Agreement is made effective _____,
200____.

AMONG:

All Members of the Company from time to time

AND:

Capital Region Emergency Service Telecommunications
(CREST) Incorporated, a company duly incorporated under the
laws of the Province of British Columbia

(the "**Company**")

WHEREAS:

- A. The Company was incorporated under the *Company Act* (British Columbia) for the Purpose (as hereinafter defined);
- B. The Shareholders entered into a Members' Agreement dated April 1, 2001, as amended, (the "**Original Agreement**") to govern their relationship as Members and Shareholders and their respective rights and obligations in their capacity as Members and Shareholders with respect to the operating activities and business dealings of the Company;
- C. As a result of the recognition of the Company under the *Business Corporations Act* and to reflect the current status of the Shareholders, the parties wish to make certain amendments to the Original Agreement; and
- D. The parties wish to enter into this Agreement to amend and restate the terms of the Original Agreement:

NOW THEREFORE in consideration of the mutual covenants herein contained and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto), the parties to this Agreement covenant and agree, each with the other, as follows:

1. INTERPRETATION

1.1 DEFINITIONS

Where used in this Agreement, the following words and terms shall have the meanings indicated below:

- 1.1.1 “**Additional Purpose**” has the meaning set forth in Section 2.1.1.2 hereof;
- 1.1.2 “**Agreement**” means this agreement and all Schedules attached hereto;
- 1.1.3 “**Articles**” means the articles of the Company as deposited in the Company’s records office under the *Business Corporations Act*, as amended from time to time;
- 1.1.4 “**Authorized Board Expenditure Amount**” means expenditures that total, in the aggregate for a fiscal year of the Company, less than (i) \$400,000 or (ii) such higher amount approved by the Members pursuant to Section 2.4.6 hereof;
- 1.1.5 “**Authorized Capital Budget**” means, at any time, the annual capital budget of the Company for such time that has received all necessary approvals under Section 6.4.2 hereof;
- 1.1.6 “**Authorized Operating Budget**” means, at any time, the annual operating budget of the Company for such time that has received all necessary approvals under Section 6.3.2 hereof;
- 1.1.7 “**BCAS**” means the Emergency Health Services Commission responsible for operating the British Columbia Ambulance Service under the *Health Emergency Act* (British Columbia);
- 1.1.8 “**Board**” means the board of directors of the Company as constituted from time to time;
- 1.1.9 “**Business Corporations Act**” means the *Business Corporations Act* (British Columbia) as from time to time enacted and all amendments thereto and includes the regulations made pursuant thereto;
- 1.1.10 “**Company Services**” means the holding, management and allocation of radio spectra; the provision of radio communications; the management and maintenance of radio systems and related infrastructure and equipment; the provision of emergency disaster communications; the provision of emergency response communications; the provision of emergency management information systems; and the maintenance of management information systems and other technology related to the delivery of emergency services, and any other services permitted by the ECC Act from time to time;
- 1.1.11 “**Confidential Information**” means information having a strategic, economic, or operational value that is not generally known regarding the business, affairs, and operations of the Company or any of the Members whether determined by the ECC Act or otherwise to be property of a Member, and any information whether oral, written or otherwise which is considered of a strategic or confidential nature or which may be withheld from disclosure under applicable privacy laws;

- 1.1.12 “**Contracted User**” means a Person that is not a Member or Potential Member and that enters into a Services Agreement with the Company, for so long as that agreement remains in effect;
- 1.1.13 “**Cost Sharing Formula**” means the cost sharing formula for Company Services set out in Schedule C attached hereto, as amended or replaced from time to time in the manner permitted by this Agreement;
- 1.1.14 “**CRD**” means the Capital Regional District;
- 1.1.15 “**CREST System**” means the wide area radio system operated by the Company, including all rights, properties, infrastructure and equipment related thereto;
- 1.1.16 “**ECC Act**” means the *Emergency Communications Corporations Act* (British Columbia) as from time to time enacted and all amendments thereto and includes the regulations made pursuant thereto;
- 1.1.17 “**Emergency Services Agency**” has the same meaning as set out in the ECC Act;
- 1.1.18 “**Federal Government**” means Her Majesty the Queen in Right of Canada;
- 1.1.19 “**Fund Balance**” means the balance of surplus accumulated from operations by the Company at any particular time that is unrestricted as to its future use;
- 1.1.20 “**General Manager**” means the general manager appointed for the Company from time to time;
- 1.1.21 “**Government Agency**” means an agent of, or a corporation that is wholly owned by, the Provincial Government, the Federal Government, a Municipality or a Regional District;
- 1.1.22 “**Inflation Rate**” means the increase in the Consumer Price Index - All Items for the City of Victoria, British Columbia during the preceding 12-month period ending on September 30 of the applicable year;
- 1.1.23 “**Local Government Act**” means the *Local Government Act* (British Columbia) as from time to time enacted and all amendments thereto and includes the regulations made pursuant thereto;
- 1.1.24 “**Members**” means, collectively, the Shareholders, the RCMP and any Potential Member that becomes a Member in accordance with Section 3.3, for as long as such Shareholder, the RCMP or Potential Member that becomes a Member holds Shares in the Company or as long as its Special User Agreement remains in effect, as applicable, with the current Members on the date of this Agreement as set out in Schedule E hereto;
- 1.1.25 “**Municipality**” means a municipality established pursuant to the *Local Government Act* within the Territory;

- 1.1.26 “**Notice of Articles**” means the notice of articles of the Company as filed with the Registrar of Companies under the *Business Corporations Act*, as amended from time to time;
- 1.1.27 “**Person**” includes a corporation, partnership, party, Municipality, Regional District, Emergency Services Agency, Government Agency, Provincial Government and Federal Government;
- 1.1.28 “**Policing Agreements**” means the agreements between the Federal Government and the Provincial Government pursuant to which the services of the RCMP are provided to Municipalities and areas of provincial jurisdiction;
- 1.1.29 “**Potential Members**” means any Municipality, Regional District or Emergency Services Agency within the Territory, the Provincial Government, the Federal Government and any Government Agency;
- 1.1.30 “**Primary Purpose**” has the meaning set forth in Section 2.1.1.1 hereof;
- 1.1.31 “**Provincial Government**” means Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister responsible for the *Police Act* (British Columbia);
- 1.1.32 “**Purpose**” means the Additional Purpose and the Primary Purpose as set forth in Section 2.1 hereof;
- 1.1.33 “**Rates**” means the rates assessed by the Company against the Members and payable by them under this Agreement for operating expenses and capital expenditures relating to the Company and the Company Services, as determined pursuant to the Cost Sharing Formula then in effect;
- 1.1.34 “**RCMP**” means Royal Canadian Mounted Police;
- 1.1.35 “**Regional District**” means a regional district under the *Local Government Act*;
- 1.1.36 “**Reserve Fund**” means the amount accumulated and designated for transfer to operations to fund expenditures not provided for in an Authorized Operating Budget or Authorized Capital Budget;
- 1.1.37 “**Services Agreement**” means an agreement between the Company and one or more Contracted Users by which the Company agrees to provide some or all of the Company Services, as such agreement is amended or replaced from time to time;
- 1.1.38 “**Shareholder**” means those Persons who hold Shares of the Company from time to time, as recorded in the Company’s minute book, with the current Shareholders on the date of this Agreement as set out in Schedule D hereto;

1.1.39 “**Special User Agreement**” means an agreement between a federal Government Agency, including the RCMP, and the Company, as amended from time to time; and

1.1.40 “**Territory**” means the geographic area within which a Company Service is or is capable of being provided by the CREST System to a Member or to any Person contracting with the Company at a particular point in time.

1.2 QUANTITY AND GENDER

In this Agreement, the singular number shall include the plural number and vice versa, and any gender herein used shall be deemed to include the feminine, masculine, or neuter gender.

1.3 HEADINGS AND CAPTIONS

The headings and captions of articles, sections, and paragraphs in this Agreement have been inserted for convenience of reference only and such headings and captions are not a part hereof and shall not be deemed in any manner to modify, explain, enlarge, or restrict any of the provisions hereof.

1.4 SEVERABILITY

If any provision of this Agreement shall be held invalid, illegal, or unenforceable in any jurisdiction, such provision shall be severed from this Agreement in such jurisdiction and the validity, legality, and enforceability of the remaining provisions hereof shall not be affected or impaired thereby.

1.5 ACCOUNTING TERMINOLOGY AND PRINCIPLES

All accounting terms not specifically defined herein shall be construed in accordance with the Handbooks of the Canadian Institute of Chartered Accountants and its Public Sector Accounting Board (PSAB) as appropriate, and financial reporting shall be in accordance with Canadian generally accepted accounting principles (GAAP).

1.6 RECITALS AND SCHEDULES

The recitals set forth in this Agreement are true and correct and are deemed to be a part of this Agreement and the Schedules identified below (and any other supplementary schedules, appendices, or exhibits referred to in such Schedules) are hereby incorporated by reference and made a part of this Agreement as fully as if they were set forth in full. The Schedules are identified as follows:

- Schedule A – Articles of the Company
- Schedule B – Agreement to be Bound
- Schedule C – Cost Sharing Formula for Company Services
- Schedule D – List of Shareholders
- Schedule E – List of Members

2. THE COMPANY

2.1 PURPOSE OF THE COMPANY

2.1.1 The Company has been incorporated for, and will be operated for the following:

2.1.1.1 the provision of emergency communications and related services to its Members (the “**Primary Purpose**”); and

2.1.1.2

(a) the provision of communication and related services, for public safety and public service, to Municipalities, Regional Districts, Emergency Services Agencies, the Provincial Government, the Federal Government, Governmental Agencies, BCAS and the RCMP, whether or not they are Members; and

(b) any other purpose prescribed by regulation under the ECC Act for the Company from time to time;

(collectively, the “**Additional Purpose**”), all in the interests of civic improvement and for the benefit of the public residing within the Territory.

2.1.2 Pursuant to the Purpose, the Company shall provide Company Services to its Members; provide related administrative and technical services; own, hold or lease and manage any property and equipment forming part of the CREST System; and provide technical and other related services and expertise of the Company to other persons.

2.2 ARTICLES OF THE COMPANY

The Articles of the Company are in the form appended as Schedule A hereto.

2.3 SHARE STRUCTURE

The share capital of the Company consists of 500 common shares without par value.

2.4 VOTES BY MEMBERS ON EXTRAORDINARY ITEMS

In addition to any approvals required by the Shareholders pursuant to the *Business Corporations Act* or the Articles, the Company shall not undertake any of the following without the prior approval of at least two-thirds of the Members:

2.4.1 the winding up or dissolution of the Company under Article 9 hereof;

2.4.2 the admission of Members and the allotment of Shares to such Members;

- 2.4.3 any amendment to Section 4.2 hereof relating to the nomination or election of directors;
- 2.4.4 any amendment to the Purpose;
- 2.4.5 the approval of:
 - 2.4.5.1 any annual operating budget for the Company under Section 6.3.2 hereof or any annual capital budget for the Company under Section 6.4.2 hereof; or
 - 2.4.5.2 any amendment to an Authorized Operating Budget under Section 6.3.3 hereof or any amendment to an Authorized Capital Budget under Section 6.4.3 hereof,that will increase the total Rates charged to Members by more than two times the Inflation Rate from those charged in the previous year's Authorized Operating Budget or Authorized Capital Budget, as applicable;
- 2.4.6 any increase in the Authorized Board Expenditure Amount;
- 2.4.7 any expenditure that is not provided for in an Authorized Operating Budget or an Authorized Capital Budget and that exceeds the Authorized Board Expenditure Amount;
- 2.4.8 the approval of all contracts for services to be provided to the Company that require payments thereunder for any fiscal year of the Company that exceed the Authorized Board Expenditure Amount;
- 2.4.9 any transfer to operations from Fund Balance or the Reserve Fund that exceeds the Authorized Board Expenditure Amount;
- 2.4.10 any borrowings of the Company that exceed the Authorized Board Expenditure Amount; and
- 2.4.11 any amendment to the Cost Sharing Formula, provided that such two-thirds approval must include the affirmative vote of those Members who would be obligated to pay not less than 50% of the costs of Company Services in accordance with the amended Cost Sharing Formula.

2.5 ACQUISITION OF AND HOLDING OF SPECTRA

- 2.5.1 Subject to the applicable federal legislation, a Member hereby assigns or transfers to the Company or consents to the assignment or transfer to the Company of all licences and authorities for radio spectra held by the Member that are related to the Company Services which the Company provides to the Member, such assignment or transfer to be effective at such time as required by the Company.

2.5.2 The Company hereby declares that it holds or will hold all radio spectra acquired by it, whether as acquired as contemplated in Section 2.5.1 hereof or otherwise, to be used for the benefit of Members and other Persons as contemplated herein.

2.5.3 If the Company is to be dissolved for any reason, the Company will use its best efforts at its own expense to restore to each Member, licences and authorities for radio spectra comparable to those assigned to or transferred to the Company by each Member, subject to applicable federal legislation.

2.6 USE OF RADIO SPECTRA

The Board may establish rules and regulations for the use of the radio spectra held by the Company.

2.7 OWNERSHIP OF EQUIPMENT

The Members acknowledge that all equipment forming part of the CREST System shall be owned by the Company including all equipment assigned for the exclusive use by a particular Member, and that the Board may establish rules for the use and holding of such equipment.

2.8 AGREEMENT NOT TO USE PROPERTY

Each Member that is a Municipality or a Regional District hereby agrees that in the event of an emergency, disaster or other similar occurrence within its jurisdiction, it will not use any powers or authorities which it may have, by statute or otherwise, to acquire and use, in any manner other than as specifically set forth in this Agreement, any of the property and assets of the Company.

3. SHAREHOLDERS, MEMBERS, ADDITIONAL MEMBERS AND CONTRACTED USERS

3.1 CURRENT SHAREHOLDERS

The Shareholders as at the date of this Agreement are listed in Schedule D hereto.

3.2 CURRENT MEMBERS

The Members as at the date of this Agreement are listed in Schedule E hereto.

3.3 ADDITIONAL MEMBERS

3.3.1 The Board may issue one or more shares of the Company (each, a “**Share**”) to a Potential Member, if the Board determines that the Potential Member has a role in fulfilling the Purpose and that the provision of the Company Services to that Potential Member would be for the benefit of the public, provided that:

3.3.1.1 the CREST System and the Company have sufficient capacity to provide the Company Services to the Potential Member without any significant impairment to the Company Services then being provided to the Members;

3.3.1.2 the Potential Member enters into and agrees to be bound by the terms of this Agreement by execution of an agreement substantially in the form of Schedule B hereto; and

3.3.1.3 the Potential Member pays the applicable subscription price for such Share,

and upon the issue of Share hereunder, that Potential Member shall become a Member and a Shareholder.

3.3.2 The Board may admit a Potential Member that is a federal Government Agency as a Member if that Potential Member is prohibited by law from holding a Share and if the Board determines that the Potential Member has a role in fulfilling the Purpose and that the provision of the Company Services to that Potential Member would be for the benefit of the public, provided that:

3.3.2.1 the CREST System and the Company have sufficient capacity to provide the Company Services to the Potential Member without any significant impairment to the Company Services then being provided to the Members; and

3.3.2.2 the Potential Member enters into and agrees to be bound by the terms of this Agreement by execution of a Special User Agreement in a form acceptable to the Company,

and upon the execution of the Special User Agreement by both the Potential Member and the Company, that Potential Member shall become a Member.

3.3.3 All Shares shall be issued at a price of \$10.00 each.

3.3.4 If a Member that executed a Special User Agreement subsequently becomes a Shareholder under Section 3.3.1, then that Special User Agreement shall terminate effective upon the date that the Member becomes a Shareholder, and that Member hereby agrees to execute and deliver all documents necessary or desirable in the opinion of the Company in order to give effect to such termination.

3.4 EFFECT OF BEING A MEMBER

Upon a Member acquiring a Share or executing a Special User Agreement, that Member shall have agreed to use the Company for the Company Services and to fulfill its financial obligations with respect to those Company Services, when those Company Services can be provided by the Company.

3.5 CONTRACTED USERS

Subject to Sections 4.10.9 and 4.11.3 hereof, the Company may enter into a Services Agreement with one or more Contracted Users if:

- 3.5.1 the Contracted User(s) has a role in fulfilling the Purpose;
- 3.5.2 the provision of the Company Service or Services to that Contracted User(s) would be for the benefit of the public; and
- 3.5.3 the Board determines that the Company has sufficient capacity to provide the Company Service(s) being requested by the Contracted User(s) without any significant impairment to the Company Services then being provided to Members, and anticipated to be provided to Members during the term of the Services Agreement.

At a minimum, the Services Agreement should provide for full recovery of any incremental costs incurred by the Company in providing the Contracted Service(s).

4. BOARD OF DIRECTORS

4.1 COMPOSITION OF BOARD

The Company shall have a Board comprised of not less than three nor more than twenty-five directors, with the actual number of directors as determined by the Shareholders as hereinafter provided.

4.2 NOMINATION AND ELECTION OF DIRECTORS

4.2.1 Each Member on the date of this Agreement shall be entitled to nominate as a director one individual for each share in the Company held by it, provided that:

4.2.1.1 the CRD must nominate one individual to represent each of:

- (a) Southern Gulf Islands Electoral Area,
- (b) Salt Spring Island Electoral Area, and
- (c) Juan de Fuca Electoral Area;

4.2.1.2 the individual nominated as a director by BC Transit from time to time must be approved by the Provincial Government; and

4.2.1.3 the individual nominated as a director by the RCMP or by the Government Agency on behalf of the RCMP, as applicable, from time to time must be approved by the Police Service Branch of the Provincial Government.

4.2.2 No Potential Member that becomes a Member after the date of this Agreement shall have the right under this Agreement to nominate an individual for election as a director, except as otherwise authorized by the Board.

4.2.3 The Shareholders agree to vote their Shares to elect as directors the individuals nominated pursuant to Sections 4.2.1 and 4.2.2.

4.3 VACANCIES ON BOARD

Any vacancies on the Board created by an individual nominated under Section 4.2.1 shall be filled by an individual nominated by the Member that nominated the individual who is no longer a director.

4.4 NO RESTRICTIONS ON AFFILIATION TO MEMBERS

Directors may be appointed or elected officials from a Member or may be individuals with no affiliation to a Member.

4.5 REMUNERATION FOR DIRECTORS

Directors shall be entitled to fees for acting as a director of the Company, as determined in an Authorized Operating Budget. All directors may be paid reasonable expenses thereof incurred when acting as directors.

4.6 QUORUM AT DIRECTORS' MEETINGS

The quorum for all meetings of the Board shall consist of a majority of the directors. Meetings of the Board shall be held in accordance with the Articles of the Company and as herein provided.

4.7 EXECUTIVE MEMBER OF THE BOARD

The General Manager of the Company shall be an executive member of the Board and as such shall be entitled to be present at all meetings of the Board and to take part in all discussions at meetings of the Board but shall not have any right to vote at any such meeting. The Secretary of the Company shall send notice of all meetings of the Board to such executive member, including all materials provided to the directors, at the same time and in the same manner as notice is provided to such directors.

4.8 REMOVAL OF DIRECTOR

The Members shall not otherwise vote to remove a director unless the Member that nominated such director agrees to such director's removal.

4.9 MEETINGS OF THE BOARD

4.9.1 At least four meetings of the Board shall be held in each calendar year, such meetings to be held on a quarterly basis. Meetings of the Board may also be

called by the Chair of the Board, by the Chair's initiative or if requested by the General Manager. If the General Manager shall request in writing to the Chair of the Board that a meeting of the Board be called, the Chair shall convene a meeting of the Board to be called and held within one month or such other period as is reasonably practicable, of such request; provided however that if such meeting is of a material or emergency nature, the Chair shall convene the meeting of the Board within two weeks of such request.

- 4.9.2 The Chair of the Board shall have a second or casting vote at any meetings of the Board or of the Members.
- 4.9.3 The Secretary of the Company shall give each director and the General Manager, at least 7 days notice of each meeting of the Board and a reasonable description of the matters to be discussed at such meeting, except that failure to receive notice or adequate notice shall not invalidate the proceedings of any meeting if each director gives to the Company, before or after the meeting, a signed waiver of such notice. Notwithstanding the foregoing, notice of any meeting may be waived by consent in writing of all directors.
- 4.9.4 Except as provided in this Section or otherwise by applicable law, all meetings of the Board shall be open to the public. Matters of a confidential nature will be considered by the Board in a separate, closed, or *in camera*, meeting. Any director, including the Chair, will have the right to bring a motion for the Board to consider a matter at an *in camera* meeting.

4.10 BOARD DUTIES

The Board will, subject to the terms of this Agreement, supervise the general management of the business and affairs of the Company to ensure compliance with the Purpose and otherwise, with the authority to overview the general management of the Company, and supervise and give direction to the General Manager in accordance with the Articles, the *Business Corporations Act*, the ECC Act and this Agreement. Notwithstanding the generality of the foregoing, the Board shall be responsible for the following:

- 4.10.1 the appointment of the General Manager and the approval of the contract of employment for the General Manager, including terms and conditions of employment, provided that any contract shall provide for earlier termination by the Board and shall be renewable at the discretion of the Board;
- 4.10.2 the establishment of the duties and authority of the General Manager;
- 4.10.3 subject to Section 2.4.5 hereof, as applicable, the approval of the Authorized Operating Budget, as provided in Section 6.3;
- 4.10.4 subject to Section 2.4.5 hereof, as applicable, the approval of the Authorized Capital Budget, as provided in Section 6.4;

- 4.10.5 subject to Section 2.4 hereof, as applicable, the approval of any transfer to operations from the Fund Balance or the Reserve Fund;
- 4.10.6 the approval of the establishment of a base number of permanent positions within the Company and any increase to that base number of permanent positions thereafter;
- 4.10.7 subject to Section 2.4.5 hereof, as applicable, the establishment of Rates substantially in accordance with the Cost Sharing Formula;
- 4.10.8 the determination and approval of all long term operating and capital plans and related borrowings of the Company;
- 4.10.9 the approval of all Services Agreements and in this regard the Board shall consider the Purpose and shall comply with the requirements of Sections 3.5 and 4.11.3 hereof; and
- 4.10.10 the approval of the unaudited quarterly financial statements received pursuant to Section 6.2.1 hereof and the audited annual financial statements received pursuant to Section 6.2.2 hereof.

4.11 APPROVALS BY THE BOARD

All decisions taken by the Board shall be deemed to have been approved only if passed by the affirmative vote of a majority of the directors present at the meeting of the Board, except for the following matters which shall be deemed to have been approved only if passed by the affirmative vote of not less than two-thirds of the directors present at the meeting:

- 4.11.1 the issuance of any Shares;
- 4.11.2 the entering into, amendment or termination of any Special User Agreement; and
- 4.11.3 the entering into, amendment or termination of any Services Agreement.

4.12 REFERRAL TO MEMBERS

- 4.12.1 Notwithstanding the terms of Section 4.11 hereof but subject to Section 4.12.4 hereof, if a majority of the directors present at a meeting determine that a matter should be presented to the Members for their approval and determination, such directors may, if they give notice in writing (the “**Notice**”) to the General Manager within two business days after the meeting of directors in which that matter was discussed and voted upon, require that the matter to be presented to the Members at a general meeting called for that purpose.
- 4.12.2 The General Manager shall upon receipt of the Notice advise the Chair of the Board and all directors of the receipt of the Notice and shall forthwith, within two

business days, call a meeting of the Members, such meeting to be held not more than one month after the giving of notice thereof.

4.12.3 If any matter referred to Members pursuant to Section 4.12.1 hereof is not approved by the Members at that meeting, that matter may not again be referred to Members pursuant to the provisions of this Section 4.12 hereof.

4.12.4 No matter that has been submitted to the Members for approval pursuant to Section 2.4 hereof shall be referred to the Members under Section 4.12.1 hereof during the same fiscal year of the Company without the approval of at least two-thirds of the directors present at the meeting at which the referral of that matter is considered.

4.13 REPORTING BY DIRECTORS

A director who is elected pursuant to Section 4.2.1 hereof shall not be subject to any restriction imposed by the Company with respect to any reporting on matters conducted at meetings of the Board to the Member that nominated that director.

5. MANAGEMENT OF THE COMPANY

5.1 OFFICERS

The Company may have such officers as determined by the Board and will have at least four officers including a Chair of the Board, a Vice-Chair of the Board, the General Manager and a Secretary.

5.2 SPECIFIC DUTIES OF OFFICERS

5.2.1 The Chair of the Board, if present, shall chair meetings of the Board and of the Members. The Chair of the Board shall be a member of the Board and shall be elected by the Directors.

5.2.2 The Vice-Chair of Board shall be vested with all the powers and shall perform all the duties of the Chair of the Board in the absence or inability or refusal to act of the Chair. The Vice-Chair shall have such other powers and shall perform such other duties as may from time to time be assigned by the Board. The Vice-Chair of the Board shall be a member of the Board and shall be elected by the Directors.

5.2.3 The General Manager shall be the general manager of the Company. Subject to the general supervision and direction of the Board, the General Manager shall be responsible for the general supervision, management and control of the operations of the Company on a day-to-day basis. The General Manager shall, in fulfilling such duties, operate within the Purpose to provide the Company Services.

5.2.4 Within the constraints of the Authorized Budget and the Authorized Capital Budget, and subject to any determination of the Board or the Members, the

General Manager shall implement the decisions as so determined. Notwithstanding the generality of the foregoing, the General Manager will:

5.2.4.1 manage the operations of the Company to meet the requirements of the users within the Purpose;

5.2.4.2 be responsible for the hiring and termination of staff for the Company;

5.2.4.3 prepare and submit an annual operating budget and a capital budget for the approval by the Board or Members, as the case may be;

5.2.4.4 prepare and deliver following approval of the Board, an annual report to the Members and to the Minister under the ECC Act within the time as required thereunder;

5.2.4.5 request proposals for delivery of services to the Company, analyze such proposals and submit recommendations on such proposals to the Board for approval, if such approval is required;

5.2.4.6 ensure proper record keeping of books and records for the Company as required by law or by the Board; and

5.2.4.7 monitor compliance with the Articles, the *Business Corporations Act*, the ECC Act and the Agreement by the Members, the Board and the officers.

The General Manager shall report to the Board, and will be an executive member of the Board as set forth in Section 4.7 hereof.

5.2.5 The Secretary shall prepare the agenda for all meetings of the Members and the Board and shall draw up minutes of such meetings and shall be responsible for the safekeeping of the books and records of the Company.

5.3 VACANCY OF OFFICE

Any vacancy of office caused by the resignation, removal, death or incapacity of an officer shall be filled by appointment of the Board.

5.4 SIGNING AUTHORITY

The authorized signing officers of the Company in respect of legal documents or any bank or other financial institution or the opening of any corporate bank accounts shall be as determined by the Board.

5.5 AUDITORS

The Members shall appoint the auditors of the Company from time to time.

5.6 FINANCIAL YEAR END

Until changed by an ordinary resolution of the Shareholders, the financial year-end of the Company shall be December 31.

6. FINANCIAL MATTERS AND RECORDS

6.1 BOOKS AND RECORDS

The Company shall keep books of account and records in accordance with Canadian generally accepted accounting principles and furnish to each Member copies of such accounting reports and financial statements as herein provided.

6.2 FINANCIAL STATEMENTS

The General Manager shall cause to be delivered to each member of the Board and to the Members the following financial statements, prepared in accordance with Canadian generally accepted accounting principles:

- 6.2.1 as soon as available and in any event, within 30 days after the end of each quarter of each fiscal year, an unaudited balance sheet of the Company as of the end of such quarter, the statements of financial activities and fund balances for the quarter then ended and, if applicable, the six-month period or nine-month period of such fiscal year then ended, with projections to year-end compared to the Authorized Operating Budget and Authorized Capital Budget; and
- 6.2.2 as soon as available and in any event, within 120 days after the end of each fiscal year, the audited balance sheet of the Company as of the end of such fiscal year and the statements of financial activities and fund balances and changes in financial position for the fiscal year then ended, all accompanied by an opinion of the Company's auditors.

6.3 AUTHORIZED OPERATING BUDGET

- 6.3.1 Prior to the beginning of each fiscal year and in sufficient time to permit the implementation thereof, the General Manager shall submit to the Board for its review and approval, a proposed annual operating budget for such fiscal year which will show the revenues and expenses for the day to day operations of the Company and the Rates to be charged to Members for the year.
- 6.3.2 The proposed annual operating budget for a fiscal year shall be approved by the Board following the steps in Section 6.3.1 hereof, prior to the commencement of that fiscal year, in any case with such amendments or variations thereto as the Board shall deem appropriate and approve, provided that:
 - 6.3.1.1 the Board shall recognize the Purpose; and

6.3.1.2 no annual operating budget that requires approval by the Members under Section 2.4.5 hereof will be an Authorized Operating Budget until such approval has been obtained.

6.3.3 Subject to Section 2.4.5, the Board may amend an Authorized Operating Budget from time to time.

6.4 AUTHORIZED CAPITAL BUDGET

6.4.1 Prior to the beginning of each fiscal year and in sufficient time to permit the implementation thereof, the General Manager shall submit to the Board for its review and approval, a proposed annual capital budget for such fiscal year which will provide for all capital expenditures to be made for the Company for that year and any long term capital plans or proposed capital expenditures and borrowings for any subsequent years.

6.4.2 The proposed annual capital budget for a fiscal year shall be approved by the Board following the steps in Section 6.4.1 hereof, prior to the commencement of that fiscal year, in any case with such amendments or variations thereto as the Board shall deem appropriate and approve, provided that:

6.4.1.1 the Board shall recognize the Purpose; and

6.4.1.2 no annual capital budget that requires approval by the Members under Section 2.4.5 hereof will be an Authorized Capital Budget until such approval has been obtained.

6.4.2 Subject to Section 2.4.5, the Board may amend an Authorized Capital Budget from time to time.

7. FUNDING BY MEMBERS

7.1 RATES FOR COMPANY SERVICES

The Members hereby agree that the Rates to be assessed by the Company for Company Services against the Members and payable by the Members for Company Services shall be established by the Board substantially in accordance with the Cost Sharing Formula and that no amendment will be made to the Cost Sharing Formula except in the manner provided in Section 2.4.11 hereof.

7.2 OBLIGATION TO PAY

7.2.1 Each Member hereby agrees to pay all Rates assessed and charged to it by the Company. Rates shall be payable quarterly in advance upon invoicing by the Company.

- 7.2.2 Notwithstanding the foregoing, it is understood that the Provincial Government will not pay any amounts except as billed directly by the RCMP for Company Services for all services provided under the Policing Agreements.
- 7.2.3 If a Municipality that is a Member receives its policing services through the RCMP pursuant to a Policing Agreement, then such Member hereby acknowledges that the RCMP may be assessed Rates by the Company to cover Company Services as part of the policing services provided to that Municipality, and that Member agrees to pay to the RCMP all amounts charged by the RCMP in respect of that Municipality.

7.3 APPROPRIATION FOR PROVINCIAL GOVERNMENT

Any obligation of the Provincial Government to pay money under this Agreement is subject to an appropriation being available in the fiscal year of the Provincial Government during which the payment becomes due.

8. RESTRICTIONS ON MEMBERS' TRANSFERS

8.1 RESTRICTIONS ON TRANSFER OF SHARES

- 8.1.1 Each of the Members agrees that it will not sell, transfer, assign, mortgage, pledge, charge, hypothecate, encumber, alienate or otherwise dispose of, create a security interest in, grant an option on, or cease to be the holder of any Shares of the Company, or any right or interest therein at any time now or hereinafter held or owned by or for them (any one of such actions being herein called a "transfer"), except that if a Municipality is amalgamating with another Municipality, then the Shares of the amalgamating Municipalities will be cancelled and one new Share will be issued in the name of the new amalgamated Municipality, upon that new Municipality executing an agreement substantially in the form of Schedule B hereto, or except as otherwise approved by the Board.
- 8.1.2 Any actual, attempted or purported transfer by any Member of all or any part of its Share that does not comply with the provisions of this Agreement shall be void and of no effect.

9. WINDING UP OR DISSOLUTION

9.1 WINDING UP OR DISSOLUTION

If alternate sources are available for all of the services equivalent to the Company Services then being provided to the Members, and if adequate provision is made for the payment of all outstanding debts and liabilities of the Company and the consent of any major lenders to such winding up or dissolution is obtained, if such consent is required under the terms of any lending agreement with the Company, then the Shareholders may resolve under Section 2.4.1 hereof to wind up or dissolve the Company and to dispose of the property, equipment and assets of the Company as provided in this Agreement.

9.2 DISPOSITION OF PROPERTY

In the event of a winding up or dissolution of the Company pursuant to Section 9.1 hereof, the property, equipment and assets owned and leased by the Company shall be disposed of in the following manner and the Members shall vote to dispose of the property, equipment and assets in the following manner.

- 9.2.1 all property, equipment or assets owned or leased by the Company and assigned for the exclusive use of any one Member (the “**Purchasing Party**”) may be purchased from the Company by the Purchasing Party at the fair market value thereof. The General Manager, with the assistance of consultants or otherwise, shall establish a fair market value to such property, equipment or assets and shall advise the Purchasing Party, by written notice, of the fair market value as established. The Purchasing Party may within ten days of receipt of that notice from the General Manager, dispute the fair market value by notice in writing to the General Manager, in which event within five days of that written notice the General Manager and the Purchasing Party shall agree to appoint a valuator, knowledgeable in the valuation of the property, assets or equipment being purchased, to establish the fair market value. The determination of the valuator, which shall be made within 20 days of the appointment of the valuator, will be final and binding on the Company and the Purchasing Party. The costs of any valuation will be borne by the Purchasing Party and the Company, jointly. Any payment made by a Member hereunder shall be applied by the Company to reduce the debt incurred to purchase that equipment;
- 9.2.2 all property, assets and equipment owned or leased by the Company and not purchased under Section 9.2.1 hereof shall be offered by the General Manager, in blocks as determined by the General Manager, to all Shareholders and to all other Members that have executed a Special User Agreement, pursuant to an auction. The General Manager shall have full authority to establish the rules for and operate any such auction;
- 9.2.3 any property, equipment and assets owned or leased by the Company and not disposed for pursuant to Section 9.2.1 or 9.2.2 hereof may be sold or disposed of by the General Manager or such other person as determined by the General Manager; and
- 9.2.4 with regard to the licences and authorities for radio spectra assigned to or transferred to the Company by the Members, Section 2.5.3 hereof shall apply.

9.3 DISTRIBUTION OF MONIES

All monies realized by the Company on the disposition pursuant to Section 9.2 hereof shall:

- 9.3.1 firstly, be used to satisfy all debts and liabilities of the Company; and

9.3.2 secondly, be used to satisfy the requirement under Section 2.5.3 hereof to employ best efforts with regard to restoration of licences and authorities for radio spectra; and

9.3.3 thirdly, be distributed in the manner provided in Article 24.3 of the Articles.

10. WITHDRAWAL BY ANY MEMBER

10.1 WITHDRAWAL BY ANY ONE MEMBER

Any Member may cease to be a Member of the Company by giving prior written notice (the “**Notice**”) of its desire to cease to be a Member, in which event:

10.1.1 the date (the “**Withdrawal Date**”) on which such Member ceases to be a Member (the “**Withdrawing Member**”) shall be the end of the year next following the year in which the Notice is received by the Company;

10.1.2 the Withdrawing Member shall be obligated to pay to the Withdrawal Date, as a Rate, as requested by the Company, the Withdrawing Member’s proportionate share of any long-term capital obligations, including any lease obligations, or repayments thereof committed to by the Company up to the Withdrawal Date;

10.1.3 upon receipt by the Company of the payment required in Section 10.1.2 hereof, the Company will transfer to the Withdrawing Member all user equipment used by that Member that has been paid for by that Member; and

10.1.4 upon receipt by the Company of the payment required in Section 10.1.2 hereof, the Withdrawing Member shall surrender the Share held by it for cancellation and that Member shall cease to be a Member as at the effective date of cancellation.

10.2 SPECTRA ON WITHDRAWAL

Any radio spectra held by the Company at the time of withdrawal shall not be available for use by a Withdrawing Member. However, the Company will use its best efforts at its own expense to restore to a withdrawing Member licences and authorities for radio spectra comparable to those assigned to or transferred to the Company by that withdrawing Member, subject to applicable federal legislation.

11. TERMINATION

11.1 TERMINATION

This Agreement shall terminate upon:

11.1.1 the completion of the winding-up or dissolution of the Company; or

11.1.2 the agreement of all Members, provided that the Members shall not be permitted to agree to terminate the Agreement unless all debts and liabilities of the Company have been provided for and unless permitted under the ECC Act.

12. CONFIDENTIALITY

12.1 NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

The Members acknowledge the provisions of Section 9 of the ECC Act and in particular Subsection 9(4) of the *ECC Act*. The obligations of the Members and the Company under this Article 12 are subject to the applicable provisions of the ECC Act and the *Freedom of Information and Protection of Privacy Act* (British Columbia). The Members shall, and shall ensure that all of their respective officials and employees shall, hold all Confidential Information of any kind or nature acquired in their course of dealing with the Company and with each other in their capacity as Members in confidence and shall use such Confidential Information solely for purposes related to their capacity as Members and in connection with the Purpose. The Members shall not, and shall ensure that their respective employees shall not, disclose any such Confidential Information at any time or otherwise make use of such Confidential Information for any purpose other than as Members.

13. GENERAL

13.1 APPLICABILITY

Except as otherwise expressly provided in this Agreement, this Agreement applies to each Member only so long as the Member is a Shareholder or has a Special User Agreement, as applicable.

13.2 PRECEDENCE

The Members shall be governed by the provisions of the ECC Act, the Notice of Articles, the Articles, the *Business Corporations Act* and this Agreement. In the event of any inconsistency among the provisions of any such documents, to the extent permitted by law and subject to the ECC Act, the provisions of this Agreement will take precedence and bind the parties and in particular the Members agree that the specific provisions of this Agreement shall override those general provisions in the Articles.

13.3 AMENDMENTS

Subject to the provisions of the ECC Act, this Agreement may be amended by approval of Members holding 50% or more of the Shares, except that any amendment to Section 2.4 hereof shall require the approval of at least two-thirds of the Members.

13.4 ASSIGNMENT

This Agreement may not be assigned by any Member except as provided for specifically herein.

13.5 COUNTERPARTS; FACSIMILE

This Agreement may be executed in any number of counterparts with the same effect as if all parties had all signed the same document. All counterparts will be construed together and will constitute one and the same agreement. This Agreement may be executed by the parties and transmitted by facsimile transmission and if so executed and transmitted this Agreement will be for all purposes as effective as if the parties had delivered an executed original Agreement.

13.6 ENTIRE AGREEMENT

This Agreement, including the Schedules hereto and the agreements referred to herein, constitutes the entire agreement between the parties hereto related to their membership in the Company, it being understood that additional agreements may be entered into relating to equipment and use thereof, use and access to information which may be restricted and other matters as required. There are not and shall not be any verbal statements, representations, warranties, undertakings or agreements between the parties and this Agreement may not be amended or modified in any respect except as provided in Section 13.3 hereof.

13.7 ENUREMENT

This Agreement shall enure to the benefit of and be binding on the respective successors, executors, administrators and permitted assigns of each of the Members and of the Company.

13.8 FURTHER ASSURANCES

The Members shall execute such further assurances and other documents and instruments and do such further and other things as may be necessary to implement and carry out the intent of this Agreement. Each Member that is a Shareholder agrees that it will vote and act at all times as a shareholder of the Company and all Members shall in all other respects use their best efforts and take all steps as may be reasonable within their powers so as to cause the Company to act in the manner contemplated by the provisions of this Agreement and so as to implement to their full extent the provisions of this Agreement (including the entering into of agreements by the Company with one or more of the parties hereto or other Persons).

13.9 NO PARTNERSHIP

Nothing in this Agreement shall be deemed in any way or for any purpose to constitute any party a partner of any party hereto in the conduct of any business or otherwise or a member of a joint venture or a joint enterprise with any other party hereto.

13.10 NOTICE

Any notice or other communication permitted or required under this Agreement must be in writing. Any such notice will be deemed delivered: (i) on the day of delivery in

person; (ii) one day after deposit with an overnight courier, fully prepaid; or (iii) if sent by facsimile transmission during regular business hours on a business day, on the date delivered or sent (or, if delivered or sent after normal business hours on a business day or on a non-business day, on the next business day) and must be sent to:

(a) if to the Company:

Capital Region Emergency Service Telecommunications (CREST) Incorporated
108 - 800 Kelly Road, Suite 482
Victoria, BC V9B 6J9

Attention: General Manager
Fax: (250) 995-5711

(b) if to a Member, at the address or fax number for that Member on record with the Company from time to time or, if no address or fax number for that Member is on record with the Company, to the general mailing address or general fax number for that Member made available to the general public,

or at such other reasonable address or fax number at which personal delivery may be effected of which a party may from time to time give notice in accordance with this Section.

13.11 TIME OF THE ESSENCE

Time shall be of the essence of this Agreement and the transactions contemplated hereby.

13.12 WAIVER

No provision of this Agreement shall be deemed to be waived unless such waiver is in writing. Any waiver of any default by any party hereto in the observance or of the performance of any part of this Agreement shall not extend to or be taken in any manner to affect any other default.

13.13 RESTATEMENT OF ORIGINAL AGREEMENT

This Agreement is the first amended and restated version of the Original Agreement. This Agreement reflects a restatement of the Original Agreement, as amended, as at _____, 200__.

13.14 BINDING EFFECT

This Agreement will be binding upon the Company and all of the current Members upon approval by the Minister in accordance with the requirements of the ECC Act.

SCHEDULE A
ARTICLES OF THE COMPANY

SCHEDULE B

AGREEMENT TO BE BOUND

TO: Capital Region Emergency Services Telecommunications (CREST) Incorporated

AND TO: All Members of the Company, as defined pursuant to a Members' Agreement dated _____, 2007 (the "**Members' Agreement**")

WHEREAS:

A. The Company has been established for the Purpose as set forth in the Members' Agreement;

B. The undersigned wishes to subscribe for Shares in the Company and become a Shareholder and a Member of the Company; and

C. The Members' Agreement requires that prior to the issue of Shares to any person, such person must agree to be bound by the terms of the Members' Agreement.

In consideration of the payment of \$2 by the Company to the undersigned and the issue of a Share to the undersigned (the receipt and sufficiency of which is hereby acknowledged) the undersigned hereby agrees that:

1. The terms as used herein shall have the meaning as set forth in the Members' Agreement.
2. The undersigned hereby subscribes for one Share of the Company.
3. The undersigned hereby pays \$10 for the Share.
4. So long as the undersigned owns the Share, the undersigned hereby agrees with the Company and all other Members to be bound by the terms and conditions of the Members' Agreement as and from the date hereof, as if it had been an original signatory thereto.
5. This Agreement shall bind the undersigned and all successors thereof.
6. If the undersigned is a Municipality the undersigned confirms that it has adopted or is adopting a bylaw as contemplated in Section 4(2)(a) of the *ECC Act* and this subscription will only become effective upon the adoption of such a bylaw.

DATED _____.

SCHEDULE C

COST-SHARING FORMULA FOR COMPANY SERVICES

1.0 OVERVIEW OF COST-SHARING FORMULA

- 1.1 The goal of the Cost-Sharing Formula is to allocate among Members all capital, operating and maintenance costs associated with the provision of Company Services by the Company, including overhead and administration costs and all financing costs associated with capital and operating expenditures, but excluding User Equipment.
- 1.2 There are two major cost components of the CREST System:
 - 1.2.1 Infrastructure Costs; and
 - 1.2.2 User Equipment Charges.
- 1.3 Only the Infrastructure Charge is allocated among User Agencies under the Cost-Sharing Formula described in this Schedule.
- 1.4 Any amendment to the allocation language of the Cost Sharing Formula requires the approval of the Members pursuant to Section 2.4.11 of the Members' Agreement.

2.0 DEFINITIONS

- 2.1 Adjusted Coverage Area means the Coverage Area multiplied by the Area Adjustment Factor.
- 2.2 Agreement means the Members' Agreement (First Amendment and Restatement) to which this Schedule is attached, as amended or replaced from time to time.
- 2.3 Area Adjustment Factor means the percentage(s) applied to the Coverage Area for each User Agency to determine the Adjusted Coverage Area, which, until amended by the Members in accordance with the Agreement, is 150% for police services in all jurisdictions, 45% for BC Transit and 100% for all other User Agencies.
- 2.4 Coverage Area means, with respect to each User Agency, the number of square kilometers that are within the jurisdiction of that User Agency.
- 2.5 CRD Charges means the fees and charges collected by the CRD under the Capital Regional District Emergency Communications Charge Bylaw No. 1, 2001, as amended, supplemented or replaced from time to time, and remitted to CREST by the CRD;
- 2.6 Current User Equipment means the User Equipment registered on the CREST System as at the date of this Agreement;

- 2.7 Infrastructure Costs means, for each fiscal year of the Company, the total of all Company expenses provided for in the Authorized Operating Budget and the Authorized Capital Budget including:
- 2.7.1 the capital costs of the CREST System, including capital expenditures, interest on debt obligations and debt reductions net of additions based on financing rates and terms secured by the Company;
 - 2.7.2 the operating and maintenance costs of the CREST System; and
 - 2.7.3 overhead and administration costs of the Company,
- but excluding User Equipment Charges.
- 2.8 Net Infrastructure Charge means, for each fiscal year of the Company, the Infrastructure Costs for that fiscal year, less the amount of (a) any revenues receivable by the Company from Contracted Users during that fiscal year (b) other revenues and (c) net transfers from the Reserve Fund and Fund Balance during that fiscal year.
- 2.9 New Agency means any User Agency that joins the CREST System after the date of the Agreement.
- 2.10 Population Served means, with respect to each User Agency, the number of people resident within the Coverage Area of that User Agency.
- 2.11 Total Adjusted Coverage Area means the sum of all Adjusted Coverage Areas.
- 2.12 Total Number of Radios means the sum of all User Radios registered on the CREST System.
- 2.13 Total Population Served means the sum of the total Population Served.
- 2.14 Total Radio Traffic means the sum of all User Radio Traffic.
- 2.15 User Agency means any single user on the CREST System that is affiliated with a Member, such as an individual police department, fire department, RCMP detachment or municipal public works department. BC Transit and BCAS are each designated as a single User Agency for the purposes of this Schedule.
- 2.16 User Equipment means all User Radios and peripheral equipment owned by CREST and used by a User Agency to interface with the CREST System, such as mobile and portable radio terminals, and data terminals, including batteries.
- 2.17 User Equipment Charges means, for any fiscal year of the Company, the total of all charges by the Company to User Agencies for the use of User Equipment during that fiscal year provided for in the authorized Operating Budget, including amortization of User Equipment capital costs, radio and base station licensing fees, battery replacement costs and other costs not forming part of the Infrastructure Costs for that fiscal year.

- 2.18 User Radios means the number of voice radios (both portable and mobile units) that are registered on the CREST System by each User Agency, excluding User Equipment.
- 2.19 User Radio Traffic means the monthly average minutes of User Radio use by each User Agency.

Capitalized terms used but not defined in this Schedule will have the meanings assigned to them in the Agreement.

3.0 COST DISTRIBUTION FACTORS

- 3.1 There are four factors that are used to calculate each User Agency's share of the Net Infrastructure Charge:
- 3.1.1 the Adjusted Coverage Area for that User Agency;
 - 3.1.2 Population Served by that User Agency;
 - 3.1.3 User Radio Traffic of that User Agency; and
 - 3.1.4 Number of User Radios used by that User Agency.
- 3.2 Sources and definitions of these cost distribution factors are contained in Table 1.
- 3.3 These cost distribution factors for each agency will be updated on an annual basis, as set out in Table 1.
- 3.4 The percentage allocation of these cost distribution factors to each User Agency's Net Infrastructure Charge is set out in Table 2.

4.0 APPLICATION OF SUBSIDIES AND ADJUSTMENTS

- 4.1 After the Company has allocated the Net Infrastructure Charge for a year among all User Agencies, the CRD Charge and any subsidies (or other payments) received by the Company in respect of that year on account of one or more User Agencies shall be applied to reduce the share of the Net Infrastructure Charge payable by those User Agencies.

5.0	USER EQUIPMENT CHARGES
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- 5.1 User Equipment Charges relate to User Equipment amortization and operating costs determined as follows:

5.1.1 Current User Equipment:

- 5.1.1.1 Amortization is based on the current inventory of radios and dispatch consoles owned by the Company and allocated to each User Agency, as set out in Table 3.
- 5.1.1.2 Charges are based on the proportionate capital cost to each User Agency, amortized over a period of seven (7) years at a cost of capital of 5% per year.
- 5.1.1.3 No amortization is charged to User Agencies that have purchased or supplied their own radios prior to the date of the Agreement.

5.1.2 Replacement User Equipment:

- 5.1.2.1 As Current User Equipment is replaced or supplemented from time to time, the Company will consult with the User Agencies and the Company will purchase for ownership by the Company and distribution to a User Agency all User Equipment to be used and maintained by that User Agency.
 - 5.1.2.2 Each Member will pay to the Company the capital cost of all such User Equipment distributed to its User Agencies, plus any associated financing costs.
- 5.2 License fees for spectrum for both radios and base stations are paid to Industry Canada by the Company on an annual basis. The Company will allocate to each User Agency its share of such fees, based on the Total Number of Radios.
- 5.3 Battery replacement costs are estimated annually and allocated to User Agencies based on the Total Number of Radios registered on the CREST System.
- 5.4 Only User Equipment purchased by the Company may be used on the CREST System, unless the Company otherwise consents in writing.

6.0 DESIGN OF THE COST SHARING FORMULA

6.1 User Agencies

- 6.1.1 Each User Agency is considered a separate user for the purposes of cost sharing under this Schedule. For example, a single Municipality's police department and fire department are two separate and completely independent User Agencies for the purposes of cost sharing.
- 6.1.2 For the purposes of cost sharing, a single Municipality is limited to three types of municipal User Agencies: a police department (or municipal RCMP detachment), a fire department and a public works department. Public works departments include all municipal public safety agencies, including but not limited to parks, engineering and transit agencies.
- 6.1.3 RCMP Allocation:
 - 6.1.3.1 Each RCMP detachment in the Territory is a User Agency and will be allocated a share of the Net Infrastructure Charge.
 - 6.1.3.2 For those RCMP detachments that provide services in more than one Municipality, the allocation of the Net Infrastructure Charge for those detachments among those municipalities will be calculated by the RCMP and the municipalities served by the RCMP.
 - 6.1.3.3 CREST will bill the RCMP for all costs associated with RCMP User Agencies.

6.2 Allocated Costs

- 6.2.1 The model is designed so that:
 - 6.2.1.1 in each year, the Net Infrastructure Charge are recovered from all User Agencies (through affiliated Members) that are active users of the CREST System in that year; and
 - 6.2.1.2 the addition of a New Agency reduces the share of the Net Infrastructure Charge paid by all other User Agencies.
- 6.2.2 If a Member fails to pay its share of the Net Infrastructure Charge, then the unpaid monies will be reallocated to and collected from the other Members. In that event, the Company will initiate collection proceedings to obtain the unpaid monies from the defaulting Member.

6.3 Timing of Cost Allocations

- 6.3.1 A User Agency begins to pay its share of the Net Infrastructure Charge from the date it becomes an operational user of the CREST System.

- 6.3.2 If a User Agency becomes an operational user of the CREST System at any time other than January 1 of a year, then its share of the Net Infrastructure Charge for that year will be prorated accordingly.

7.0 MEMBERS OBLIGATION TO PAY

- 7.1 Members are responsible for paying all costs and charges associated with its affiliated User Agencies, including both the Net Infrastructure Charges and User Equipment Charges.

TABLE 1 – COST DISTRIBUTION FACTORS IN COST SHARING FORMULA

Factor	Weight	Preliminary Source of Data	User Agencies Serving Multiple Jurisdictions	Area Adjustment Factor	Updating
Geographic Area	60%	2004 CRD Demographic Atlas as applicable; the source may change over time; easily available, accurate and reliable sources will be used.	Coverage areas for User Agencies are added together	<u>Police Agencies</u> = Area x 150% <u>BCAS</u> = Area x 45% <u>All other agencies</u> = Area x 100%	Will be updated on an annual basis using the most recent published “BC Stats” data.
Number of User Radios	15%	Number of radios registered on the CREST radio system as of the time of update			Will be updated on an annual basis using number of radios registered on the CREST radio system as at December 31 of the previous year.
Total Radio Traffic	15%	Analysis of system traffic reports for the first half of 2005.			These cost distribution factors for each agency will be updated on an annual basis, based on radio traffic for the prior calendar year.
Population Served	10%	2004 CRD Demographic Atlas as applicable; the source may change over time; easily available, accurate and reliable sources will be used.	Populations figures for User Agencies are added together		Will be updated on an annual basis using most recent published “BC Stats” data.

TABLE 2 - ALLOCATION OF COST DISTRIBUTION FACTORS TO NET INFRASTRUCTURE CHARGE

User Agency's Share of Net Infrastructure Charge =

$[(\text{Net Infrastructure Charge} \times 60\%) \times \text{Agency's Share of Total Adjusted Coverage Area (Note below)}$

$+ (\text{Net Infrastructure Charge} \times 15\%) \times \text{Agency's Share of Total Number of Radios}$

$+ (\text{Net Infrastructure Charge} \times 15\%) \times \text{Agency's Share of Total Radio Traffic}$

$+ (\text{Net Infrastructure Charge} \times 10\%) \times \text{Agency's Share of Total Population Served}]$

Note: The Adjusted Coverage Area reflects the Area Adjustment Factor as defined in Section 2.4 of this Schedule

TABLE 3 - 2007 AGENCY ALLOCATIONS

Agency	2007 Allocation	PF	CF	TF	RF	Weight	Equip Total	Total
BC Ambulance Service (BCAS) - Other	219,099	2.12%	15.43%	1.42%	1.07%	20.03%	6,051	225,150
BC Transit and HandyDART - Other	125,997	2.12%	4.41%	2.63%	2.37%	11.52%	9,572	135,568
Central Saanich - Fire	10,874	0.10%	0.68%	0.01%	0.21%	0.99%	22,259	33,134
Central Saanich - Police	16,702	0.10%	1.02%	0.23%	0.17%	1.53%	17,702	34,404
CFB Esquimalt - Fire	11,395	0.06%	0.69%	0.01%	0.28%	1.04%	28,549	39,944
CFB Esquimalt - Police	16,189	0.06%	1.03%	0.20%	0.19%	1.48%	19,292	35,482
Colwood - Fire	6,862	0.09%	0.29%	0.04%	0.21%	0.63%	22,245	29,107
CRD East Sooke - Fire	8,458	0.01%	0.66%	0.00%	0.11%	0.77%	11,943	20,401
CRD Galiano Island - Fire	12,035	0.01%	0.95%	0.00%	0.14%	1.10%	15,825	27,859
CRD Gulf Island Emergency Program - Other	843	0.00%	0.00%	0.00%	0.07%	0.08%	7,668	8,511
CRD Mayne Island - Fire	5,900	0.01%	0.38%	0.00%	0.15%	0.54%	15,747	21,647
CRD Otter Point - Fire	7,501	0.01%	0.52%	0.00%	0.15%	0.69%	16,123	23,624
CRD Pender Island - Fire	9,248	0.01%	0.60%	0.01%	0.22%	0.85%	23,391	32,639
CRD Piers Island - Fire	548	0.00%	0.02%	0.00%	0.03%	0.05%	3,855	4,403
CRD Port Renfrew - Fire	-	0.00%	0.00%	0.00%	0.00%	0.00%	-	-
CRD Saltspring Island - Fire	36,917	0.06%	3.18%	0.00%	0.13%	3.38%	14,666	51,583
CRD Saturna Island - Fire	6,411	0.00%	0.50%	0.00%	0.08%	0.59%	9,009	15,420
CRD Shirley - Fire	5,262	0.00%	0.38%	0.00%	0.10%	0.48%	10,780	16,042
CRD Willis Point - Fire	2,251	0.00%	0.09%	0.00%	0.11%	0.21%	11,691	13,942
Esquimalt - Fire	3,678	0.10%	0.12%	0.01%	0.11%	0.34%	10,886	14,564
Highlands - Fire	8,868	0.01%	0.62%	0.01%	0.17%	0.81%	18,116	26,984

Langford - Fire	12,737	0.12%	0.65%	0.06%	0.34%	1.16%	36,496	49,233
Metchosin - Fire	15,294	0.03%	1.17%	0.01%	0.18%	1.40%	19,579	34,872
North Saanich - Fire	10,510	0.07%	0.61%	0.03%	0.25%	0.96%	26,445	36,955
Oak Bay - Fire	6,368	0.11%	0.17%	0.14%	0.16%	0.58%	16,019	22,387
Oak Bay - Police	8,783	0.11%	0.26%	0.30%	0.13%	0.80%	13,478	22,261
Parks Canada - Other	-	0.00%	0.00%	0.00%	0.00%	0.00%	-	-
RCMP Common - Police	96,635	1.52%	5.52%	0.35%	1.46%	8.84%	124,040	220,675
RCMP Saltspring & Southern Gulf Islands - Police	67,864	0.09%	5.63%	0.26%	0.22%	6.20%	19,130	86,995
RCMP Sidney & North Saanich - Police	18,924	0.14%	1.04%	0.34%	0.21%	1.73%	17,724	36,647
RCMP Sooke - Police	31,415	0.08%	2.45%	0.21%	0.12%	2.87%	10,639	42,055
RCMP Westshore - Police	72,263	0.30%	4.46%	1.38%	0.47%	6.61%	40,409	112,672
Saanich - Fire	36,481	0.66%	1.70%	0.45%	0.52%	3.34%	52,318	88,799
Saanich - Police	74,537	0.66%	2.55%	2.49%	1.11%	6.82%	113,667	188,204
Sidney - Fire	3,801	0.07%	0.08%	0.00%	0.19%	0.35%	20,549	24,350
Sooke - Fire	11,960	0.06%	0.80%	0.02%	0.22%	1.09%	23,180	35,139
University of Victoria - Other	3,536	0.02%	0.03%	0.19%	0.09%	0.32%	596	4,132
Victoria - Fire	20,192	0.47%	0.32%	0.17%	0.88%	1.85%	89,366	109,557
Victoria & Esquimalt - Police	81,204	0.58%	0.66%	4.01%	2.18%	7.42%	243,212	324,416
Victoria Airport Authority - Other	1,022	0.00%	0.08%	0.00%	0.02%	0.09%	113	1,135
View Royal - Fire	5,113	0.05%	0.24%	0.02%	0.17%	0.47%	17,964	23,077
	1,093,677	10.00%	60.00%	15.00%	15.00%	100.00%	1,180,291	2,273,969

SCHEDULE D

LIST OF SHAREHOLDERS

Shareholder	Number of Shares
Provincial Government	one (1)
Garry Briggs (on behalf of RCMP)	one (1)
BCAS	one (1)
CRD (Southern Gulf Islands, Salt Spring Island and Juan de Fuca Electoral Areas)	three (3)
Town of Sidney	one (1)
District of Langford	one (1)
Corporation of the Town of Esquimalt	one (1)
City of Colwood	one (1)
District of Metchosin	one (1)
The Corporation of the District of Central Saanich	one (1)
The Corporation of the District of Saanich	one (1)
The Corporation of the District of Oak Bay	one (1)
The Corporation of the District of North Saanich	one (1)
District of Highlands	one (1)
The Corporation of the City of Victoria	one (1)
Town of View Royal	one (1)
District of Sooke	one (1)
BC Transit	one (1)

SCHEDULE E

LIST OF MEMBERS

Provincial Government
BCAS
CRD (Southern Gulf Islands, Salt Spring Island and Juan de Fuca Electoral Areas)
Town of Sidney
District of Langford
Corporation of the Town of Esquimalt
City of Colwood
District of Metchosin
The Corporation of the District of Central Saanich
The Corporation of the District of Saanich
The Corporation of the District of Oak Bay
The Corporation of the District of North Saanich
District of Highlands
The Corporation of the City of Victoria
Town of View Royal
District of Sooke
BC Transit
Royal Canadian Mounted Police



REPORT TO FINANCE COMMITTEE MEETING OF WEDNESDAY, MARCH 02, 2022

SUBJECT Capital Region Emergency Service Telecommunications Inc. (CREST) Service Agreement Renewal

ISSUE SUMMARY

The service agreement between the Capital Regional District (CRD) and Capital Region Emergency Service Telecommunications Inc. (CREST) expired on Dec 31, 2021, and requires renewal.

BACKGROUND

At the December 8, 2021, CRD Board meeting, the Board approved a recommendation from the Planning and Protective Services Committee:

That the Chief Administrative Officer be authorized to enter into a new regional service agreement with CREST to provide general emergency radio communications services, with annual contributions limited to inflationary adjustments.

Subsequent to Board approval, staff have continued to negotiate with CREST on finalizing an agreement. Changes from the previous draft agreement are highlighted in the staff report below and appendix B. These changes include an upper limit on inflation impacts (3%), reporting on financial accountability, and an annual presentation or update to the CRD Board.

For additional reference, staff have included in appendix A the previous staff report detailing the history and formation of CREST in the member agreement bylaw, where the commitment to fund was capped to the Call Answer Levy (CAL) revenue received. The agreement in appendix B would fund CREST beyond the (CAL) and increase annual contributions by CPI with an upper limit of 3%.

ALTERNATIVES

Alternative 1

The Finance Committee recommends to the Capital Regional District Board:
That the Chief Administrative Officer be authorized to enter into a service agreement as attached to provide general emergency radio communications services.

Alternative 2

The Finance Committee recommends to the Capital Regional District Board:
That this report be referred back to staff for additional information.

IMPLICATIONS

The revised 2022 agreement with tracked changes is included in Appendix B. The following concordance table summarizes revisions since December.

Section	Draft (December 2021)	Final (March 2022)
3. Services	No change from the 2017-2021 agreement	Keeps 3.1, but adds new 3.2 and 3.3; old 3.2 becomes 3.4
<ul style="list-style-type: none"> consistent with existing CRD governance requirements of other like services; annual reporting to the Board is now included now includes the option for CRD to request financial information in alignment with the provisions of the <i>Financial Information Act</i> as if it applied to CREST; information to be provided upon request 		
4. Payment Matters	Adds sub-sections 4.1.(i), (ii), and (iii)	Adds text to 4.1.(ii) and revises a phrase in 4.1.(iii).
<p>Incorporates additional terminology to:</p> <ul style="list-style-type: none"> actual increases of the annual contribution will be the actual measure of CPI from BC Stats versus an estimate in the case of negative CPI, guarantees the base prior year fee, and in the case of excess inflation, the index used to calculate the increase is capped at 3%, in alignment with CREST's targeted operational cost increase of 2.9% 		

Service Delivery Implications

The CRD has the authority within Bylaw No. 2891, "Capital Regional District Service of Emergency Communications Service Establishment Bylaw No. 1, 2001", to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, and as a Not for Profit and primarily publically funded Corporation, is delivering this service to users within the regional district. However, the agreement expired on December 31, 2021.

Renewal of the service agreement (Appendix B) will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD. Service levels and operational oversight are provided by and approved by the CREST Board annually through their planning approval processes.

All other implications have already been included in the initial report to Board in December 2021.

CONCLUSION

The service agreement between the Capital Regional District (CRD) and Capital Region Emergency Service Telecommunications Inc. (CREST) was set to expire on Dec 31, 2021, and requires renewal. The CRD has the authority within Bylaw No. 2891, "Capital Regional District

Service of Emergency Communications Service Establishment Bylaw No. 1, 2001”, to provide an emergency communication service or to make a financial contribution towards the cost of an emergency communication service operated by another person or organization. CREST, under agreement with the CRD, is delivering this service to users within the regional district. Renewal of the service agreement will result in continuance of CRD contributions to CREST and in turn, the required operations of an emergency communications service on behalf of the CRD.

RECOMMENDATION

The Finance Committee recommends to the Capital Regional District Board:
That the Chief Administrative Officer be authorized to enter into a service agreement as attached to provide general emergency radio communications services.

Submitted by:	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: November 2021 Staff Report 21-685

Appendix B: Revised 2022 Service Agreement, with tracked changes

FT2021-014

EMERGENCY COMMUNICATIONS SERVICE AGREEMENT

(the "Agreement")

THIS AGREEMENT dated for reference the _____ day of _____ 20__

BETWEEN:

CAPITAL REGIONAL EMERGENCY SERVICE TELECOMMUNICATIONS INC.
110 2944 W Shore Pkwy
Victoria, BC
V9B 0B2
("CREST")

OF THE FIRST PART

AND:

CAPITAL REGIONAL DISTRICT
625 Fisgard Street,
Victoria, BC
V8W 2S6
("CRD")

OF THE SECOND PART

WHEREAS the CRD Board has adopted Bylaw No. 2891, the Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001 to establish a service of emergency communications in the service area, including contributing to the cost of an emergency communications service operated by a third party;

AND WHEREAS CREST is a non-profit corporation established under the *Emergency Communications Corporations Act*, to provide a unified system of inter-municipal radio and electronic communication services;

AND WHEREAS the CRD Board has also adopted Bylaw No. 2893, the CREST Members' Agreement Bylaw No. 1, 2001 authorizing the CRD to hold three shares in CREST and appoint three Directors annually to the CREST Board;

NOW THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements set forth in this Agreement, and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged) the CRD has requested CREST provide the Services defined herein and the CREST has agreed to provide those Services in accordance with the Agreement, as follows:

1. INTERPRETATION

In this Agreement, the following terms have the following meanings:

- (a) **"Service Payment"** means the net monies raised and collected as user fees by the CRD pursuant to Emergency Communications Charge Bylaw No. 01, 2001 (as

amended, re-enacted or replaced) available for disbursement to CREST, and additional payments as determined by the CRD Board.

- (b) **“Service Area”** means the Service Area established under Bylaw No. 2891 “Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001”.

2. TERM

- 2.1 The Term of this Agreement will be for a period of five (5) years commencing on January 1, 2022, and continuing until December 31, 2026, unless sooner terminated pursuant to section 5.

3. SERVICES

- 3.1 In consideration of the CRD making the payments required under this Agreement and performing its other obligations under this Agreement, CREST will provide and maintain a radio communications system to provide emergency communications and related services for municipalities and the CRD as members of CREST (the **“Services”**).

3.2 Each year, at least once annually on a date determined by the CRD, CREST will present to the CRD Board on CREST's annual operational and financial plans, including on performance against strategic plan, project plans, and other organizational and financial matters requested by the CRD.

3.3 Upon request from the CRD, CREST will provide financial information in alignment with the provisions of the *Financial Information Act* as if the Act applied to CREST as a regional district service (e.g. schedules of remuneration for board directors and staff >\$75,000) in relation to the regional district service.

3.23.4 Inability to Provide Service

Despite any other provision of the Agreement, the CRD acknowledges that CREST is not obliged to provide these Services where its systems are not operational by reason of acts of God, strike, lockout, or other labour dispute, acts of war, terrorism, sabotage or any other causes beyond the reasonable control and not the result of the fault or neglect of CREST.

4. PAYMENT MATTERS

4.1 Payment Amounts

- (i) The CRD will make an annual contribution to CREST (the “Annual Contribution”) in monthly installments. In 2022 the annual contribution amount will be \$1,715,234 based on the 2021 Board approved contribution (One million, seven

hundred and fifteen thousand, two hundred and thirty-four dollars) (the "Base Year Fee") representing the service payment and an additional contribution.

- (ii) Commencing in 2022, and for each year of the Term thereafter, the Annual Contribution will be adjusted in accordance with the percentage change in the All Items Consumer Price Index for Victoria, British Columbia, published by Statistics Canada (the "CPI") in January each year and as calculated in accordance with this section. The Base Year Fee will be multiplied by the yearly percentage change in the CPI since 2021 (the "CPI Adjustment") and will be added to the Base Year Fee to determine the Annual Contribution for that year; however, if the CPI is more than 3%, the CPI will be capped at 3% for the purposes of the annual calculation. If the All Items Consumer Price Index for Victoria is discontinued, a comparable index will be selected by the CRD, acting reasonably.
- (iii) If the CPI Adjustment is a negative change for any year in the Term, the Annual Contribution for that year will be the Base Year Fee previous year's fee.
- (iv) Any monthly contribution due in the calendar year prior to the annual release of the CPI will be made in the amount of the previous year's monthly installment, and will be reconciled in the monthly payments due for the remainder of that year.

4.2 Taxes

Any sales, use or goods and services taxes arising with respect to the Services will be paid by the CRD.

4.3 Services as Exempt Supply

The parties have determined, acting in good faith, that the Services are an exempt supply under the Excise Tax Act (Canada).

5. TERMINATION

5.1 Termination Rights

- (i) This Agreement will terminate at the end of the term set out in section 2.1
- (ii) CREST will have the right to terminate this Agreement for cause if:
 - a. The CRD fails to pay any amount under the Agreement when due, or
 - b. The CRD commits any material breach of its obligations under this Agreement (other than pursuant to subsection 5.1(ii)(a) above) that is not cured to the satisfaction of CREST, acting reasonably, within 120 (one hundred twenty) days after written notice to the CRD describing the material breach in reasonable detail.

- (iii) The CRD will have the right to terminate this Agreement immediately for cause if CREST commits any material breach of its obligations under this Agreement that is not cured to the satisfaction of the CRD, acting reasonably, within 120 (one hundred twenty) days after written notice to CREST describing the breach in reasonable detail.

5.2 Obligation Upon Termination

Unless the parties enter into a new Agreement, the parties will cooperate fully with each other to provide for an orderly transition of the Services to a successor service provider. CREST will continue to provide Services and to be paid for such Services during the period of transition to a successor provider to a maximum of 120 (one hundred twenty) days after the effective date of termination.

6. PROTECTION OF PRIVACY

- 6.1 Each party will abide by applicable laws relating to the collection, use and disclosure of personal information or information to which the *Freedom of Information and Protection of Privacy Act* (British Columbia) applies.

7. DISPUTE RESOLUTION

7.1 Process

If there is any dispute arising out of or relating to this Agreement, then the parties will use reasonable good faith efforts to resolve such dispute, first by direct negotiation and then, if that is not successful, by mediation with a neutral third party mediator acceptable to both parties. Each party will bear its own costs and expenses in connection with any mediation and all costs and expenses of the mediator will be shared equally by the parties. Any dispute arising out of or relating to this Agreement that is not settled by agreement between the parties within a reasonable time will, on agreement of both parties, be settled by binding arbitration by a single arbitrator. The location of any arbitration proceeding will be in Victoria, British Columbia. The arbitration will be governed by the *Arbitration Act* (British Columbia). The arbitrator will be selected and the arbitration conducted in accordance with the British Columbia Domestic Arbitration Rules ("Rules"), except that the provisions of this Agreement will prevail over the Rules. The parties will share equally in the fees and expenses of the arbitrator and the cost of the facilities used for the arbitration hearing, but will otherwise each bear their respective costs incurred in connection with the arbitration including each parties own legal fees. The parties will use their best efforts to ensure that an arbitrator is selected promptly and that the arbitration hearing is conducted no later than two (2) months after the arbitrator is selected.

7.2 Award Final

The award of the arbitrator will be final and binding on each party. Judgment upon the award may be entered in any court of competent jurisdiction.

8. GENERAL PROVISIONS

8.1 No Third Party Beneficiaries

Nothing contained in this Agreement will create a duty or liability on the part of CREST, the CRD or their respective directors, officers, members, public officials, employees or agents to any member of the public. There are no third party beneficiaries to this Agreement.

8.2 Notices

Any notice required under the terms of this Agreement must be in writing. Any such notice will be deemed delivered:

- (a) on the day of delivery in person;
- (b) ten (10) days after date of deposit by prepaid registered mail, or upon confirmation receipt;
- (c) on confirmation of delivery by courier;
- (d) on the date sent by electronic mail if receipt is confirmed in writing by other party to whom it is directed, set forth below:

Capital Regional District
625 Fisgard Street
Victoria, BC V8W 2S6
Email:_____

-And-

CREST
110 2944 W Shore Parkway
Victoria, BC V9B 0B2
Email:_____

-Or- to such other address or contact person as that party may notify the other in accordance with this section.

8.3 Assignment

The CRD will not have the right to assign, transfer (whether directly or indirectly) or otherwise dispose of any of its interest in all or any part of this Agreement, whether gratuitously or for consideration, without the prior written consent of CREST and any attempt to do so will be void. CREST will have the right at any time to assign, transfer

or otherwise dispose of the whole of this Agreement to any subsidiary or affiliate company, provided that the CRD approves the assignment in writing, not to be unreasonably withheld, and the subsidiary or affiliate company assumes all of the obligations of CREST under this Agreement.

8.4 Benefit

This Agreement will enure to the benefit of and be binding upon the parties and their respective successors and assigns.

8.5 Entire Agreement

This Agreement constitutes the entire agreement of the parties relating to the Services and supersedes any previous agreement with respect to the Services whether written or verbal.

8.6 Severability

If any provision of this Agreement is held to be unenforceable then such provision will be severed from this Agreement and the remaining provisions will remain in full force and effect. The parties will in good faith negotiate a mutually acceptable and enforceable substitute for the unenforceable provision, which substitute will be as consistent as possible with the original intent of the parties.

8.7 Waiver

The failure of either party to require the performance of any obligation hereunder, or the waiver of any obligation in a specific instance, will not be interpreted as a general waiver of any of the obligations hereunder, which will remain in full force and effect.

8.8 Relationship of Parties

This Agreement will not create nor will it be interpreted as creating any association, partnership or any agency relationship between the parties.

8.9 Governing Law

This Agreement is governed by, and if interpreted and construed in accordance with the laws applicable in British Columbia.

8.10 Counterpart

This Agreement may be executed in any number of counterparts. Each executed counterpart shall be deemed to be an original. All executed counterparts taken together shall constitute one agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement as of the date first written above.

CAPITAL REGIONAL DISTRICT by its)
authorized signatories:)

_____)
Name)

_____)
Name)

CAPITAL REGION EMERGENCY)
SERVICE TELECOMMUNICATIONS INC.)
by its authorized signatories:)

_____)
Name)

_____)
Name)

EMERGENCY COMMUNICATIONS SERVICE AGREEMENT

(the "Agreement")

THIS AGREEMENT dated for reference the ____ day of ____ 20__

BETWEEN:

CAPITAL REGIONAL EMERGENCY SERVICE TELECOMMUNICATIONS INC.**110 2944 W Shore Pkwy****Victoria, BC****V9B 0B2****("CREST")**

OF THE FIRST PART

AND:

CAPITAL REGIONAL DISTRICT**625 Fisgard Street,****Victoria, BC****V8W 2S6****("CRD")**

OF THE SECOND PART

WHEREAS the CRD Board has adopted Bylaw No. 2891, the "Capital Regional District Emergency Communications Service Establishment Bylaw No. 1, 2001", to establish a service of emergency communications in the service area, including contributing to the cost of an emergency communications service operated by a third party;

AND WHEREAS CREST is a non-profit corporation established under the *Emergency Communications Corporations Act* to provide a unified system of inter-municipal radio and electronic communication services;

AND WHEREAS the CRD Board has also adopted Bylaw No. 2893, the "CREST Members' Agreement Bylaw No. 1, 2001", authorizing the CRD to hold three shares in CREST and appoint three Directors annually to the CREST Board;

NOW THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements set forth in this Agreement, and for other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged) the CRD has requested CREST provide the Services defined herein and the CREST has agreed to provide those Services in accordance with the Agreement, as follows:

1. INTERPRETATION

In this Agreement, the following terms have the following meanings:

- (a) **"Service Payment"** means the net monies raised and collected as user fees by the CRD pursuant to Emergency Communications Charge Bylaw No. 01, 2001 (as

amended, re-enacted or replaced) available for disbursement to CREST, and additional payments as determined by the CRD Board.

- (b) “**Service Area**” means the Service Area established under Bylaw No. 2891 “Capital Regional District Emergency Communications Service Establishment Bylaw No. 01, 2001”.

2. TERM

- 2.1 The Term of this Agreement will be for a period of ~~six five (65)~~ years commencing on January 1, 2022, and continuing until December 31, 202~~7~~6, unless sooner terminated pursuant to section 5.

3. SERVICES

- 3.1 In consideration of the CRD making the payments required under this Agreement and performing its other obligations under this Agreement, CREST will provide and maintain a radio communications system to provide emergency communications and related services for municipalities and the CRD as members of CREST (the “**Services**”).

- 3.2 Each year, ~~at least once annually~~ on a date ~~determined by mutually agreeable to both CREST and~~ the CRD, CREST will present to the CRD Board on CREST’s annual operational and financial plans, including ~~on~~ performance against strategic plan ~~and~~ project plans, ~~and other organizational and financial matters requested by CRD.~~

- 3.3 Upon request from the CRD, ~~and as per the ‘Financial Statements’ requirements of the Members’ Agreement,~~ CREST will provide financial information ~~in the form of annual audited financial statements, annual budget and five-year financial plan. in alignment with the provisions of the Financial Information Act as if the Act applied to CREST as a regional district service (e.g. schedules of remuneration for board directors and staff >\$75,000) in relation to the regional district service.~~

- 3.4 Inability to Provide Service

Despite any other provision of the Agreement, the CRD acknowledges that CREST is not obliged to provide these Services where its systems are not operational by reason of acts of God, strike, lockout, or other labour dispute, acts of war, terrorism, sabotage or any other causes beyond the reasonable control and not the result of the fault or neglect of CREST.

4. PAYMENT MATTERS

- 4.1 Payment Amounts

- (i) The CRD will make an annual contribution to CREST (the "Annual Contribution") in monthly installments. Commencing in 2022, and for each year of the Term thereafter, the annual contribution amount will be \$1,715,234 based on the 2021 Board approved contribution (One million, seven hundred and fifteen thousand, two hundred and thirty four dollars) (the "Base Year Fee") representing the service payment will be increased annually over the base year (2021) by a percentage increase equal to the following schedule:

<u>Year</u>	<u>Rate Per Agreement</u>	<u>Amount Per Agreement</u>
<u>2022</u>	<u>2.0%</u>	<u>\$1,749,540</u>
<u>2023</u>	<u>3.8%</u>	<u>\$1,816,023</u>
<u>2024</u>	<u>4.9%</u>	<u>\$1,905,008</u>
<u>2025</u>	<u>4.9%</u>	<u>\$1,998,353</u>
<u>2026</u>	<u>4.9%</u>	<u>\$2,096,272</u>
<u>2027</u>	<u>2.9%</u>	<u>\$2,157,064</u>

- ~~(iii) Commencing in 2022, and for each year of the Term thereafter, the Annual Contribution will be adjusted in accordance with the percentage change in the All Items Consumer Price Index for Victoria, British Columbia, published by Statistics Canada (the "CPI") in January each year and as calculated in accordance with this section. The Base Year Fee will be multiplied by the yearly percentage change in the CPI since 2021 (the "CPI Adjustment") and will be added to the Base Year Fee to determine the Annual Contribution for that year; however, if the CPI is more than 3%, the CPI will be capped at 3% for the purposes of the annual calculation. If the All Items Consumer Price Index for Victoria is discontinued, a comparable index will be selected by the CRD, acting reasonably.~~

- ~~(iv) If the CPI Adjustment is a negative change for any year in the Term, the Annual Contribution for that year will be the previous year's fee.~~

- ~~(v) Any monthly contribution due in the calendar year prior to the annual release of the CPI will be made in the amount of the previous year's monthly installment, and will be reconciled in the monthly payments due for the remainder of that year.~~

- ~~(v) Taxes~~

- ~~(vi)(ii)~~

Any sales, use or goods and services taxes arising with respect to the Services will be paid by the CRD.

4.34.2 Services as Exempt Supply

The parties have determined, acting in good faith, that the Services are an exempt supply under the Excise Tax Act (Canada).

5. TERMINATION

5.1 Termination Rights

- (i) This Agreement will terminate at the end of the term set out in section 2.1
- (ii) CREST will have the right to terminate this Agreement for cause if:
 - a. The CRD fails to pay any amount under the Agreement when due, or
 - b. The CRD commits any material breach of its obligations under this Agreement (other than pursuant to subsection 5.1(ii)(a) above) that is not cured to the satisfaction of CREST, acting reasonably, within 120 (one hundred twenty) days after written notice to the CRD describing the material breach in reasonable detail.
- (iii) The CRD will have the right to terminate this Agreement immediately for cause if CREST commits any material breach of its obligations under this Agreement that is not cured to the satisfaction of the CRD, acting reasonably, within 120 (one hundred twenty) days after written notice to CREST describing the breach in reasonable detail.

5.2 Obligation Upon Termination

Unless the parties enter into a new Agreement, the parties will cooperate fully with each other to provide for an orderly transition of the Services to a successor service provider. CREST will continue to provide Services and to be paid for such Services during the period of transition to a successor provider to a maximum of 120 (one hundred twenty) days after the effective date of termination.

6. PROTECTION OF PRIVACY

- 6.1 Each party will abide by applicable laws relating to the collection, use and disclosure of personal information or information to which the *Freedom of Information and Protection of Privacy Act* (British Columbia) applies.

7. DISPUTE RESOLUTION

7.1 Process

If there is any dispute arising out of or relating to this Agreement, then the parties will use reasonable good faith efforts to resolve such dispute, first by direct negotiation and then, if that is not successful, by mediation with a neutral third party mediator acceptable to both parties. Each party will bear its own costs and expenses in connection with any mediation and all costs and expenses of the mediator will be shared equally by the parties. Any dispute arising out of or relating to this Agreement that is not settled by agreement between the parties within a reasonable time will, on agreement of both parties, be settled by binding arbitration by a single arbitrator. The location of any arbitration proceeding will be in Victoria, British Columbia. The arbitration will be governed by the *Arbitration Act* (British Columbia). The arbitrator will be selected and the arbitration conducted in accordance with the British Columbia Domestic Arbitration Rules ("Rules"), except that the provisions of this Agreement will prevail over the Rules. The parties will share equally in the fees and expenses of the arbitrator and the cost of the facilities used for the arbitration hearing, but will otherwise each bear their respective costs incurred in connection with the arbitration including each parties own legal fees. The parties will use their best efforts to ensure that an arbitrator is selected promptly and that the arbitration hearing is conducted no later than two (2) months after the arbitrator is selected.

7.2 Award Final

The award of the arbitrator will be final and binding on each party. Judgment upon the award may be entered in any court of competent jurisdiction.

8. GENERAL PROVISIONS

8.1 No Third Party Beneficiaries

Nothing contained in this Agreement will create a duty or liability on the part of CREST, the CRD or their respective directors, officers, members, public officials, employees or agents to any member of the public. There are no third party beneficiaries to this Agreement.

8.2 Notices

Any notice required under the terms of this Agreement must be in writing. Any such notice will be deemed delivered:

- (a) on the day of delivery in person;
- (b) ten (10) days after date of deposit by prepaid registered mail, or upon confirmation receipt;
- (c) on confirmation of delivery by courier;
- (d) on the date sent by electronic mail if receipt is confirmed in writing by other party to whom it is directed, set forth below:

Capital Regional District
625 Fisgard Street
Victoria, BC V8W 2S6

Email: _____

-And-

CREST
110 2944 W Shore Parkway
Victoria, BC V9B 0B2
Email: _____

-Or- to such other address or contact person as that party may notify the other in accordance with this section.

8.3 Assignment

The CRD will not have the right to assign, transfer (whether directly or indirectly) or otherwise dispose of any of its interest in all or any part of this Agreement, whether gratuitously or for consideration, without the prior written consent of CREST and any attempt to do so will be void. CREST will have the right at any time to assign, transfer or otherwise dispose of the whole of this Agreement to any subsidiary or affiliate company, provided that the CRD approves the assignment in writing, not to be unreasonably withheld, and the subsidiary or affiliate company assumes all of the obligations of CREST under this Agreement.

8.4 Benefit

This Agreement will ensure to the benefit of and be binding upon the parties and their respective successors and assigns.

8.5 Entire Agreement

This Agreement constitutes the entire agreement of the parties relating to the Services and supersedes any previous agreement with respect to the Services whether written or verbal.

8.6 Severability

If any provision of this Agreement is held to be unenforceable then such provision will be severed from this Agreement and the remaining provisions will remain in full force and effect. The parties will in good faith negotiate a mutually acceptable and enforceable substitute for the unenforceable provision, which substitute will be as consistent as possible with the original intent of the parties.

8.7 Waiver

The failure of either party to require the performance of any obligation hereunder, or the waiver of any obligation in a specific instance, will not be interpreted as a general waiver of any of the obligations hereunder, which will remain in full force and effect.

8.8 Relationship of Parties

This Agreement will not create nor will it be interpreted as creating any association, partnership or any agency relationship between the parties.

8.9 Governing Law

This Agreement is governed by, and if interpreted and construed in accordance with the laws applicable in British Columbia.

8.10 Counterpart

This Agreement may be executed in any number of counterparts. Each executed counterpart shall be deemed to be an original. All executed counterparts taken together shall constitute one agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement as of the date first written above.

CAPITAL REGIONAL DISTRICT by its)
authorized signatories:)

Name)

Name)

CAPITAL REGION EMERGENCY)
SERVICE TELECOMMUNICATIONS INC.)
by its authorized signatories:)

Name)

Name)

**TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, AUGUST 02, 2023**

SUBJECT **Capital Regional District Advocacy Strategy**

ISSUE SUMMARY

To approve an updated Capital Regional District (CRD) Advocacy Strategy to advance 2023 – 2026 CRD Board Priorities, Board approved Strategies and Operational Service mandates.

BACKGROUND

The CRD Board completed the strategic planning process at the end of January 2019 and in February approved the CRD Board Strategic Priorities for the 2023 – 2026 term. Five Strategic Priorities with 17 specific initiatives were identified to be advanced over the four-year term. The Corporate Plan was subsequently developed and introduced corporate initiatives and actions aimed at achieving the Board Priorities and community needs.

Each of the five Board Strategic Priorities includes initiatives that may require various types of advocacy to senior orders of government, public authorities, and partners in order to make progress. The Board Governance Priority sets out that the Board will influence regional issues and advocate in a consistent, focused way that aligns with the Board Priorities.

The CRD Advocacy Strategy, included as Appendix A, was developed to inform specific advocacy initiatives, and leverage the collective voice of CRD Board members, partners, and staff in efforts to contribute our experience and resources to advance solutions and achieve greater outcomes.

The document identifies various types of advocacy, approaches, objectives, and methods in consideration of the different roles and objectives our advocates have internally and externally.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the updated CRD Advocacy Strategy be approved.

Alternative 2

That the updated CRD Advocacy Strategy be referred back to staff for additional information.

IMPLICATIONS

The Advocacy Strategy has been updated to support the new CRD Board and their Strategic Priorities with some corresponding direction from the new Intergovernmental Relations Policy. The intent of the strategy is to define how the CRD can be effective in advocating for support and focus its governance and Committees and Commissions, partners, and staff on transparently and efficiently advancing regional, sub-regional and local priorities.

CONCLUSION

The CRD Board Strategic Priorities 2023 - 2026 includes initiatives that require various types of advocacy to senior orders of government, public authorities, and partners in order to make progress. The updated Advocacy Strategy will inform specific advocacy initiatives and assist in achieving Board priorities.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the updated CRD Advocacy Strategy be approved.

Submitted by:	Carolyn Jenkinson, Manager, Executive Administration
Concurrence:	Andy Orr, Senior Manager, Corporate Communications
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: CRD Advocacy Strategy

August 2023

Advocacy Strategy for the Capital Regional District

Responding to community needs, the Capital Regional District (CRD) Board of Directors identify priorities and set the strategic course for the CRD over a four-year period, including an annual check-in and review of Board Priorities. For the 2023-2026 mandate, the CRD Board agreed to focus on five strategic priorities. As regional leaders, members of the CRD Board have and continue to be active in their advocacy on several policy initiatives that flow from these priorities.

To be effective in gaining the support of senior orders of government, local government, and partners, the Priorities agreed to by the Board will remain the basis of the advocacy strategy, unless updated by the Board annually, or supplemented by resolutions of the Board to advocate on specific initiatives. A successful advocacy strategy should be targeted, focused, and requires message discipline and consistency. Those we are advocating to need to understand what our priorities are and that we are committed to advancing them. The Board Priorities are organized under five themes with defined initiatives and desired outcomes. Role clarity, clear communication and reporting is essential for both elected officials and staff to enhance effectiveness and portray the strength of common cause.

Board Priorities (2023 – 2026 Term) and associated outcome statements

Transportation

Residents have access to convenient, green, and affordable multi-modal transportation systems that enhance livability.

Housing

Residents have access to affordable housing that enhances livability.

Climate Action & Environment

Progress on adaptation, reduced greenhouse gas emissions and triple-bottom line solutions that consider social, environmental, and economic impacts.

First Nations

Strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.

Governance

Effective advocacy coordinated and collaborative governance, and leadership in organizational performance and service delivery.

A key initiative within the Governance priority is to “Influence regional issues and advocate in a consistent, focused way that aligns with the Board strategic priorities”.

Within the legislative framework which the Board and administration of the CRD, Capital Regional Hospital District (CRHD) and Capital Region Housing Corporation (CRHC) operate, the Board, its members and staff must work collaboratively to address multi-jurisdictional issues that impact the wellbeing of the region’s residents. Board governance includes region wide general government and legislated authority as well as mandated and agreed on participant based sub-regional and local service delivery responsibilities that require infrastructure, regulatory, legislative, financial, and operational support, to evolve and remain efficient and effective.

Residents and rate payers expect progressive action by the CRD to solve problems and advance regional, sub-regional, and local priorities within its mandate in partnership and collaboration with other authorities. As orders of government, the CRD and CRHD are delegated powers to operate by the Province of British Columbia and as corporate entities and publicly accountable authorities, can enter into agreements, partnerships with other public authorities, other corporate entities, and individuals. The CRHC is a wholly owned non-profit corporation of the CRD. Each entity may delegate or direct certain responsibilities including advocacy, however decisions of record, including the priorities for advocacy are established by resolution of each individual Board.

Advocacy Strategies

For issues that require regional action outside the CRD’s mandate, the Board can leverage the collective voice of its members, partners, and staff to contribute its experience and resources to advance solutions and achieve greater outcomes. As a member of the Federation of Canadian Municipalities, Union of British Columbia Municipalities and Association of Vancouver Island Coastal Communities, and with member, director, or staff representation in a variety of other organizations, the CRD has an opportunity advance our priorities and initiatives or seek the support of these bodies as part of its advocacy strategy. Through its governance and service delivery mandate, the CRD also has the opportunity to directly advocate to the Provincial and Federal Government, government Ministries, appointed bodies and agencies and to partner with other entities. There may also be an opportunity this term to work more closely with First Nations on issues as outlined in the Board priority.

Board Advocacy

Agreed on Board Priorities are the basis of the Board advocacy and the process for adding to those priorities is by Board resolutions with follow up actions typically directed through the Board Chair or the Executive Leadership Team. The Board Chair may ask for the support of other Directors to assist with efforts based on relationships, expertise, and experience or participant jurisdiction and geography. While the Board collectively has responsibility for the interests of the electoral areas, it has included or may delegate specific advocacy to the electoral area Directors for those areas. The Board may decide this term to pursue a focused more assertive strategy on a particular matter of importance at selected times during this term.

Inter-Regional Municipal and Electoral Area Advocacy

Board Priorities are only as strong as the support for them in our communities and working with the municipalities and electoral areas to ensure they support Board initiatives is key. The Board Chair, working directly with Board members, and the CAO working directly with Municipal CAOs should engage with elected officials and senior CRD, municipal and electoral area staff to ensure that there is a clear understanding of Board priorities, while identifying and responding to any divergent priorities to ensure alignment within any advocacy initiatives. The Advocacy Strategy needs to align with the Board approved Intergovernmental Relations Policy.

Corporate Advocacy

The CAO will lead corporate advocacy based on Board direction and the Corporate Plan. The CAO will lead the staff efforts on how best to drive initiatives forward with the right agreements and protocols with other organizations and has delegated authority from the Board to enter into agreements including memorandums of understandings with other agencies. The CAO will work closely with the Chair and play a major role in supporting the Chair and Board in advocacy efforts and will update the Board quarterly.

An advocacy strategy must be flexible, nimble and pivot on emerging issues or opportunities and the CAO will respond to and assign specific priorities and strategies for action. The Board Priorities Quarterly Dashboard progress report tracks resolutions of the Board, current initiatives, and planned actions related to advocacy as well as other priorities.

Advocacy can include formal letters, requests for meetings, presentations, partnering with agencies, campaigns, advisories, and announcements. Strong relationships with media who cover the CRD are essential to an effective advocacy strategy and engagement and outreach to editorial boards and media briefings, releases, and advisories as well as the CRD website and social media posts are effective tools.

Service Mandate and Operational Advocacy

Under the direction of their General Manager, CRD staff participate in many conversations with regulators and policy makers on efficient and effective service delivery approaches, and with organizations that engage with senior orders of government on policy and implementation. The Executive Leadership Team will coordinate communications with senior orders of government on policy and implementation to ensure alignment with Board direction, service mandate, and consistency of messaging in any advocacy.

Over the past few years, local government associations and related organizations have increased their role in advocacy for the municipal sector. The CRD needs to stay active in these organizations and drive our issues into and through their process. At times, senior orders of government will only consider policy changes that have been approved by these voices for our sector.

Potential Advocates

The following parties have been recognized as potential advocates and have been categorized based on each stakeholders' potential ability to influence the CRD's work (positively or negatively) or according to each stakeholder or groups interest in CRD and whether they are internal or external to the organization.

A Primary Level stakeholder or group interest has or may be identified as a result of a delegated authority, partnership agreement, contract or operating agreement, funding agreement, grant, or other formal relationship or understanding with the CRD.

A Secondary Level stakeholder or group interest has or may be identified as a result of receiving a service or benefit, in a contract, operating agreement, funding agreement or through a secondary or related affiliation with a primary group or stakeholder or having a mandate aligned with the CRD.

Internal stakeholders or groups include individuals or groups that have a duty or direct affiliation with the CRD or whose organizations participate directly or have a formal relationship with the CRD.

External stakeholders or groups include individuals or groups whose decision-making authority either directly impacts the CRD at a Primary Level or whose decision-making authority influences the CRD at a Secondary Level.

This categorization provides a focus for advocacy and communications activity by identify primary and secondary advocacy relationships and the preferred approach for advocacy.

Advocacy Internal/External Stakeholders

Advocacy	Internal	External
Primary Level	<p>Board Members and, Alternates</p> <p>Member municipal councils</p> <p>Delegated CRD Commission Members including First Nations Members</p> <p>Local Area Elected Officials</p> <p>Local Area CAOs</p> <p>Local Area Senior Staff</p>	<ul style="list-style-type: none"> • Premier's office • Province: Ministers, Ministers' offices, and Deputy Ministers of select Government of BC ministries and Opposition Leaders • Vancouver Island Region MLAs • Federal Government: Vancouver Island Region MPs, Ministers, and staff of select ministries • First Nations
Secondary Level	<p>Agencies and organizations, including First Nations who have entered into formal agreement with the CRD.</p> <p>CRD representatives appointed to an affiliated governance body</p>	<ul style="list-style-type: none"> • First Nations • Federation of Canadian Municipalities • Union of BC Municipalities • Association of Vancouver Island Coastal • Communities
Operational Level	<p>ELT and designated staff who participate in various external initiatives, committees, and groups as a representative of the organization.</p>	<ul style="list-style-type: none"> • Membership in various Professional Associations, Boards and Groups • Engagement work with Federal, Provincial, Institutional and Local Government staff. • Engagement with Crown and Non-profit bodies aligned and mandated to advance similar priorities.

Advocacy Approach

Advocate	Objectives	Methods
<u>Board</u> Includes Board Members and Alternates	Advance Board priorities and actions required by other orders of government to address regional issues.	Board resolutions reported and conveyed to the media and appropriate party by way correspondence and follow up meetings as required.
<u>CRD Member Representatives</u> Member municipalities and Local Area Elected Officials. Designated CRD Commissions and Commissioners, including First Nations Members	Coordinate actions based on shared interests and in support of shared goal to improve regional outcomes.	Advance Board and Corporate priorities as identified by the CRD Board and included in the Corporate Plan and other approved CRD Strategies when aligned with municipal and commission interests.
<u>Intergovernmental Relations</u> A framework for establishing and maintaining effective relationships with other orders of government,	Convey one regional voice on issues.	Ensure municipal partners are aware and involved as appropriate in advocacy efforts.
<u>Partnerships</u> Agencies and organizations, including First Nations, who have entered into formal agreement with the CRD and/or a CRD representative is appointed to a governance body of that organization.	Identify shared interests as a result of delegated authority, partnership agreement, contract or operating agreement, funding agreement, grant, or other formal relationship or understanding.	Advance Board and Corporate priorities as identified by the CRD Board and included in the corporate plan and other approved CRD Strategies when aligned with agencies and organization's interest.
<u>Staff</u> ELT and designated staff who participate in various external initiatives, committees, and groups as a representative of the organization when adhering with corporate policy and/or by professional affiliation.	Communicate formal CRD policy or position and share professional expertise. Act on behalf of the organization to advance initiatives in support of Board and Corporate Priorities.	Advance Board and Corporate Priorities as identified by the CRD Board and included in the Corporate Plan and other approved CRD Strategies when aligned with external agencies and organization's interests.

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, AUGUST 02, 2023**

SUBJECT **Capital Regional District Mission Statement**

ISSUE SUMMARY

To revise the Capital Regional District (CRD) mission statement.

BACKGROUND

Organizational goals and strategies are captured through a mission statement (a concise, descriptive explanation for an organization's purpose and intentions), vision statement (high-level aspirational statement of an ideal future state) and set of strategic priorities and implementation actions.

Board Strategic Planning Process

Strategic planning is the process followed to define business strategy and goals for the future. The CRD Board of Directors and staff undertake such a planning process at the outset of each new Board term of office.

The objectives of the process are:

1. For the Board to confirm the long-term organizational vision and set priorities for supporting organizational activities.
2. For staff to develop an accompanying Corporate Plan which aligns services and programs with the newly set priorities and identify initiatives and actions to achieve them.

The strategic planning process for the current Board term took place between November 2022 and April 2023. The focus of this process was defining the direction for the CRD over the next four years. The CRD Board evaluated and revised the vision statement and identified new strategic priorities through a series of facilitated workshops. Service priorities and implementation actions were identified through an internal process led by staff.

The CRD mission statement was not reviewed as part of this process as it is a description of the organization's current purpose and role, which remains generally the same across CRD Board terms.

The CRD Board adopted a revised vision statement and the 2023-2026 Board Strategic Priorities on March 8, 2023, and the 2023-2026 Corporate Plan on April 12, 2023.

Referral Motion Arising

On April 12, 2023, the CRD Board referred a proposal for an alternative mission statement to the Governance Committee.

The CRD mission statement below has remained consistent since 2009. The italicized portion of the statement was added by the CRD Board in 2019.

“We are diverse communities working together to serve the public good and build a vibrant, livable and sustainable region, *through an effective, efficient and open organization.*”

An alternative mission statement, provided below, was referred to the Governance Committee. It was developed to address concerns that the current statement lacks the regional viewpoint, is vague about the CRD's role and is hard to distinguish from the vision statement.

"The CRD's Mission is framed in the context of four broad roles.

1. Regional Federation: Serve as the main platform for discussing issues that transcend Municipal and Electoral Area boundaries. Facilitating the effective collaboration and coordination among members for services and solutions that are best provided at the regional and sub-regional level.
2. Core Service Provider: Provide regional utility services such as drinking water, wastewater treatment, to members. Provide regional services directly to residents including: regional parks, affordable housing, recreation, solid waste, and recycling.
3. Local Government for Electoral Areas: Deliver local services, planning functions, and regulatory responsibilities required for Electoral Areas to function as local governments.
4. Planning the Future of the Region: Carry out planning and regulatory responsibilities related to the utility services as well as climate action, regional parks, affordable housing, and regional planning."

A brief discussion by the CRD Board of Directors indicated that while Directors would consider a change to the mission statement through the Governance Committee, brevity remained an important objective as well as finding a cohesive, descriptive way to define the CRD's role and purpose.

Staff have conducted a comparative review of both statements to draw out more explicitly the CRD's broad roles while maintaining the succinctness of the original statement. In consideration of the above, the following is a proposed revised statement from staff, with changes highlighted in italics.

"We are a regional federation working together to serve the public good and plan the future of our livable, sustainable, and resilient region. We transcend municipal and electoral area boundaries to deliver services to residents regionally, sub-regionally and locally through an inclusive, efficient and open organization."

The descriptions proposed in the referral motion have been used to define the key terms in this revised statement.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

That the following mission statement be adopted: "We are a regional federation working together to serve the public good and plan the future of our livable, sustainable and resilient region. We transcend municipal and electoral area boundaries to deliver services to residents regionally, sub-regionally and locally through an inclusive, efficient and open organization."

Alternative 2

The Governance Committee recommends to the Capital Regional District (CRD) Board:

That the following mission statement be adopted: “The CRD’s Mission is framed in the context of four broad roles.

1. Regional Federation: Serve as the main platform for discussing issues that transcend Municipal and Electoral Area boundaries. Facilitating the effective collaboration and coordination among members for services and solutions that are best provided at the regional and sub-regional level.
2. Core Service Provider: Provide regional utility services such as drinking water, wastewater treatment, to members. Provide regional services directly to residents including: regional parks, affordable housing, recreation, solid waste, and recycling.
3. Local Government for Electoral Areas: Deliver local services, planning functions, and regulatory responsibilities required for Electoral Areas to function as local governments.
4. Planning the Future of the Region: Carry out planning and regulatory responsibilities related to the utility services as well as climate action, regional parks, affordable housing, and regional planning.”

Alternative 3

The Governance Committee recommends to the Capital Regional District (CRD) Board:

That the current CRD mission statement remains unchanged.

Alternative 4

That the Capital Regional District Mission Statement report be referred back to staff for additional information based on Governance Committee direction.

IMPLICATIONS

Alignment with Board & Corporate Priorities / Environmental & Climate Action

The revised mission statement proposed by staff is consistent with the description of services and goals listed in the Board Strategic Priorities, CRD Corporate Plan and other service and program plans.

The inclusion of a reference to a “livable, sustainable and resilient region” additionally connects the mission to the Board vision statement and brings into focus the importance of environmental sustainability and climate resilience.

Equity, Diversity & Inclusion

The statement proposed by staff refers to an organization that is “inclusive” and “open”. The objective of including this language is to provide a bridge between the mission statement and the CRD’s statement of commitment to equity, diversity and inclusion.

CONCLUSION

The CRD Board adopted a revised vision statement and the 2023-2026 Board Strategic Priorities on March 8, 2023, and the 2023-2026 Corporate Plan on April 12, 2023. A motion arising proposing an alternative mission statement was subsequently referred to the Governance Committee. Staff have evaluated the proposed changes and offered a revised mission statement which seeks to be more explicit about the CRD’s broad roles while maintaining the essence of the original statement.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the following mission statement be adopted: “We are a regional federation working together to serve the public good and plan the future of our livable, sustainable and resilient region. We transcend municipal and electoral area boundaries to deliver services to residents regionally, sub-regionally and locally through an inclusive, efficient and open organization.”

Submitted by:	Fran Lopez, B. Sc., M. Sc., Manager, Strategic Planning
Concurrence:	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, AUGUST 02, 2023**

SUBJECT **Bylaw No. 4556: Capital Regional District Public Notice Bylaw No. 1, 2023**

ISSUE SUMMARY

To consider the adoption of a public notice bylaw specifying two means of publication for statutorily required public notices.

BACKGROUND

When the *Local Government Act (LGA)* or the *Community Charter (Charter)* requires the CRD to provide advance public notice of a matter of public interest, the CRD follows the *Charter's* default procedure of publishing a notice in a newspaper for two consecutive weeks. Recent amendments to the *LGA* and *Charter* enable the CRD to adopt a public notice bylaw specifying alternative means of publishing public notice.

At its meeting of April 12, 2023, the CRD Board directed staff to report back through the Governance Committee on options for a public notice bylaw and policy.

The proposed Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" (Appendix A) specifies two means of publication for statutorily required public notices:

- (a) one time in a print newspaper or print periodical distributed in the area affected by the subject matter of the notice; and
- (b) one time on the Capital Regional District website.

If adopted, the proposed Bylaw would come into effect on January 1, 2024.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:

- 1. That Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" be introduced and read a first, second, and third time;
- 2. That Bylaw No. 4556 be adopted.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:

That staff report back through the Governance Committee on other options for a public notice bylaw and policy.

IMPLICATIONS

Implications of Alternative 1

Consideration of the principles for effective public notice

The *Public Notice Regulation (Regulation)* (Appendix B) provides that, before adopting a public

notice bylaw, the Board must consider the following principles for effective public notice: the proposed means of publication should be reliable, suitable for providing notices, and accessible (the “Principles”).

The CRD may specify any means of publication, provided that the Board considers the Principles before adopting the bylaw.

The table at Appendix C provides staff’s assessment of how the two recommended means of publication specified in Bylaw No. 4556—one time in a print newspaper or periodical and one time on the CRD website —meet the standards set by the Regulation.

Policy Implications

Staff have prepared an administrative Public Notice Policy (the “Policy”) (Appendix D) intended to ensure that community members are informed of matters of public interest and that the CRD is complying with statutory requirements for providing public notice.

The proposed Policy provides guidance on the choice of a print publication for a public notice:

- if the entire capital region is affected by the subject matter of the notice, then the notice must be published in a print newspaper with regional distribution;
- if the area affected is sub-regional or local, then the staff member can choose to publish in a print newspaper or periodical with more localized distribution (if the required timelines can be met). The reference to “periodical” in the bylaw is intended to broaden the type of publications staff can consider for public notice in remote areas, such as local community newsletters or magazines.

This Policy will require operational staff to coordinate with Corporate Communications to select the most appropriate print publication based on the subject matter of the notice, the area affected by the notice, and timing constraints.

Additionally, the Policy directs staff:

- on the procedure for collaborating on publications with Corporate Communications;
- to consider additional notices for smaller communities that use other means to spread local news, such as public notice boards, bulletin boards at community halls, etc.;
- to consider collaborating with Corporate Communications on social media posts to raise awareness of the activity, in accordance with the CRD’s social media policy; and
- to retain records pertinent to the posting of the public notice.

The Policy is being presented to the Board for information in this report to demonstrate how staff intend to implement the public notice bylaw. In accordance with the CRD Policy Management Framework, staff propose that the Policy will be an Administrative Policy, rather than a Board Policy, as it provides internal direction across departments and assists staff in operating within current legislation. Assuming the Board adopts the Public Notice Bylaw, the Policy would be finalized, adopted, and amended as needed by the Chief Administrative Officer. The Policy would be owned and monitored by Corporate Communications.

Alignment with Board Priorities

The proposed Bylaw and Policy would serve to foster greater civic participation among diverse community members (Initiative 5d). By requiring the posting of public notices online, the CRD’s public notices will reach a broader audience. Further, by maintaining the requirement to publish

printed ads, local newspaper readers will continue to be apprised of matters of public notice. This customized approach to public notice should reach more people across the region and cultivate greater transparency about the work of the CRD.

The Bylaw's requirement that the CRD post notices on the CRD website will ensure access to public notice for residents from the CRD's more rural areas, where newspaper circulation is less prevalent. The Policy further prompts staff to consider other means of notice, over-and-above the minimum requirements, where a local community customarily uses another forum for public information.

Financial Implications

The proposed bylaw should result in minor savings on advertising costs for the CRD, as the CRD will only be required to buy one print ad per notice rather than two.

Service Delivery Implications

The current public notice requirement of two notifications by newspaper often causes scheduling and logistical challenges. It can be challenging to track and meet the publication schedules of the various newspapers across the region while also meeting statutory deadlines. While this concern is not eliminated by the proposed Bylaw, publishing a notice in a print publication once rather than twice should ease scheduling difficulties.

The proposed Bylaw would come into effect on January 1, 2024, to allow time for staff to develop a landing page for Public Notices on the CRD website and adjust internal procedures. This approach will also allow staff to start publishing public notices to the CRD website and advertise the new feature before it becomes legally required.

Implications of Alternative 2

The Board is not required to adopt a public notice bylaw. If the Board is not satisfied with the means of publication specified in Bylaw No. 4556 or the supporting policy proposed by Alternative 1, it can choose to continue with the default method of two publications by newspaper and direct staff to report back through the Governance Committee on further options for a public notice bylaw or policy.

Staff also considered the option of developing an e-mail subscription service for public notices; however, this option would require additional website development work and would delay timelines for implementation. This is a service staff are considering offering in the future as part of a planned website redesign.

CONCLUSION

With recent legislative amendments, the Board can adopt a public notice bylaw specifying alternative means for publishing statutory public notice. Bylaw No. 4556, "Capital Regional District Public Notice Bylaw No. 1, 2023" specifies two means of publication—one time in a newspaper or print periodical and one time on the CRD website—that are reliable, suitable for providing notices, and accessible. The Public Notice Policy complements the Bylaw and will help ensure that the CRD is informing community members of matters of public interest and complying with the legislative requirements.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023” be introduced and read a first, second, and third time;
2. That Bylaw No. 4556 be adopted.

Submitted by:	Peter Nyhuus, J.D., Legal Counsel, Legal Services & Risk Management
Concurrence:	Steve Carey, B. Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023”

Appendix B: *Public Notice Regulation*, B.C. Reg. 52/2022

Appendix C: Table applying principles for effective public notice to Recommended Means of Publication

Appendix D: Draft Public Notice Policy

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4556**

A BYLAW TO PROVIDE FOR ALTERNATIVE MEANS OF PUBLISHING A PUBLIC NOTICE

WHEREAS:

- A. In accordance with section 94.2 of the *Community Charter*, the Regional Board may, by bylaw, provide for alternative means of publishing a statutorily required public notice instead of publishing the public notice in accordance with section 94.1(1)(a) and (b);
- B. The Regional Board wishes to specify two means of publication by which a notice is to be published;
- C. The Regional Board has considered the following principles for effective public notice, prescribed by the *Public Notice Regulation*, B.C. Reg. 52/2022:
 - (a) the means of publication should be reliable;
 - (b) the means of publication should be suitable for providing notices; and
 - (c) the means of publication should be accessible;
- D. The Regional Board considers the means of publication specified by this bylaw to be reliable, suitable for providing notices, and accessible.

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. When the *Community Charter*, the *Local Government Act*, or another Act requires notice to be given or published in accordance with section 94 of the *Community Charter*, then the notice must be published by the following means of publication:
 - (a) one time in a print newspaper or print periodical distributed in the area affected by the subject matter of the notice; and
 - (b) one time on the Capital Regional District website.
- 2. In the event of conflict or inconsistency between the means of publication specified in this Bylaw and the means of publication specified in another Capital Regional District Bylaw, as they relate to the notice requirements of section 94 of the *Community Charter*, the requirements of this Bylaw shall prevail.
- 3. This bylaw comes into force on January 1, 2024.

Bylaw No. 4556
Page 2

4. This bylaw may be cited for all purposes as “Capital Regional District Public Notice Bylaw No. 1, 2023”.

READ A FIRST TIME THIS _____th _____ day of _____ 20__

READ A SECOND TIME THIS _____th _____ day of _____ 20__

READ A THIRD TIME THIS _____th _____ day of _____ 20__

ADOPTED THIS _____th _____ day of _____ 20__

CHAIR

CORPORATE OFFICER

B.C. Reg. 52/2022
M55/2022

Deposited March 1, 2022

This consolidation is current to January 24, 2023.

[Link to consolidated regulation \(PDF\)](#)

Community Charter

PUBLIC NOTICE REGULATION

Definition

- 1** In this regulation, "**Act**" means the [Community Charter](#).

Principles for effective public notice

- 2** (1) Before adopting, under section 94.2 of the Act, a bylaw providing for alternative means of publishing a notice, a council must consider the following principles:
- (a) the means of publication should be reliable;
 - (b) the means of publication should be suitable for providing notices;
 - (c) the means of publication should be accessible.
- (2) Means of publication are reliable if
- (a) they provide factual information, and
 - (b) publication takes place at least once a month or, if the means of publication is a website, the website is updated at least once a month.
- (3) Means of publication are suitable for providing notices if
- (a) they allow all information in a notice to be displayed legibly,
 - (b) they allow a notice to be published by the required date, and
 - (c) they allow a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.
- (4) Means of publication are accessible if
- (a) they are directed or made available to a diverse audience or readership, and
 - (b) they are easily found.

[Provisions relevant to the enactment of this regulation: *Community Charter*, S.B.C. 2003, c. 26, s. 94.2.]

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APPENDIX C: Table applying the principles for effective public notice to the Recommended Means of Publication

Principles for effective public notice set by the Regulation		Recommended Means of Publication	
		1. Newspaper / Periodical	2. CRD website
Means of publication are reliable if:	(a) they provide factual information, and (b) publication takes place at least once a month or, if the means of publication is a website, the website is updated at least once a month.	(a) The Regional District is served by numerous newspapers providing factual information. (b) The Regional District is served by newspapers that publish with regular frequency (ranging from six days a week to monthly periodicals).	(a) The CRD website provides factual information about the CRD and its activities and initiatives. (b) The CRD website is updated regularly by staff, as needed.
Means of publication are suitable for providing notices if:	(a) they allow all information in a notice to be displayed legibly, (b) they allow a notice to be published by the required date, and (c) they allow a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.	(a) Newspapers allow the CRD to publish large notifications which legibly display the information. (b) Certain newspapers are published frequently enough to allow staff to publish a notice by the required date. (c) A printed newspaper ad allows a person to consult a notice more than once during the period from the date of publication until the date of the matter for which notice is required.	(a) The website allows staff to display all relevant information legibly. (b) Staff controls the CRD website and can publish notices as needed to meet the required date. (c) A person with internet access can return to the CRD website any number of times to consult the notice.
Means of publication are accessible if:	(a) they are directed or made available to a diverse audience or readership, and (b) they are easily found.	(a) While newspaper circulation is not as high as it once was, newspapers are directed at the general public and are available to a diverse audience. (b) Newspapers are easily found in most parts of the Regional District although distribution to certain remote areas is challenging.	(a) The CRD website is available for no charge to any person with an internet connection. (b) The CRD website is easily found by searching in a search engine. The website will have a landing page for Public Notices on the CRD home page.



Making a difference...together

CAPITAL REGIONAL DISTRICT CORPORATE POLICY

Policy Type	Administrative		
Section	Corporate Communications		
Title	PUBLIC NOTICE POLICY [DRAFT]		
Adopted Date	January 1, 2024	Policy Number	ADM____
Last Amended			
Policy Owner	Corporate Communications		

1. POLICY:

- 1.1 This policy will ensure that the Capital Regional District (CRD) is both informing community members of matters of public interest that may affect them and complying with statutory requirements for providing public notice.
- 1.2 This policy is supplementary to the Public Notice Bylaw and must be used by staff when the CRD is required by law to provide Statutory Public Notice.

2. PURPOSE:

- 2.1 The purpose of this policy is to provide guidance and direction to Responsible Staff tasked with publishing Statutory Public Notice regarding:
 - a. how and where Statutory Public Notices must be published;
 - b. the procedure for collaborating with Corporate Communications;
 - c. the choice of print publication;
 - d. the consideration of further publications in local communities or online; and
 - e. recordkeeping.
- 2.2 The policy is not intended to comprehensively describe all procedures Responsible Staff must take when publishing Statutory Public Notices. The *Community Charter* and *Local Government Act* contain many provisions that necessitate the publication of Statutory Public Notice, each with its own requirements for the content of notice and the procedure for publication. Responsible Staff must familiarize themselves with the public notice legislative requirements that are relevant to their Activity.

3. SCOPE:

- 3.1 This policy applies to all Responsible Staff providing services that require the publishing of Statutory Public Notice.

4. DEFINITIONS:

- 4.1 In this policy:

- a. **“Activity”** means an action the CRD is undertaking, an event, or other matter that triggers the legislative requirement to provide Statutory Public Notice (e.g., providing notice of a proposed disposition of land or improvements, pursuant to section 286 of the *Local Government Act*);
- b. **“Periodical”** means a local community newspaper or magazine that is published at regular intervals.
- c. **“Public Notice Posting Place”** has the meaning given to that term in the “Capital Regional District Board Procedures Bylaw, 2012”;
- d. **“Public Notice Bylaw”** means Bylaw No. 4556, “Capital Regional District Public Notice Bylaw No. 1, 2023”, adopted pursuant to section 94.2 of the *Community Charter*, which establishes two means of publication by which a notice is to be published;
- e. **“Responsible Staff”** means the CRD staff member performing an Activity; and
- f. **“Statutory Public Notice”** means a notice that the *Community Charter*, *Local Government Act*, or any other legislation requires to be published in accordance with section 94 of the *Community Charter*.

5. **PROCEDURE:**

General obligation of Responsible Staff

- 5.1 Responsible Staff must ensure that Statutory Public Notices are published:
 - a. by the means of publication specified in the Public Notice Bylaw, namely:
 - (i) one time in a print newspaper or print periodical distributed in the area affected by the subject matter of the notice, and
 - (ii) one time on the Capital Regional District website;
 - b. at the Public Notice Posting Place; and
 - c. in accordance with the requirements and timelines of:
 - (i) sections 94 and 94.2 of the *Community Charter*; and
 - (ii) the relevant legislation that provides the mandatory content of the notice, the timeline for publication, and any other requirements.

Responsible Staff to contact Corporate Communications

- 5.2 Corporate Communications must publish all Statutory Public Notices, in collaboration with Responsible Staff.
- 5.3 No less than two weeks before a deadline for a Statutory Public Notice, Responsible Staff must provide to Corporate Communications staff the content for, and legislative context of, the Statutory Public Notices along with the required timeline for publications

and the proposed print publication to publish the Statutory Public Notice. Corporate Communications may require Responsible Staff to fill intake forms, take additional actions, or provide other information to facilitate the publication process.

Choosing the appropriate newspaper

- 5.4 When choosing the appropriate newspaper to publish a Statutory Public Notice, Responsible Staff, in collaboration with Corporate Communications, must consider the following guidelines:
- a. if the entire capital region is affected by the subject matter of the notice, then Responsible Staff must publish the notice in a print newspaper with regional distribution; and
 - b. if the area affected by the subject matter of the notice is sub-regional or local, then Responsible Staff must publish the notice either in a print newspaper with regional distribution or in a print newspaper or print Periodical with more localized distribution if that local publication's distribution schedule allows for statutory timelines to be met.
- 5.5 For certainty, section 5.4 does not require Responsible Staff to publish a Statutory Public Notice in multiple print publications.

Additional notices

- 5.6 In addition to publishing Statutory Public Notices, if residents of a local community customarily use other physical locations for the purpose of raising public awareness of local matters (e.g., public notice boards, bulletin boards at community halls or fire halls, community flyers, etc.), Responsible Staff may consider whether additional notices or information about an Activity should be distributed to those places.

Social media

- 5.7 In addition to publishing Statutory Public Notices, where a sub-regional or local community is most effectively reached through social media or online platforms, Responsible Staff may consult with Corporate Communications staff on whether to also share notice, or information, about the Activity by those means. The decision to post on social media platforms is subject to the discretion of Corporate Communications staff and Content Leads in accordance with the Social Media Policy.

Recordkeeping

- 5.8 Responsible Staff must retain a record of the publication of each Statutory Public Notice, such as a scanned copy of a newspaper clipping, a screenshot of the public notice on the CRD website, or a picture of the posting at the Public Notice Posting Place.

6. AMENDMENT(S):

Adoption Date	Description:
January 1, 2024	Initial adoption date.

7. REVIEW(S):

Review Date	Description:
Three years from adoption	

8. RELATED POLICY, PROCEDURE OR GUIDELINE:

ADM19, Social Media Policy

DRAFT

**REPORT TO GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, AUGUST 02, 2023**

SUBJECT **Membership in the Institute of Corporate Directors**

ISSUE SUMMARY

To determine whether Board Directors wish to renew membership in the Institute of Corporate Directors.

BACKGROUND

Established in 1981, the Institute of Corporate Directors (ICD) has the stated purpose of striving to develop informed, prepared, ethical, and engaged leaders. ICD has programs, courses and seminars designed to support directors in their professional advancement. The ICD has a BC Chapter with three branches – Vancouver Island, Okanagan and Vancouver - with over 2,200 members and hold 15-20 events a year.

Between 2018 and 2022, Board Directors maintained a membership in the ICD in their role as Directors of the non-profit Capital Region Housing Corporation. With the election of a new Board in the Fall of 2022, ICD membership has lapsed pending direction from the new Board on whether it wished to continue with its membership.

Based on invoices submitted by Directors, there was minimal uptake on ICD courses and events by Directors during the term of membership. The majority of Directors took no courses during the previous term; some Directors took advantage of one or two courses or events during the four-year term and about two directors made fairly active use of the membership and attended numerous courses and events. Staff are unaware of whether Directors utilized the online materials or attended any free events available to members. The purpose of this report is to confirm with the current Board whether it wishes to continue with ICD membership for Directors.

ALTERNATIVES

Alternative 1

The Governance Committee recommends to the Capital Regional District Board:
That the Board renew its membership with the Institute of Corporate Directors for the remainder of the Board's term and ending in 2026.

Alternative 2

The Governance Committee recommends to the Capital Regional District Board:
That the Board discontinue its membership with the Institute of Corporate Directors at this time.

Alternative 3

That staff report back with additional information.

IMPLICATIONS

Financial Implications

The annual membership cost for Board Directors is \$2000 for up to 15 Board members, with a cost of \$100 for each additional member. If the Board wishes to endorse Alternative 1, the total cost of annual membership for the 24-member Board is approximately \$2,900 plus tax. Individual membership costs \$395 plus tax per Director so there is a significant group discount. Benefits of membership are outlined below and in Appendix A as well as on the ICD website. Participation in events and courses typically has a registration cost, however it is a discounted rate for those with an ICD membership.

The cost of membership is covered by the Board's budget. There are sufficient funds in the 2023 budget to cover the prorated 2023 membership fees. With the endorsement of Alternative 1, staff will include the membership fees in the 2024 – 2026 budgets.

Membership Benefits

The benefits of membership are summarized in Appendix A, and fall into three categories of professional development, networking, and information resources.

Professional Development:

- Director Register - search for available board roles and qualified ICD candidates
- National Webinars – timely, national interactive webinars (complimentary for members)
- Video Learning Series – series on Chairing the Board (5 part) and Not-for-Profit (4 part)
- ICD-Rotman Directors Education Program (DEP) – leading national education program for experienced directors towards attaining ICD.D designation

Networking:

- National LinkedIn Group – online community
- Profiles - of Directors who have achieved success
- ICD Chapter – British Columbia Chapter with 3 branches including Vancouver Island
- Events & National Courses – reduced registration cost for ICD members

Information Resources:

- Digital Resource Centre – resources for directors that include curated publications, tools and templates
- ICD-Board Info Service – a complimentary and confidential on request research service
- Director General – bi-monthly magazine featuring governance concerns and trends

Though membership is available to government Boards, the main orientation of the ICD offerings are designed for commercial for-profit or non-profit Board Directors rather than elected officials. That said, many of the materials and topics are geared towards good governance generally and could be of interest to Directors.

CONCLUSION

The 2018 to 2022 Directors held membership in the ICD, though there seemed to be minimal uptake by the majority of Directors in the programs, events and materials provided by the ICD. With a number of new Directors around the Board table, staff are seeking input on whether Directors wish to renew the membership for the term of the current Board. The cost of membership is relatively minor and can be covered with existing funds in the 2023 budget.

RECOMMENDATION

The Governance Committee recommends to the Capital Regional District Board:
That the Board renew its membership with the Institute of Corporate Directors for the remainder of the Board's term and ending in 2026.

Submitted by:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENT(S)

Appendix A: ICD Membership Brochure - Enhancing Board Excellence to Govern with Impact

ENHANCING BOARD EXCELLENCE TO GOVERN WITH IMPACT.

HIGH PERFORMANCE BOARDS JOIN THE ICD TO GAIN INSIGHT AND INSTILL CONFIDENCE IN THE BOARDROOM AND BEYOND.

Membership provides access to governance education and member-only content and resources, designed to enhance your board's effectiveness through a director's lens and peer-to-peer networking opportunities and events.

16,500+

Members

11

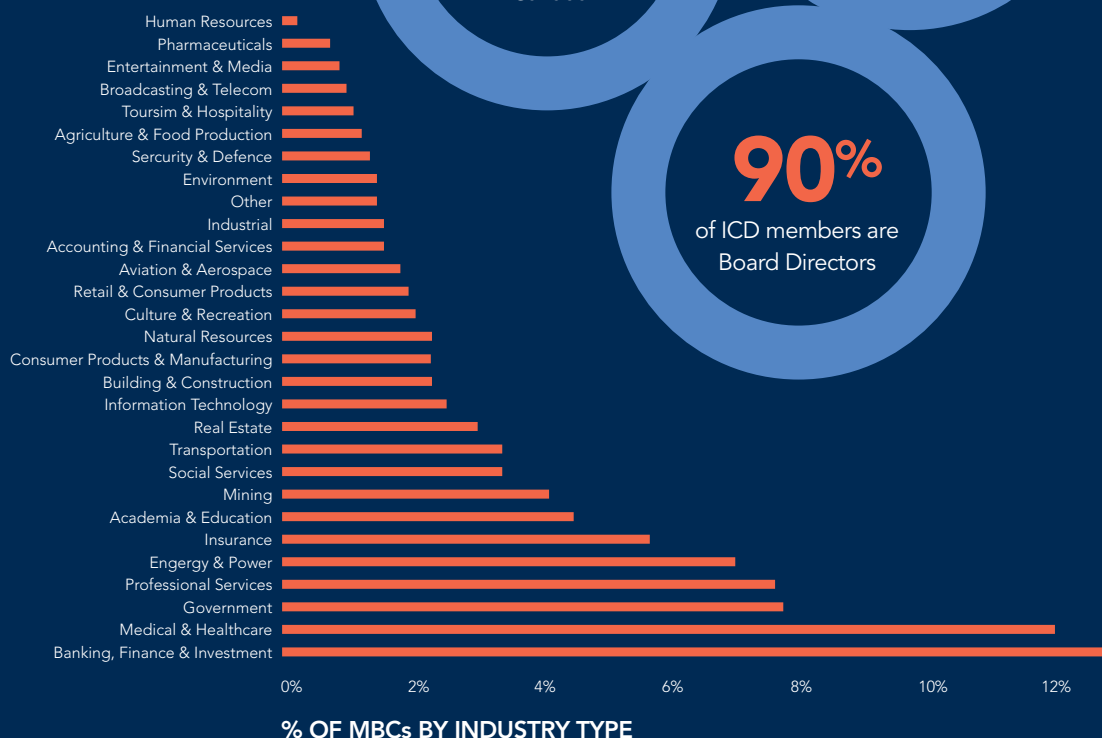
Chapters across
Canada

800+

Member Board
Companies

90%

of ICD members are
Board Directors



CONNECT. COLLABORATE. GROW.



GIVE YOUR BOARD THE COMPETITIVE EDGE:

Take advantage of offers for **educational programs** and **events** to sharpen your board's skills with the aim to improve your board's overall performance.

- Enroll your whole board for cost savings.
- Registration fee waiver for qualifying board members to the ICD-Rotman Directors Education Program (DEP).
- Obtain discounted member rates on educational and event offerings.



ACCESS TO MEMBER-ONLY CONTENT:

Stay relevant and current with access to latest trends, best governance practices and insights.

- **Digital Resource Centre:** An online library of handpicked governance-related resources at your fingertips to help your board improve its effectiveness.
- **BoardInfo Service:** A complimentary and confidential research service, available only to members. The service supports ICD members with their board work by accessing comprehensive director and governance-related resources.
- **On-demand learning:** ICD webinars and video learning series are tailored to our members' needs. Stay current anywhere, at any time.
- **Director Journal:** Complimentary subscription to Canada's leading director publication, including thought-provoking articles and best governance practices.



RECRUIT BOARD DIRECTORS THROUGH ICD'S **DIRECTORS REGISTER**:

The Directors Register is the only board posting service of its kind, providing unparalleled access to board candidates across Canada.

- Conduct private and confidential director searches to find the right fit for your board.
- Members only access to apply to open board positions, across Canada
- Receive a complimentary board posting on the Directors Register for up to 90 days per year.



GROW WITHIN A NATIONAL DIRECTOR COMMUNITY:

Connect with like-minded individuals, share your experiences and discover new and innovative ways to govern with impact.

JOIN CANADA'S DIRECTOR COMMUNITY, GET YOUR BOARD ON BOARD!

ICD offers personalized consultations to discuss how we can deliver value to organizations and directors.

To arrange a consult, please contact Alison Ground at aground@icd.ca.



**REPORT TO THE GOVERNANCE COMMITTEE
MEETING OF WEDNESDAY, AUGUST 2, 2023**

SUBJECT **Bylaw No. 4350 and 4566 - Proposed Amendments to Recreation Commission Bylaws for Sooke and EA (2788) and Peninsula (2397)**

ISSUE SUMMARY

To update and align the term of office and appointment criteria for the Sooke and Electoral Area Parks & Recreation Commission and the Peninsula Recreation Commission.

BACKGROUND

The Sooke & Electoral Area Parks and Recreation Commission Bylaw outlines the makeup of the commission, the term of office, the appointment requirements, and operational functions and processes.

The proposed changes to Bylaw No. 2788, "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000" (Appendix A):

- Consolidate language in Section 1 by removing elapsed dates;
- Update office term lengths for the District of Sooke Council member to align with the other Commission appointments and Peninsula Recreation Commission;
- Update terms of office to include language for alternate Commission members. This also provides alignment with Peninsula Recreation Commission; and
- Addition of conditions for commission appointments to provide good governance and align with other CRD committees and commissions.

The Peninsula Recreation Commission Bylaw outlines the makeup of the commission, the term of office, the appointment requirements, and operational functions and processes.

The proposed changes to Bylaw No. 2397, "Peninsula Recreation Commission Bylaw No. 1, 1996" (Appendix B):

- Clarify office term limits for appointed members to align with the other commission appointments and Sooke & Electoral Area Parks and Recreation Commission; and
- Addition of conditions for commission appointments to provide good governance and align with other CRD committees and commissions.

ALTERNATIVES

Alternative 1

That the Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4350, "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000, Amendment Bylaw No. 4, 2023" be introduced and read a first, second, and third time.
2. That Bylaw No. 4350 be adopted.
3. That Bylaw No. 4566, "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 6, 2023" be introduced and read a first, second, and third time.
4. That Bylaw No. 4566 be adopted.

Alternative 2

1. That this report be referred back to staff for more information.

IMPLICATIONS

Alignment with Board & Corporate Priorities

The proposed bylaw updates align the conditions for appointment of commission members with the majority of CRD committees and commissions and follow good governance practice.

Proposed Bylaw No. 4350 brings Bylaw No. 2788 for SEAPARC into alignment with other modern committees and commissions, including limiting membership to three consecutive terms and requiring advertisement of vacancies. A provision was added that allows the Regional Board to extend an appointed member's term beyond the limit under specific circumstances such as not attracting nominations from other interested community members. An update also specifies the term limit for the Chair position to support transition planning.

Proposed Bylaw No. 4566 for the Peninsula Recreation Commission supports good governance practice by ensuring that the term of appointed commission members is limited to increase the number of public voices on the commission. The added provisions mirror the new subsections in Bylaw No. 4350 that specify term limits, advertising requirements for vacancies, requirements for attendance, and the provision that allows for extension beyond the term limit for appointed members.

CONCLUSION

Bylaw No. 2788, "Sooke & Electoral Area Parks and Recreation Commission Bylaw No. 1 and Bylaw No. 2397, "Peninsula Recreation Commission Bylaw No. 1", require minor updates to be consistent with other modern governance changes made to CRD Committees and Commissions, as well as to increase public membership.

RECOMMENDATION

That the Governance Committee recommends to the Capital Regional District Board:

1. That Bylaw No. 4350, "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000, Amendment Bylaw No. 4, 2023" be introduced and read a first, second and third time.
2. That Bylaw No. 4350 be adopted.
3. That Bylaw No. 4566, "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 6, 2023" be introduced and read a first, second, and third time.
4. That Bylaw No. 4566 be adopted.

Submitted by:	Steve Carey, B. Sc., J.D., Senior Manager, Legal & Risk Management
Concurrence:	Larisa Hutcheson, P. Eng, General Manager, Parks & Environmental Services
Concurrence:	Steve Carey, B. Sc., J.D., Acting General Manager, Corporate Services
Concurrence:	Ted Robbins, B. Sc, C. Tech, Chief Administrative Officer

ATTACHMENT

Appendix A: Bylaw No. 4350

Appendix B: Bylaw No. 4566

Appendix C: Bylaw No. 2788 (Redlined)

Appendix D: Bylaw No. 2397 (Redlined)

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4350**

**A BYLAW TO AMEND THE SOOKE & ELECTORAL AREA PARKS AND RECREATION
COMMISSION (BYLAW NO. 1, 2000)**

WHEREAS:

- A. Under Bylaw No. 2788, "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000", the Regional Board established a joint parks and recreation commission for the District of Sooke and the Juan de Fuca Electoral Area; and
- B. The Board wishes to amend Bylaw No. 2788 to update the commission membership and provide consistency in the appointment language as part of good governance practice, consistent with other CRD commissions;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 2788, "Sooke & Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000" is hereby amended as follows:

(a) By deleting section 1 in its entirety and replacing it with the following:

1. Commission

A joint parks and recreation commission to be known as the Sooke & Electoral Area Parks and Recreation Commission (the "Commission") is hereby continued and shall consist of the following members:

- (a) The CRD Directors for the District of Sooke and the Juan de Fuca Electoral Area (each a "Director");
- (b) One council member from the District of Sooke;
- (c) Two community members appointed by the District of Sooke;
- (d) One community member appointed by the CRD Board, as nominated by the Juan de Fuca Electoral Area Director; and
- (e) One youth member, who shall be registered in the secondary school program of Sooke School District 62 and a resident of Juan de Fuca Electoral Area or the District of Sooke. Youth members who are not of legal voting age shall not vote on the annual budget or the acquisition or disposal of real property.
- (f) In the absence of a Director from the District of Sooke or Juan de Fuca Electoral Area, the Board alternate from the District of Sooke or Juan de Fuca Electoral Area may attend the Commission on the Director's behalf.
- (g) An alternate member from the Council of the District of Sooke may be nominated by that Council and appointed by the Regional Board to attend the Commission in the absence of the Council member.

(b) In section 2, by deleting subsection (b) in its entirety and replacing it with the following:

- (b) The term of office of a member of the Commission who is a Council member other than a Director shall be for a two-year period commencing the 1st of January and ending on the 31st of December of the second year of appointment.

(c) In section 2, by inserting the following as subsections (e), (f), (g), and (h):

- (e) All vacancies on a Commission must be advertised or posted locally for at least thirty (30) days.
- (f) A member who fails to attend three (3) consecutive regular meetings without the permission of a Commission may have their appointment to the Commission terminated.
- (g) No appointee may serve more than three (3) consecutive terms, except as indicated in subsection 2(h).
- (h) At the request of a Director and under unique circumstances, such as a failure to attract nominations after thirty (30) days of appropriate notice of vacancy, the Regional Board may extend a Commission member's term beyond the limit of three (3) consecutive terms.

(d) By deleting section 5 in its entirety and replacing it with the following:

5. The Commission shall elect a Chair from amongst its members who shall serve a term of two years.

2. This bylaw may be cited for all purposes as "Sooke and Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000, Amendment Bylaw No. 4, 2023".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4566**

A BYLAW TO AMEND THE PENINSULA RECREATION COMMISSION (BYLAW NO. 1, 1996)

WHEREAS:

- A. Under Bylaw No. 2397, "Peninsula Recreation Commission Bylaw No. 1, 1996", the Regional Board established a joint recreation commission for the municipalities of North Saanich, Sidney, and Central Saanich; and
- B. The Board wishes to amend Bylaw No. 2397 to clarify term of office for commission membership and provide consistency in the appointment language as part of good governance practice, consistent with other CRD commissions;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. Bylaw No. 2397, "Peninsula Recreation Commission Bylaw No. 1, 1996" is hereby amended as follows:
 - (a) In section 2, by inserting the following as subsections (e), (f), (g), and (h):
 - (e) All vacancies on a Commission must be advertised or posted locally for at least thirty (30) days.
 - (f) A member who fails to attend three (3) consecutive regular meetings without the permission of a Commission may have their appointment to the Commission terminated.
 - (g) No appointee may serve more than three (3) consecutive terms, except as indicated in subsection 2(h).
 - (h) At the request of a Director and under unique circumstances, such as a failure to attract nominations after thirty (30) days of appropriate notice of vacancy, the Regional Board may extend an appointed Commission member's term beyond the limit of three (3) consecutive terms.
2. This bylaw may be cited for all purposes as "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 6, 2023".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
 ADOPTED THIS	 th	 day of	 20__

CHAIR

CORPORATE OFFICER



Making a difference...together

BYLAW NO. 2788

SOOKE AND ELECTORAL AREA PARKS AND RECREATION COMMISSION BYLAW NO. 1, 2000

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED APRIL 12, 2000
(Consolidated with Amending Bylaws 3242, 3416, 4049, 4350)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 2788**

**A BYLAW FOR THE CONTINUATION OF A JOINT PARKS & RECREATION COMMISSION FOR THE
DISTRICT MUNICIPALITY OF SOOKE AND REMAINING AREAS OF THE FORMER SOOKE
ELECTORAL AREA**

WHEREAS by Supplementary Letters Patent dated the 28th day of August, 1975 it is provided that the Regional Board of the Capital Regional District (hereinafter referred to as the "Regional Board") may acquire, develop, operate and maintain community parks for certain member municipalities of the Capital Regional District including the Electoral Area of Sooke;

AND WHEREAS by Supplementary Letters Patent dated the 3rd day of October, 1975 it is provided that the Regional Board may undertake a recreational program for one or more member municipalities;

AND WHEREAS by Supplementary Letters Patent dated the 2nd day of September, 1999 it is provided the Regional Board undertakes to provide services for which Sooke Electoral Area was an electoral participating area at the time of incorporation of the District Municipality of Sooke (hereinafter referred to as the "Municipality"), including Community Recreation Programs, Sooke Electoral Area Ice Arena (Bylaw 152) and Sooke Electoral Area Swimming Pool (Bylaw 2598), and including those community parks services in accordance with those Supplementary Letters Patent dated the 28th day of August, 1975 excepting those Community Park services transferred to the Municipality;

AND WHEREAS by Supplementary Letters Patent dated the 27th day of February, 1976 it is provided that the Regional Board may, by bylaw, establish a joint parks and recreation commission, and in such bylaw delegate to the Commission any or all of the administrative powers of the Regional Board relating to:

- a) Community parks and park properties within participating areas now or hereafter acquired by the Capital Regional District;
- b) The construction, equipping, operation and maintenance of recreational facilities within the participating areas now existing or hereafter undertaken by the Capital Regional District as a function of the said Regional District;
- c) The organization and conduct of recreational programs within the participating areas now or hereafter authorized by the Capital Regional District as a function of the said Regional District;

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. Commission

A joint parks and recreation commission to be known as the Sooke & Electoral Area Parks and Recreation Commission (the "Commission") is hereby continued and shall consist of the following members:

- (a) The CRD Directors for the District of Sooke and the Juan de Fuca Electoral Area (each a "Director");
- (b) One council member from the District of Sooke;
- (c) Two community members appointed by the District of Sooke;

- (d) One community member appointed by the CRD Board, as nominated by the Juan de Fuca Electoral Area Director; and
- (e) One youth member, who shall be registered in the secondary school program of Sooke School District 62 and a resident of Juan de Fuca Electoral Area or the District of Sooke. Youth members who are not of legal voting age shall not vote on the annual budget or the acquisition or disposal of real property.
- (f) In the absence of a Director from the District of Sooke or Juan de Fuca Electoral Area, the Board alternate from the District of Sooke or Juan de Fuca Electoral Area may attend the Commission on the Director's behalf.
- (g) An alternate member from the Council of the District of Sooke may be nominated by that Council and appointed by the Regional Board to attend the Commission in the absence of the Council member.

(Bylaw 4350)

2. Term of Office

- (a) The term of office of a member of the Commission who is a Director of the Board of the Regional District shall correspond with his or her term of office as Director.
- (b) The term of office of a member of the Commission who is a Council member other than a Director shall be for a two-year period commencing the 1st of January and ending on the 31st of December of the second year of appointment. *(Bylaw 4350)*
- (c) The term of office of those members of the Commission other than the Directors, members of Council and Youth member shall be for a two year period ending on the 31st day of December of the second year of appointment.
- (d) The term of office for the Youth member shall be for a one year period commencing on September 1 and ending on August 31 the following year.
- (e) All vacancies on a Commission must be advertised or posted locally for at least thirty (30) days. *(Bylaw 4350)*
- (f) A member who fails to attend three (3) consecutive regular meetings without the permission of a Commission may have their appointment to the Commission terminated. *(Bylaw 4350)*
- (g) No appointee may serve more than three (3) consecutive terms, except as indicated in subsection 2(h). *(Bylaw 4350)*
- (h) At the request of a Director and under unique circumstances, such as a failure to attract nominations after thirty (30) days of appropriate notice of vacancy, the Regional Board may extend a Commission member's term beyond the limit of three (3) consecutive terms. *(Bylaw 4350)*

3. Appointments

- (a) Appointments of members representing areas in the Juan de Fuca Electoral Area shall be nominated by the Director representing said electoral area and appointed by the Regional Board.
- (b) Appointment of members from the Municipality shall be nominated by the Director from Sooke and appointed by the Regional Board.

- (c) Appointments of a Youth member shall be nominated by the Commission and appointed by the Regional Board. The Commission shall receive nomination from the Principal of Edward Milne Community School.
 - (d) In the event of the death, resignation or disqualification of a member of the Commission, the Regional Board shall appoint a successor for the remainder of the term.
4. In voting on the Commission, all members shall have one vote each.
 5. The Commission shall elect a Chair from amongst its members who shall serve a term of two years. (Bylaw 4350)
 6. A quorum of the Commission is a majority of the appointed members.
 7. The rules of procedure for the Commission shall not be inconsistent with those of the Regional District.
 8. In October of each and every year the Commission shall prepare an Annual Budget for each function which shall include estimates for the administrative, development, maintenance, operational and other expenses, including debt charges, together with estimates for expected revenues and shall submit such budget for the approval of the Regional Board and for inclusion in the Regional Board's provisional and annual budgets.
 9. The function of the Commission is to assume all of the administrative powers of the Regional Board with respect to:
 - (a) Provision of community recreational services and related community programs for the Municipality and for the Juan de Fuca electoral area excluding the area previously defined as the Langford Electoral Area.
 - (b) The construction and administration of recreational facilities within the Regional Board's jurisdiction in the municipality and the Juan de Fuca electoral area excluding the area previously defined as the Langford Electoral Area.
 10. Bylaw 2211 is hereby repealed.
 11. The Bylaw may be cited as Sooke & Electoral Area Parks and Recreation Commission Bylaw No. 1, 2000.

READ A FIRST TIME THIS	12 th	DAY OF	April,	2000.
READ A SECOND TIME THIS	12 th	DAY OF	April,	2000.
READ A THIRD TIME THIS	12 th	DAY OF	April,	2000.
ADOPTED THIS	12 th	DAY OF	April,	2000.

Original signed by Christopher Causton

CHAIRPERSON

Original signed by Carmen Thiel

SECRETARY



BYLAW NO. 2397

PENINSULA RECREATION COMMISSION BYLAW NO. 1, 1996

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED MAY 22, 1996
(Consolidated with Amending Bylaws 2480, 2759, 3142, 4135, 4297, 4566)

For reference to original bylaws or further details, please contact the Capital Regional District,
Legislative Services Department, 625 Fisgard St., PO Box 1000, Victoria BC V8W 2S6
T: (250) 360-3127, F: (250) 360-3130, Email: legserv@crd.bc.ca, Web: www.crd.bc.ca

CAPITAL REGIONAL DISTRICT

BYLAW NO. 2397

**A BYLAW FOR THE ESTABLISHMENT OF A PENINSULA RECREATION COMMISSION FOR
THE MUNICIPALITIES OF NORTH SAANICH, SIDNEY, AND CENTRAL SAANICH.**

WHEREAS by Letters Patent, Division XVI, dated October 28, 1976, the Capital Regional District was granted the function of constructing, equipping, operating and maintaining an ice arena and swimming pool for the municipalities of North Saanich and Sidney;

AND WHEREAS by Bylaw No. 2363, cited as “the Saanich Peninsula Ice Arena Local Service Establishment Bylaw No. 1, 1996”, the Municipality of Central Saanich became a participant in the equipping, operating and maintaining of an ice arena;

AND WHEREAS by Bylaw No. 2472, cited as “Saanich Peninsula Swimming Pool Local Service Establishment Bylaw No. 1, 1997”, the Municipality of Central Saanich became a participant in the equipping, operating, and maintaining of a swimming pool; *(Bylaw 2480)*

AND WHEREAS by Bylaw No. 2473, cited as “Saanich Peninsula Recreation and Community Use Local Service Establishment Bylaw No. 1, 1994, Amendment Bylaw No. 1, 1997”, the Municipality of Central Saanich became a participant in the local service for pleasure, recreation and community use established by Bylaw No. 2240; *(Bylaw 2480)*

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

1. A Recreation Commission to be known as the Peninsula Recreation Commission is hereby established and shall consist of the following members:
 - (a) The Mayor of North Saanich; *(Bylaw 4297)*
 - (b) The Mayor of Sidney; *(Bylaw 4297)*
 - (c) The Mayor of Central Saanich; *(Bylaw 4297)*
 - (d) A member of the Council of North Saanich nominated by the said Council and appointed by the Regional Board;
 - (e) A member of the Council of Sidney nominated by the said Council and appointed by the Regional Board;
 - (f) A member of the Council of Central Saanich nominated by the said Council and appointed by the Regional Board;
 - (g) Three members appointed by the Regional Board of whom one shall represent and be a resident of North Saanich, one shall represent and be a resident of Sidney and one shall represent and be a resident of Central Saanich;

- (h) In the absence of a Mayor from a participating municipality, an alternate member from the Council of a participating municipality may be nominated by that Council and appointed by the Regional Board to attend the commission in the Mayor's absence. *(Bylaw 4297)*
 - (i) An alternate member from the Council of a participating municipality may be nominated by that Council and appointed by the Regional Board to attend the Commission in the absence of the Council member. *(Bylaw 2759)*
 - (j) An alternate under section 1(h) and 1(i) may take the place of, vote, and generally act in all matters for the applicable absent Mayor or council member. An alternate holds office until another council member is appointed as a replacement, or the alternate resigns, and the regional district corporate officer is notified in writing. If the seat of a Mayor or council member becomes vacant through resignation, disqualification, or death, the alternate may continue in place of the Mayor or council member whose seat became vacant until a new Mayor or council member is appointed. *(Bylaw 4297)*
2.
 - (a) The term of office of a member of the Commission who is a Director shall be for his or her term of office as a Director.
 - (b) The term of office of a member of the Commission who is a Council member other than a Director shall be for a two-year period commencing the 1st of January and ending on the 31st of December of the second year of appointment. *(Bylaw 4135)*
 - (c) The term of office of those members of the Commission other than the Directors and Members of Council shall be for a two-year period ending on the 31st day of December of the second year of appointment.
 - (d) Section 2(b) is in effect for members appointed for a term starting on or after January 1, 2017. *(Bylaw 4135)*
 - (e) All vacancies on a Commission must be advertised or posted locally for at least thirty (30) days. *(Bylaw 4566)*
 - (f) A member who fails to attend three (3) consecutive regular meetings without the permission of a Commission may have their appointment to the Commission terminated. *(Bylaw 4566)*
 - (g) No appointee may serve more than three (3) consecutive terms, except as indicated in subsection 2(h). *(Bylaw 4566)*
 - (h) At the request of a Director and under unique circumstances, such as a failure to attract nominations after thirty (30) days of appropriate notice of vacancy, the Regional Board may extend an appointed Commission member's term beyond the limit of three (3) consecutive terms. *(Bylaw 4566)*
 3. The Regional Board shall appoint persons to act as members of the Commission as provided above.
 4. In the event of the death, resignation, or disqualification of a member of the Commission, the Regional Board shall appoint a successor for the remainder of the term.
 5. In voting on the Commission all members shall have one vote each.

6. Discussion on all matters of business and all affairs of the Commission shall be open to all members of the Commission.
7. The Commission shall elect a Chair from amongst its members who shall serve a term of two years. *(Bylaw 3142)*
8. A quorum of the Commission is a majority of the members.
9. The rules of procedure for the Commission shall not be inconsistent with those of the Regional District.
10. The Regional Board hereby delegates to the Commission all of the administrative powers of the Regional Board with respect to the equipping, maintenance and management of the swimming pool and ice arena and such other additional facilities as may be provided from time to time; and without limiting the generality of the foregoing the Commission shall establish scales of admission charges, appoint staff and determine operational rules and procedures, provided however all staff appointed by the Commission shall be for all purposes employees of the Regional Board, although such employees shall be subject to the direction of the Commission with respect to day to day management of the Commission's affairs.
11. Notwithstanding the provisions of Section 10 of this Bylaw, the Regional Board retains the right of approval of operational rules, procedures and policies, and the schedule of admission charges to be established.
12. In October of each and every year the Commission shall prepare an annual budget which shall include estimates for administration, development, maintenance, operation and other expenses, including debt charges, together with estimates for expected revenues, and shall submit such budget for the approval of the Regional Board and for inclusion in the Regional Board's provisional and annual budgets.
13. Bylaw No. 314 cited as the "Peninsula Recreation Facility Commission Bylaw 1976" and Bylaw No. 330 cited as the "Peninsula Recreation Commission Amendment Bylaw No. 1, 1977" are hereby rescinded.
14. This Bylaw may be cited as "Peninsula Recreation Commission Bylaw No. 1, 1996, Amendment Bylaw No. 4, 2016".

READ A FIRST TIME THIS	22 nd	day of	May	1996
READ A SECOND TIME THIS	22 nd	day of	May	1996
READ A THIRD TIME THIS	22 nd	day of	May	1996
ADOPTED THIS	22 nd	day of	May	1996

Original signed by Robert Clark

CHAIRPERSON

Original signed by Carmen Thiel

SECRETARY



Making a difference...together

REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JUNE 20, 2023

SUBJECT **Development Permit with Variance for Lot 30, Section 98, Sooke District, Plan 33263 – 6067 Brecon Drive**

ISSUE SUMMARY

A request has been made for a Development Permit with Variance to authorize construction of an accessory building within a designated Riparian Development Permit area, as well as to reduce the front yard setback requirement, increase the maximum height, and increase the maximum combined total floor area allowance for accessory buildings and structures on the lot, and to legalize the siting of the existing single-family dwelling.

BACKGROUND

The 0.2 ha property is located at 6067 Brecon Drive and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw No. 2040. The property is bounded by Brecon Drive to the north and RR-5 zoned properties to the east, south, and west (Appendix A). An unnamed stream runs south-to-north on the adjoining parcel to the west. Portions of the property are designated as Steep Slopes, and Riparian development permit areas by the East Sooke Official Community Plan, Bylaw No. 4000.

Four building permits were completed on the subject property: a single-family dwelling, which was given occupancy in 1988 (23428) along with a woodstove (37915) and detached garage (31361). An addition to the east side of the house was completed in 2010 (JD10-110). During the Planning review for the addition, it was identified that the double garage was constructed to be permanently attached to the dwelling via the carport and roofline; as such, it is considered part of the structure.

There are several temporary storage structures located on the parcel and the owner wishes to construct a detached garage with a loft area in the northwest corner of the subject property to provide permanent storage and workspace (Appendices B and C). Variances have been requested to reduce the front yard setback requirement, increase the maximum allowable height, and increase the maximum combined total floor area allowance for accessory buildings and structures. Development Permit with Variance DV000091 is included as Appendix D for consideration.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000091 for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement for an accessory building from 15 m to 6 m;
2. Part 1, Section 4.01 (2)(a) to increase the maximum height of an accessory building from 6 m to 7.32 m; and
3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m²

be approved.

Alternative 2

That the Development Permit with Variance DV000091 be denied.

IMPLICATIONS

Legislative Implications

The East Sooke Official Community Plan, Bylaw No. 4000, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Riparian DPA and, unless an exemption applies, a development permit is required prior to subdivision or alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the authority to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

Given the location of the principal dwelling, Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d) specifies that accessory buildings shall be not less than 15 m from the front lot line. Section 4.01 (2)(a) specifies that an accessory building in a Rural Residential zone shall not exceed 6 m in height, and Section 4.01 (2)(c) specifies that the combined total floor area of all accessory buildings and structures on a lot with an area of more than 2,000 m² and less than 5,000 m² shall not exceed 100 m². The proposed development does not meet these requirements; therefore, variances are requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 m. Any responses received from the public will be presented at the June 20, 2023, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

A *Riparian Areas Protection Regulations (RAPR)* Assessment Report, dated May 3, 2023, was submitted by Erin Vekic, R.P.Bio., of Corvidae Environmental Consulting. The Report reviewed a stream that originates to the south and flows north towards Sooke Basin through the neighboring property to the west in accordance with Provincial regulations and the East Sooke OCP Riparian Development Permit guidelines (Appendix E).

The biologist confirmed that a 10 m SPEA applies to the stream, and that the proposed siting of the garage provides an additional 2 m buffer for a total protected area of 12 m beyond the high-water mark. The report confirmed that the building site and all related services are located outside this area and that no further clearing is proposed as a part of the development.

Recommendations to protect the SPEA during construction are provided and include installation of silt fencing; storing materials and soils on dry, flat areas at least 15 m from the edge of the SPEA; and reducing the amount of time soils are exposed by placing straw or seeding disturbed areas until groundcover is established. The report was approved by the Province and notification was provided through the RAPR Notification System on May 18, 2023. Therefore, the report also addresses the Riparian DP guidelines. The professional report is attached to the proposed development permit (Appendix D).

Variances:

The accessory buildings and structures regulations of Bylaw No. 2040 specify that: where an accessory building is located closer to the front lot line than the principal building, the front yard setback shall be 15 m. The regulations also specify that the maximum height of an accessory building is 6 m and that the maximum combined total floor area allowance for accessory buildings and structures on a lot with an area of more than 2,000 m² and less than 5,000 m² is 100 m².

The owner has requested variances to reduce the front yard setback from 15 m to 6 m, to increase the maximum height from 6 m to 7.32 m, and to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m². The total floor area of the garage includes 131.4 m² for the main floor and 32.3 m² for the loft storage area.

The minimum lot size specified by the RR-5 zone is 0.4 ha; however, the subject property is only 0.2 ha as it was created through subdivision prior to adoption of the land use bylaw. The smaller lot size combined with the steep slope and riparian development permit areas restricts the available buildable area. The proposed variances are not anticipated to defeat the intent of the bylaw as the maximum lot coverage of 25% will not be exceeded and vegetated buffers adjacent to the watercourse, which provide a spatial separation with the adjoining property, will be maintained.

Development Permit with Variance DV000091 has been prepared for consideration to authorize construction of an accessory building within a designated development permit area and to grant variances to reduce the front yard setback requirement, increase the maximum height, and increase the maximum combined total floor area of accessory buildings. Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of constructing a detached garage. The proposed variances are to reduce the front yard setback requirement for accessory buildings and structures from 15 m to 6 m, to increase the maximum height of accessory buildings and structures from 6 m to 7.32 m, and to increase the maximum combined total floor area of accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m².

Feasible building locations are restricted by the topography of the site and parcel size. Staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

The Land Use Committee recommends to the CRD Board:

That Development Permit with Variance DV000091 for Lot 30, Section 98, Sooke District, Plan 33263, to authorize construction of an accessory building within a Riparian Development Permit Area, and to vary Juan de Fuca Land Use Bylaw No. 2040, as follows:

1. Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
2. Part 1, Section 4.01 (2)(a) to increase the height permitted from 6 m to 7.32 m; and
3. Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m²

be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Senior Manager, JdF Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Ted Robbins, B.Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map

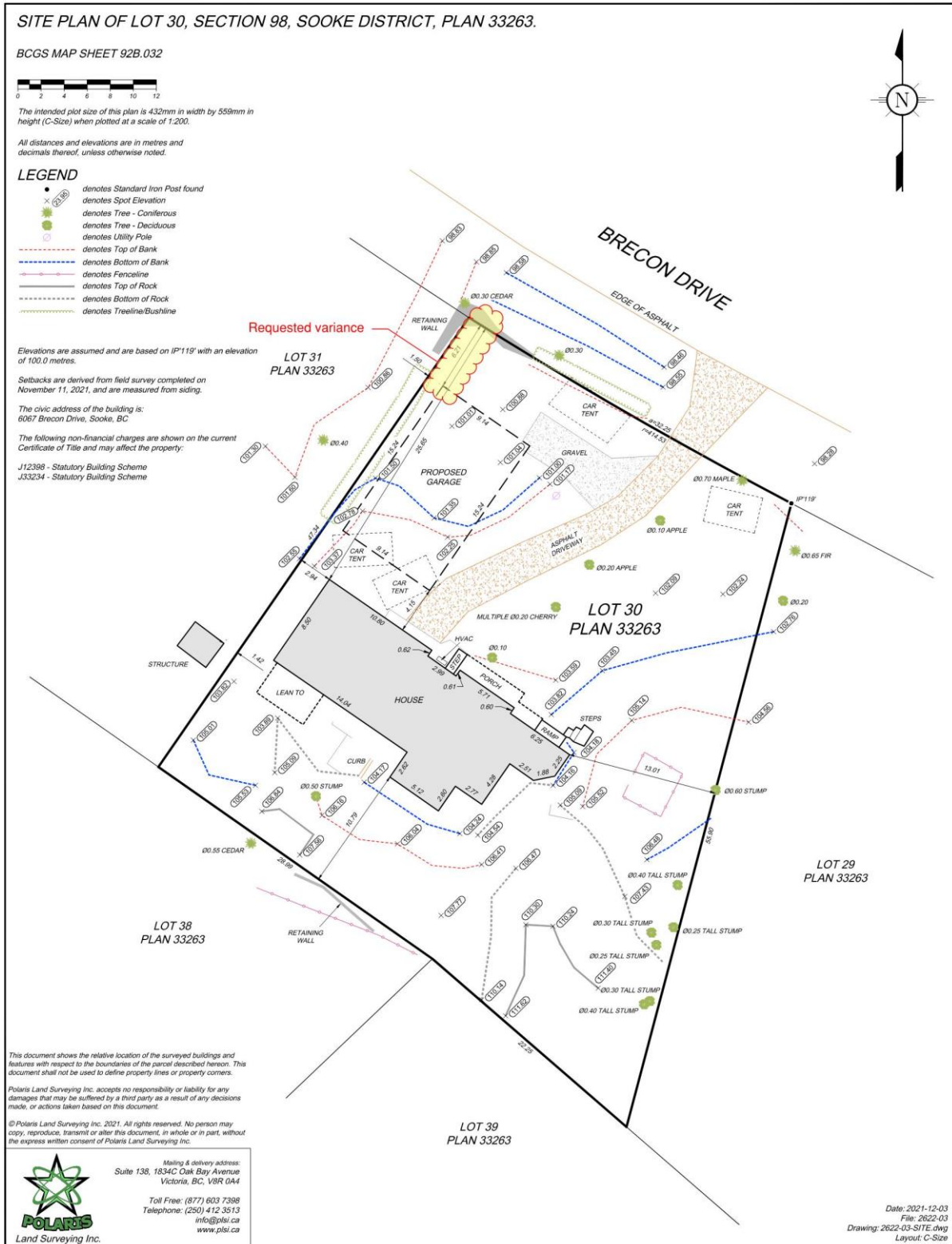
Appendix B: Site Plan

Appendix C: Concept Building and Elevation Drawings

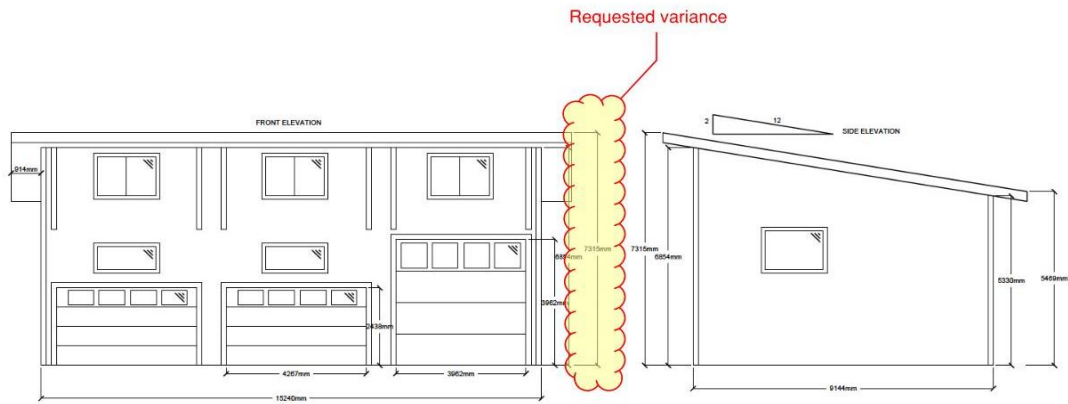
Appendix D: Permit DV000091

Appendix E: Development Permit Guidelines

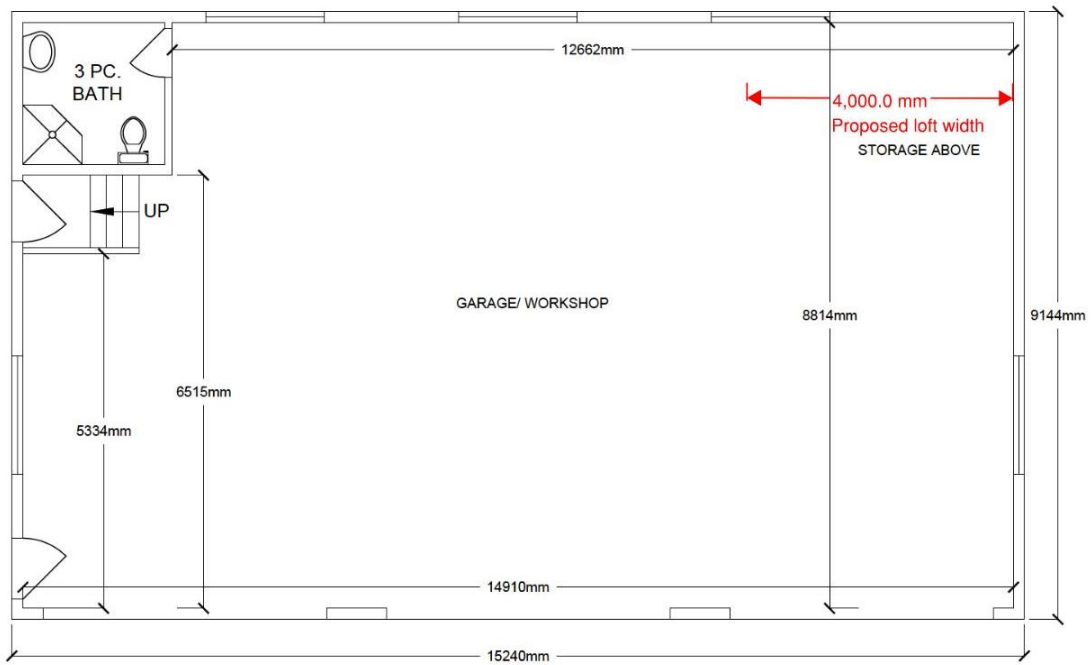
Appendix B: Site Plan



Appendix C: Concept Building and Elevation Drawings



6067 BRECON DR. OCT. 10TH, 2021 Prepared by PROPER MEASURE NORTH ISLAND for the exclusive use of [REDACTED] These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.	REVISION: NOV. 27, 2021	1500 SQ. FT.
	DRAWING BY	M.J.
	SCALE: $\frac{1}{8}" = 1'$	



Floor area - garage = 32.3 m2
Floor area - storage loft = 131.4 m2
Total floor area = 166.7 m2

6067 BRECON DR. OCT. 10TH, 2021 Prepared by PROPER MEASURE NORTH ISLAND for the exclusive use of [REDACTED] These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.	REVISION: NOV. 27, 2021	1500 SQ. FT.
	DRAWING BY	M.J.
	SCALE: $\frac{1}{8}" = 1'$	

Appendix D: Permit DV000091



CAPITAL REGIONAL DISTRICT

DEVELOPMENT PERMIT WITH VARIANCE NO. DV000091

1. This Development Permit with Variance is issued under the authority of Sections 490 and 498 of the *Local Government Act* and subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Permit with Variance applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:

PID: 000-181-781;
Legal Description: Lot 30, Section 98, Sooke District, Plan 33263 (the "Land")
3. This development permit authorizes construction of a detached garage (the "development") on the Land, located within the development permit areas established under the East Sooke Official Community Plan, Bylaw No. 4000, 2018, Section 530 (Riparian) in accordance with the plans submitted to the CRD and subject to the conditions set out in this Permit.
4. The conditions under which the development referred to in section 3 may be carried out are as follows:
 - a) That the components of the development occur as identified on the Site Plan, prepared by Polaris Land Surveying Inc., dated December 3, 2021;
 - b) That the development occur as identified on the Building Drawings, prepared by Proper Measure North Island, dated October 10, 2021, revised November 27, 2021; and
 - c) That the development comply with the report prepared by Erin Vukic, R.P.Bio., of Corvidae Environmental Consulting Inc., dated May 3, 2023 (the "Riparian Assessment Report").
5. The Capital Regional District's Juan de Fuca Land Use **Bylaw No. 2040** is varied under section 498 of the *Local Government Act* as follows:
 - a) That Part 1, Section 4.01 (1)(d) to reduce the front yard requirement from 15 m to 6 m;
 - b) That Part 1, Section 4.01 (2)(a) to increase the permitted height from 6 m to 7.32 m; and
 - c) That Part 1, Section 4.01 (2)(c) to increase the maximum combined total floor area allowance for accessory buildings and structures from 100 m² to 167 m² on a lot with an area of more than 2,000 m² and less than 5,000 m².
6. Notice of this Permit shall be filed in the Land Title Office at Victoria as required by Section 503 of the *Local Government Act*, and the terms of this Permit (DV000091) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
7. If the holder of a permit does not substantially start any construction permitted by this Permit within 2 years of the date it is issued, the permit lapses.
8. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
9. The following plans and specifications are attached to and form part of this Permit:

Appendix A: Site Plan
Appendix B: Building Drawings
Appendix C: Riparian Assessment Report



DV000091

10. This Permit is NOT a Building Permit.

11. In issuing this Development Permit, the CRD does not represent or warrant that the land can be safely developed and used for the use intended and is acting in reliance upon the conclusions of the Geotechnical Report regarding the conditions to be followed for the safe development of the land.

RESOLUTION PASSED BY THE BOARD, THE ____ day of _____, 2023.

ISSUED this ____ day of _____, 2023.

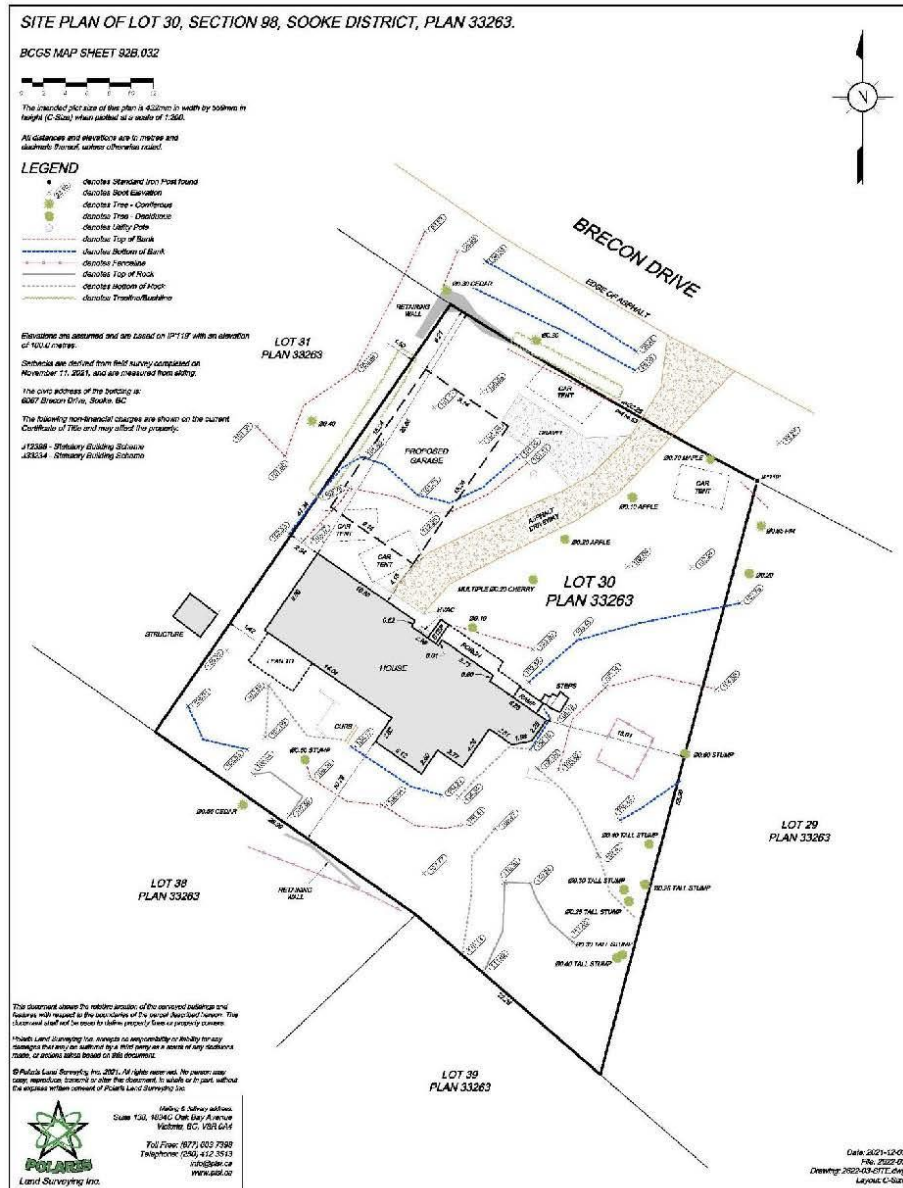
Corporate Officer
Kristen Morley



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DV000091

Appendix A: Site Plan

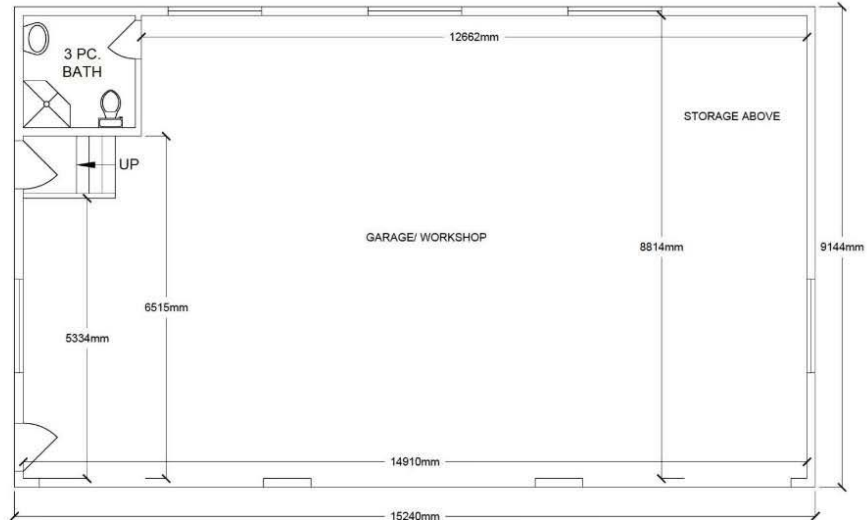




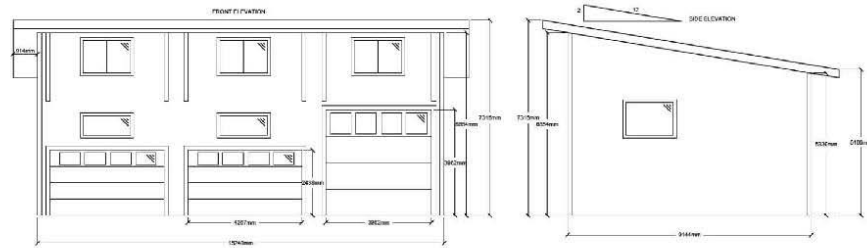
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DV000091

Appendix B: Building Drawings



6067 BRECON DR. OCT. 10TH, 2021		REVISION NOV. 27, 2021	1500 SQ. FT.
Prepared by PROPER MEASURE SCOUTS (SLASH) for the exclusive use of [REDACTED]		DRAWING BY	M.J.
These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.		SCALE: $\frac{3}{8}" = 1'$	



6067 BRECON DR. OCT. 10TH, 2021		REVISION NOV. 27, 2021	1500 SQ. FT.
Prepared by PROPER MEASURE SCOUTS (SLASH) for the exclusive use of [REDACTED]		DRAWING BY	M.J.
These plans are intended for preliminary design purposes only and are not suitable for construction. All critical measurements must be verified.		SCALE: $\frac{3}{8}" = 1'$	



DV000091

Appendix C: Riparian Assessment Report



RIPARIAN AREAS PROTECTION REGULATION: ASSESSMENT REPORT

Date: May 3, 2023

I. Primary QEP Information

First Name: Erin
Last Name: Vekic
Designation: R.P. Biol.
Company: Corvidae Environmental Consulting
Registration: #4183
Email: erinv@corvid.pro

Address: 6526 Water Street
City: Sooke
Postal/Zip: V9Z 0X1
Phone #: (403) 200-8236
Prov/state: BC
Country: Canada

III. Developer Information

First Name: [REDACTED]
Last Name: [REDACTED]
Company: n/a
Email: [REDACTED]

Address: 6067 Brecon Drive
City: Sooke
Postal/Zip: V9Z 1B1
Phone #: [REDACTED]
Prov/state: BC
Country: Canada

IV. Development Information

Development Type: Accessory building
Area of Development (ha): 0.0139 ha
Riparian Length (m): 65 m
Lot Area (ha): 0.205 ha
Nature of Development: Redevelopment
Proposed Start Date: June 2023
Proposed End Date: September 2023

V. Location of Proposed Development

Street Address: 6067 Brecon Drive
Local Government: Capital Regional District
City: Sooke
Legal Description (PID): 000-181-781
Region: 1-Vancouver Island

Stream Name: Unnamed
Stream/River Type: Stream
DFO Area: 29
Watershed Code: 930-018300
Latitude: 48°21'42.51"N
Longitude: 123°40'28.55"W



DV000091



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DV000091



SECTION 1. DESCRIPTION OF FISHERIES RESOURCES VALUES AND A DESCRIPTION OF THE DEVELOPMENT PROPOSAL

Description of Fisheries Resources Values

The property engages the 30 metre (m) Riparian Assessment Area of an unnamed watercourse that occurs on the adjacent property (6085 Brecon Drive) to the west of 6067 Brecon Drive in East Sooke, BC (the property). The watercourse is unnamed and occurs within the Juan de Fuca Electoral Area that extends from Mount Maguire northeast to the waters of Sooke Basin.

Watercourses and hydrology patterns in the area have been altered due to the establishment of residential development. The watercourse originates southwest of the property. It is anticipated that flows within the watercourse are limited to stormwater runoff, as no parent stream is mapped. Flows within the watercourse were described by the property owner as intermittent and flashy, with increased flows during periods of increased rainfall.

The watercourse is not shown provincial mapping resources (e.g., iMapBC, HabitatWizard) and thus no fish records are available; however, stormwater flows are conveyed northeast to Sooke Basin, which is a fish-bearing waterbody. Although fish absence was not confirmed during the assessment, fish presence is considered unlikely within the reach adjacent to the property due to the presence of a dilapidated culvert that conveys the watercourse north beneath Brecon Drive (Photograph 9).

Intermittent flows were observed at the time of the assessment. Substrates were comprised of boulders, cobbles, and gravels. Large woody debris (LWD) inputs were absent apart from one piece of LWD oriented parallel to the bank downstream (north) of Brecon Drive. This is largely due to previous clearing and disturbance and relatively young second-growth forest in the riparian area. The channel has been disturbed and degraded due to urbanization; however, some evidence of cascade-pool morphology was present, including boulders and cobbles within the banks and channel bed, as well as partial moss cover on the rocks/boulders present. Minor pooling and steps were observed in the lower reaches adjacent to the property.

The watercourse is shown on the Capital Regional District Regional Map (Figure 1). The alignment in proximity to the property was field verified by the QEP and is shown in Figure 2.

Description of Riparian Habitat

The watercourse is shaded by a canopy of bigleaf maple, western redcedar, red alder, Douglas-fir, and western hemlock. Understorey areas are dominated by mosses and sword fern.

Description of Development Proposal

The property owner is seeking to construct a garage/shop structure in an open, lawn area to the west of the existing driveway. The garage will occupy approximately 1,600 sq. feet of space on the property.

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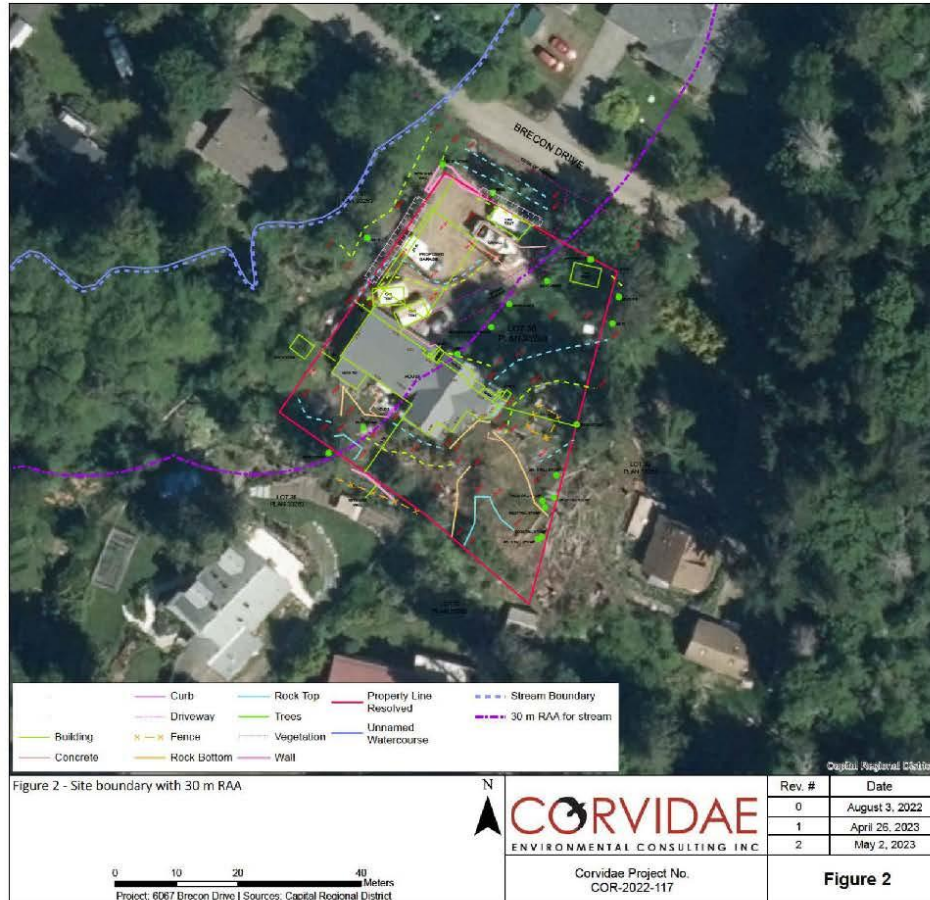


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SECTION 2. RESULTS OF RIPARIAN ASSESSMENT (SPEA WIDTH)

Form 4 Equivalent: Detailed Assessment

RESULTS OF DETAILED RIPARIAN ASSESSMENT

Description of Water bodies involved (number, type):

Stream	<input checked="" type="checkbox"/>	1 –	<input type="checkbox"/>
Wetland	<input type="checkbox"/>	Ditch	<input type="checkbox"/>
Lake	<input type="checkbox"/>	Number of reaches	1
		Reach #	1

Channel width and slope and Channel Type

Measurement #	Channel width (m)	Gradient (%)
(upstream) 1	1.4	
2	1.6	
3	1.7	5
4	1.2	
5	1.3	
(starting point) 6	1.2	
7	1.9	
8	1.7	
9	1.7	8
10	1.7	
(downstream) 11	1.4	
Total minus high/low	10.7	--
Mean	1.5	6.5

Channel Type ☐ Riffle/Pool ☒ Cascade/Pool ☐ Step/Pool

Site Potential Vegetation Type (SPVT)

Polygons? ☐ Yes ☒ No

I, Erin Vekic, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

SPVT Type ☐ LC ☐ SH ☒ TR

Zone of Sensitivity (ZOS) and resultant SPEA

LWD, Bank and Channel Stability ZOS (m) 2x 1.5m = 3m → 10m minimum
Litter fall and insect drop ZOS (m) 3x 1.5m = 4.5m → 10m minimum
Shade ZOS (m) max 3x 1.5m = 4.5m South bank ☒ Yes ☐ No

SPEA: 10 m (based on largest ZOS above)

I, Erin Vekic, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];



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- c) *I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report;*
and
- d) *In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.*

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Comments

For the stream assessed, the SPEA will be 10 m in width. The SPEA must be clearly marked in the field by the QEP prior to construction of the accessory structure.

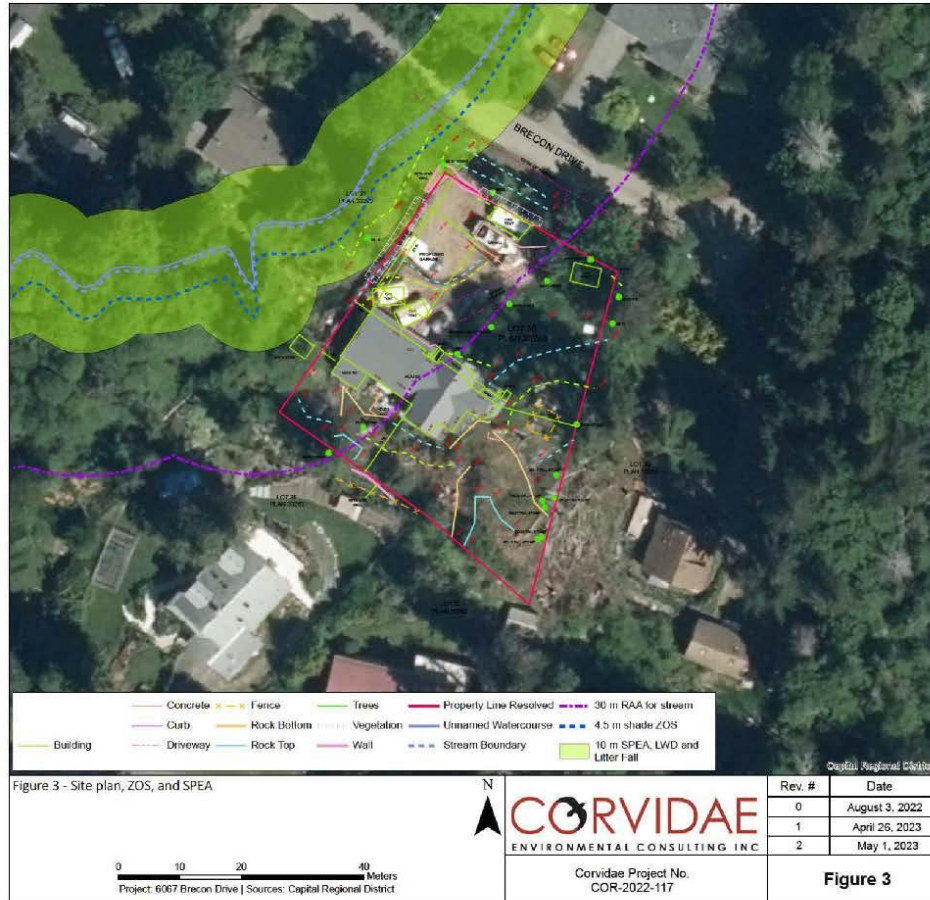
The RAA, ZOS and SPEA are shown in Figures 3 and 4, respectively, in Section 3.

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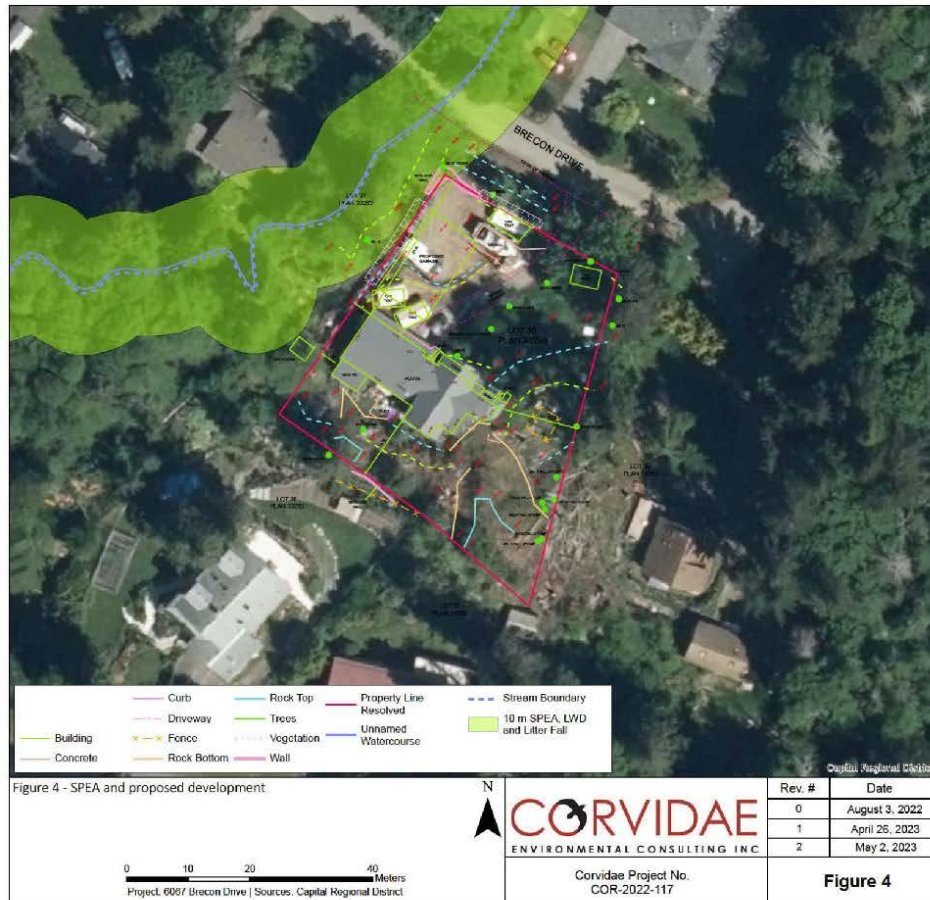


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SECTION 4. MEASURES TO PROTECT AND MAINTAIN THE SPEA

1. Danger Trees

Construction of the garage will not occur within the SPEA and tree removal is not anticipated as part of the proposed works. Danger trees were not identified on site at the time of the assessment, however, the QEP is not an arborist or forester. If there are any trees of concern in the SPEA in the future, a certified arborist or professional forester needs to be obtained to confirm the tree(s) as a danger prior to any removal by a certified arborist.

I, Erin Vekic, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

2. Windthrow

Trees within the riparian area are likely windfirm due to ongoing exposure due to previous vegetation removal for residential development. Tree removal is not required in order to accommodate the garage construction, and therefore existing trees will not experience any greater or lesser change to the degree of windfall they currently experience on an ongoing basis.

I, Erin Vekic, hereby certify that:

- d) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- e) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- f) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

3. Slope Stability

There are no steep slopes on the property and thus slope stability is not a concern.

I, Erin Vekic, hereby certify that:

- g) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- h) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- i) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

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4. Protection of Trees

The SPEA boundary will be clearly marked in the field to ensure the trees and vegetation within the SPEA will be protected. No vegetation or tree removal is required for the construction of the garage. Where the root system of a protected tree extends beyond the SPEA, then additional fencing will be installed to protect the tree and its roots. A general rule of thumb is the crown canopy matches the root protection area. The garage will be located approximately 2 metres from the SPEA at the closest point. The additional 2 metres on top of the existing 10 m SPEA setback will provide an added buffer between the construction and existing riparian vegetation.

I, Erin Vekic, hereby certify that:

- j) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- k) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- l) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

5. Encroachment

Encroachment into the SPEA will not be required to facilitate the installation of the garage. The garage will be located approximately 2 meters from the SPEA at the closest point. The additional 2 metres on top of the existing 10 m SPEA setback will further reduce encroachment and reduce the risk of impacts to the SPEA during construction. The footprint of the garage/shop structure shown in Figures 2, 3, and 4 represents the total footprint of the structure.

Construction/snow fencing, or other highly visible marking system will be installed prior to construction in order to protect the trees and vegetation within the SPEA and to keep workers and equipment from encroaching within the SPEA.

I, Erin Vekic, hereby certify that:

- m) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- n) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*
- o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.*

6. Sediment and Erosion Control

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control. Site specific controls have been developed based on a site visit and experience from past projects. The following erosion control measures are recommended to be maintained for the duration of the garage construction and will be adaptively managed throughout the project:

- In order to minimize exposure of underlying soils to erosion, minimize amount of time soils are exposed by seeding disturbed areas and or placing straw on exposed soils until groundcover is established.
- Install silt fencing or straw wattles on the SPEA edge downslope from the construction area to prevent sediment laden runoff from entering the stream.
- Store materials and soils in dry, flat areas at least 15 m from the edge of the SPEA.

I, Erin Vekic hereby certify that:

- p) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;*
- q) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];*

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- r) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

7. Stormwater Management

There are no immediate stormwater management concerns at this time. Erosion and sediment controls discussed above will be used to prevent contaminated run-off from entering the stream system. Any surface water runoff will be directed away from the SPEA to vegetated areas on the east extent of the property to ensure sediment-laden runoff does not enter the SPEA and watercourse.

I, Erin Vekic, hereby certify that:

- s) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- t) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- u) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

8. Floodplain Concerns (highly mobile channel)

Channel migration outside of the existing stream boundaries and SPEA is unlikely given the gentle slopes that occur on the property and within the riparian area. There are no floodplain concerns at this time.

I, Erin Vekic, hereby certify that:

- v) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- w) I am qualified to carry out this part of the assessment of the development proposal made by the developer [REDACTED];
- x) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

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SECTION 5. ENVIRONMENTAL MONITORING

The developer has been informed of their obligation to protect the streamside protection and enhancement area (SPEA) and has agreed to implement the protection measures detailed above.

The SPEA will be clearly marked in the field prior to any construction activities to ensure that no disturbance occurs within this sensitive riparian ecosystem.

The developer will engage a QEP as an Environmental Monitor (EM) to inspect the installation of erosion and sediment controls prior to the commencement of works within the Riparian Assessment Area. In the event of a spill or major storm event (>10 mm in a 24-hour period), work will be stopped and a QEP will be obtained to assess the effectiveness of the erosion and sediment control measures and the potential impacts to the SPEA and watercourse.

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SECTION 6. PHOTOS

Form 5 Equivalent

Photo 1. Southwest view of the location of proposed garage/shop on the property (stake in bottom right corner marks the northwest corner of the garage). June 30, 2022.



Photo 2. West view of proposed garage location and riparian area adjacent to the west property boundary. June 30, 2022.



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Photo 3. Southwest view of property boundary (existing fence line) and riparian canopy of adjacent watercourse. June 30, 2022.



Photo 4. North (downstream) view of watercourse and culvert under Brecon Drive June 30, 2022.



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Photo 5. Southeast view of riparian area, south of the property June 30, 2022.



Photo 6. Downstream (north) view of watercourse, upstream of property. June 30, 2022.



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Photo 7. Upstream (south) view of watercourse looking toward Brecon Drive. June 30, 2022.



Photo 8. Typical view of instream substrates March 13, 2020.



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Photo 9. South (upstream) view of dilapidated culvert on north side of Brecon Road. June 30, 2022.



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SECTION 7. PROFESSIONAL OPINION

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date: May 3, 2023

1. I, Erin Vekic, hereby certify that:

- a) I am a qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- b) I am qualified to carry out the assessment of the proposal made by the developer, [REDACTED], which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) ☐ the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
- b) ☒ the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

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Appendix E: Development Permit Guidelines

Development permits for development in the Riparian DPA will be considered in accordance with the following guidelines:

- A. Development or alteration of land will be planned to avoid intrusion into and minimize the impact on the Riparian DPA.
- B. Modification of channels, banks or shores must not result in harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes within the Riparian DPA.
- C. The removal of gravel and soil from *streams* is prohibited unless otherwise approved by the provincial or federal government.
- D. Proposed plans of *subdivision* will avoid *stream* crossings where possible and demonstrate the presence of building areas outside of the SPEA.
- E. *Stream* crossings will be avoided, but where this is not possible, bridges are preferred rather than culverts, and any works will be sited to minimize disturbance to banks, channels, shores and vegetative cover, and must be approved by the Province.
- F. Culverts may be designed to encourage in-*stream* storage of water to allow the unrestricted movement of fish in both directions.
- G. Construction at a certain time of year and using methods that minimize the impacts on rare and sensitive species may be required.
- H. To minimize encroachments into the Riparian DPA, variances for the height and location of buildings and structures may be considered.
- I. As a condition of the issuance of a development permit, compliance with any or all conditions recommended in a report by a *QEP*, prepared in accordance with the *RAR*, will be considered by the CRD and may be included in a development permit.
- J. Development permits may include requirements for environmental monitoring and when required, these monitoring reports must be prepared by a *QEP*.
- K. All of the measures specified by a *QEP* necessary to maintain the integrity of a SPEA will be considered by the CRD for inclusion as a condition in a development permit.
- L. Development permits will not be issued until the CRD has been notified by the Riparian Areas Regulation Notification System (RARNS) that the Province has received a riparian areas assessment report.
- M. Where a *QEP* has required the planting of native vegetation to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks, a landscaping plan of the re-vegetation may be required.
- N. In situations where a SPEA would reduce the density of development permitted by the zoning bylaw, a *QEP* is required to provide recommendations on how the permitted density of development could be accommodated with the least possible impact on fish habit.
- O. An applicant may be required to provide an explanatory plan of a SPEA.
- P. For all or part of land within a SPEA that has been identified by a *QEP*, property owners may wish to consider dedicating the land back to the Crown, gifting the land to a nature conservation organization or registering a conservation covenant.
- Q. All new developments or modifications to existing developments including site works, gardening, landscaping and other related residential activities should be designed and implemented to maintain the quantity and quality of water and to avoid the entry of pollutants or nutrient rich water flowing into *streams* and wetlands.
- R. Development will be designed to avoid any increase in the volume and peak flow of runoff and a drainage plan may be required in support of this guideline.
- S. Plantings of native vegetation may be required to reduce the risk of erosion, restore the natural state of the site, improve water quality, or stabilize slopes and banks.
- T. Where necessary or desirable, a buffer zone to remain free of development may be specified and protection measures for retention and management of vegetation in these areas may be established.
- U. To avoid encroachment, fencing may be required prior to, during or after construction.

**REPORT TO TRANSPORTATION COMMITTEE
MEETING OF WEDNESDAY, JULY 19, 2023**

SUBJECT **Regional Trails Widening and Lighting Project – Funding Options**

ISSUE SUMMARY

To provide funding options for the renewal of critical infrastructure and the widening and lighting of priority sections of the Galloping Goose and Lochside regional trails.

BACKGROUND

The Capital Regional District's (CRD) 2016 CRD Regional Trails Management Plan identifies the need to study options for trail widening, separation of users and installation of lighting on the busiest sections of the Galloping Goose and Lochside regional trails. Critical infrastructure on these sections of trail includes the Selkirk, Brett Avenue and Swan Lake trestles, all of which require renewal (Appendix A).

The CRD Regional Trails Widening Study was presented to the CRD Board on February 10, 2021. At that meeting, the Board directed staff to conduct public engagement on the proposed 6.5 m separated-use pathway design with lighting and implementation priorities, as recommended in the study (Appendix B). The Board further directed that detailed designs be expedited, with a view toward having a shovel-ready project. The results of public engagement conducted in the spring of 2021 indicated strong support for the project.

On October 13, 2021, the Board directed staff to develop partnerships and pursue grant opportunities to support the implementation of the separated-use pathway design with lighting. On May 11, 2022, the Board directed staff to develop a funding strategy for regional trails to support the Regional Parks and Trails Strategic Plan, including the widening and lighting project. To date, project financing had been reliant on core operating and capital reserve funds.

Staff continue to engage First Nations, municipal and provincial partners on the project to identify project synergies, collaborate on design and pursue funding. Aligning infrastructure renewal with trail widening and lighting improvements is a key outcome of this engagement.

ALTERNATIVES

Alternative 1

The Transportation Committee recommends to the Capital Regional District Board:

1. That the Regional Trails Widening and Lighting Project be accelerated by the inclusion of the Project in the 2024-2028 Financial Plan and that project funds be secured by way of debt; and
2. That staff continue to develop partnerships, pursue grant opportunities and report back to the Regional Parks Committee at the September 27, 2023 meeting with options to generate additional funds through non-tax revenue.

Alternative 2

The Transportation Committee recommends to the Capital Regional District Board:

1. That the Regional Trails Widening and Lighting Project be advanced, prioritizing critical infrastructure renewals, by securing project funds through the CRD Regional Parks core operating budget; and
2. That staff continue to develop partnerships, pursue grant opportunities and report back to the Regional Parks Committee at the September 27, 2023 meeting with options to generate additional funding through non-tax revenue.

Alternative 3

That this report be referred to staff for additional information.

IMPLICATIONS

Service Delivery Implications

The project represents an increased level of service to the region's active transportation infrastructure. The enhanced service provided through the delivery of the Regional Trails Widening and Lighting Project will result in additional operating and maintenance costs. Nearing project completion, an Initiative Business Case will be presented through the service planning review process.

As the Galloping Goose and Lochside regional trails are already heavily utilized, an approach to delivering the project that will minimize service disruptions is desirable. Accelerating the project by securing project funds through debt will allow for a six-year phased project completion timeline. This accelerated approach aims to minimize trail closures and realize efficiencies in permit and engagement processes, environmental and cultural monitoring, and construction mobilization.

Alternatively, advancing the project solely reliant on securing project funds through the CRD Regional Parks core budget and partnerships, grant programs, and options to generate non-tax revenue, will lengthen the project delivery timeline to greater than 20 years. Project phasing will be dependent on the availability of funds, and system-wide critical infrastructure repairs and renewals will need to be met before service level improvements can be considered.

Social Implications

The CRD Regional Trails Widening Study (2020) estimated the busiest sections of the Galloping Goose and Lochside regional trails see approximately 2,700 users per day in peak times for active transportation, recreation and tourism. Updated counts from July 2022, utilizing new sensors, indicate user volumes are 40% more than estimated in the study.

With summer daily volumes in July 2022 reaching upwards of 3,750 users, the projected 2040 user volume of 4,500 presented in the CRD Regional Trails Widening Study (2020) could soon be exceeded, much sooner than anticipated. Current 20-year user volume predictions include a projected increase of 2.5% per year, with the Galloping Goose Regional Trail section between

Selkirk Trestle and Switch Bridge reaching approximately 5,900 users per day by 2040 based on new baseline data.

The project area trail segments prioritized for widening to the proposed 6.5 m separated-use pathway design connect key urban growth nodes identified in the Regional Growth Strategy and the Saanich Official Community Plan. These nodes are meant to accommodate future population and employment growth and will require connected, high-quality multi-modal infrastructure so that people can choose to walk or cycle to their destinations.

Meeting public expectations of a quality user experience is a high priority. Safety concerns related to high volumes and speed differentials are documented, and with e-mobility increasing, user conflict is likely to increase. The widening and lighting project will improve user safety and personal security and will increase accessibility for All Ages and Abilities (AAA).

The CRD Board approved AAA facility criteria in April 2023, based on the BC Active Transportation Design Guidelines. Based on use volumes, the project area trail segments do not meet the AAA facility criteria. Widening to the proposed 6.5 m separated-use pathway design is needed to meet the AAA facility criteria.

Intergovernmental Implications

Moving forward with separated-use pathway design with lighting and critical infrastructure repair requires collaboration and coordination among government agencies and community partners. Staff-level discussions with government agencies to date indicate strong willingness to support the project.

The CRD, Ministry of Transportation and Infrastructure (MoTI) and the BC Transportation Financing Authority are operating within a Memorandum of Understanding (MOU) agreement established in 2015. A separate MOU agreement was established in 2021 to collaborate on the Regional Trails Widening and Lighting Project design and implementation, with an aim to achieve active transportation targets.

The project has been introduced to STÁUTW (Tsawout) First Nation, BOKEĆEN (Pauquachin) First Nation, xwsepsəm (Esquimalt) Nation, Songhees Nation, and to the WSÁNEĆ Leadership Council on behalf of WJOŁEŁP (Tsartlip) and WSÍKEM (Tseycum) First Nations, and regular updates are being provided. Feedback from the Nations to date indicates interest in understanding the archaeological and environmental implications of the project and an expressed interest to have cultural monitors present during land altering activities. Project staff will work closely with First Nations by sharing information, seeking input into design and place-making and finding mutually beneficial ways for involvement.

Environmental & Climate Implications

Both the Regional Transportation Plan and the Pedestrian and Cycling Master Plan identify the regional trail system as an “active transportation spine” connecting active transportation networks in the region.

The project supports a regional effort to shift new trips and portions of existing trips from motor vehicles to walking, cycling and transit. The regional mode share target has been set at 45% of trips being taken by walking, cycling and transit use, with a mode share target of 15% for cycling. Currently, the region's mode share is 26.6%, with 5.1% of trips taken by cycling and 13.7% taken by walking (source: 2017 Origin and Destination Household Travel Survey).

With transportation being the largest source of regional greenhouse gas (GHG) emissions, it is critical to expand and improve the regional trail system as the region grows to support mode shift objectives that will ultimately reduce regional GHGs. Improvements to the busiest sections of the regional trails will support more people choosing cycling for their travel, resulting in reduced GHG emissions. Preliminary GHG emission savings associated with active transportation infrastructure projects indicate the project could save 120 tonnes of CO₂e per year.

Alignment with Existing Plans & Strategies

Preparing a funding strategy to support the implementation of priority regional trail enhancement and expansion projects for the CRD's regional parks and trails is a 2023-2026 CRD Corporate Plan priority. The Regional Trails Widening and Lighting Project is also identified as a priority action in the Regional Parks and Trails Strategic Plan 2022-32 (4-1b), as is the short-term priority action to prepare a funding strategy to support implementation of priority regional trail enhancement and expansion projects (4-1c). Completion of the Regional Trails Widening and Lighting Project supports the regional transportation priority for active transportation.

Financial Implications

Alternative 1

The estimated cost of the Regional Trails Widening and Lighting Project (including critical infrastructure renewal), based on Class-D and contingency estimates, is \$53.5 million. Financing the project by securing \$50.0 million in project funds through debt is proposed as the best way to achieve an accelerated project completion timeline within six years (Appendix C).

To support the repayment of loans used to fund the project, debt servicing over a 15-year repayment schedule will require the CRD to delay other regional parks projects, such as upgrading dams and repairing bridges identified in the 2023-2027 Capital Plan, and to seek CRD Board approval to increase requisition. Using the 2023 requisition year as a proxy for the borrowing period, it is estimated that debt servicing (based on BC Municipal Finance Authority indicative rates) during the peak years would be equivalent to \$28 per average household (Appendix D) or an increase of approximately 7% to the 2023 CRD regional requisition.

Through use of benchmarks established by capital reserve guidelines, the Regional Parks Service was identified as having a low use of debt to deliver mandated services. Through operational planning, a significant portion of upcoming capital investment was directed for land and infrastructure replacement, which are assets characterized with a long, useful life.

The capital reserve guidelines balance the implications of savings and borrowing, recommending an optimal blend or ratio as part of a financing strategy. This project is of a long, useful life and the use of debt ties the cost of the project to the benefit received.

When evaluating the reserve balance guidelines, the Regional Parks Service has significant borrowing capacity, and increased use of debt can be a tool to balance large expenditures over time.

To date, staff have submitted three grant applications, totalling \$16.2 million: one in partnership with MoTI to the federal Active Transportation Fund Program; and two to the Union of BC Municipalities Strategic Priorities Fund Program. The CRD was not successful in securing funds through the Strategic Priorities Fund Program, and confirmation of the federal Active Transportation Grant Program funds is not anticipated prior to summer 2023. A Growing Communities Fund application for the project has been submitted following the CRD internal program guidelines.

Alternative 2

Advancing the project without securing funds through debt will result in the prioritization of up to \$12.6 million of the CRD Regional Parks core budget to complete Selkirk, Brett Avenue and Swan Lake trestle critical renewals to meet safety and current service delivery requirements (Appendix E). This portion of the project alone will place significant strain on the Regional Parks Capital Program and would still be a significant acceleration of the current plan, which has been prepared in anticipation of significant grants to complete these components of the project.

Without debt, funding to support trail widening, separation of users and installation of lighting will need to be secured after critical renewals are complete on the three trestles; this work would be done during a project completion timeline of more than 20 years.

Legislative Implications

Regional park and trail borrowing, as per section 3 of the Regional District Liabilities Regulation, only requires consent of at least two-thirds of service participants and permits consent by municipal councils and electoral area directors, rather than a more formal elector assent or alternative approval process.

The loan authorization bylaw requires three readings followed by participant consent and then Inspector of Municipalities approval. After this, it requires adoption by the Board. Upon final approval, borrowings of up to \$50 million will be authorized. Security issuing bylaws also require Board approval and must be enacted before a borrowing request may be submitted to the BC Municipal Finance Authority.

To ensure optimization of interest and timing of long-term debt, issuance of a temporary borrowing bylaw will be proposed upon approval of the loan authorization bylaw by the Board. The request for borrowing will be based on the timing of expenditures.

CONCLUSION

On May 11, 2022, the CRD Board directed staff to develop a funding strategy for regional trails to support the Regional Parks and Trails Strategic Plan, including the widening and lighting plan. Financing the project by securing project funds through debt has been proposed as the best way to achieve an accelerated project completion timeline of six years with minimal service disruptions. Staff will continue to develop partnerships, pursue grant opportunities and explore

options to generate non-tax revenue to reduce loan and debt servicing amounts.

RECOMMENDATION

The Transportation Committee recommends to the Capital Regional District Board:

1. That the Regional Trails Widening and Lighting Project be accelerated by the inclusion of the Project in the 2024-2028 Financial Plan and that project funds be secured by way of debt; and
2. That staff continue to develop partnerships, pursue grant opportunities and report back to the Regional Parks Committee at the September 27, 2023 meeting with options to generate additional funds through non-tax revenue.

Submitted by:	Jeff Leahy, Senior Manager, Regional Parks
Concurrence:	Larisa Hutcheson, P.Eng., General Manager, Parks & Environmental Services
Concurrence	Kevin Lorette, P. Eng., MBA, General Manager, Planning & Protective Services
Concurrence	Nelson Chan, MBA, FCPA, FCMA, Chief Financial Officer
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Regional Trail Widening and Lighting Project Area – Map

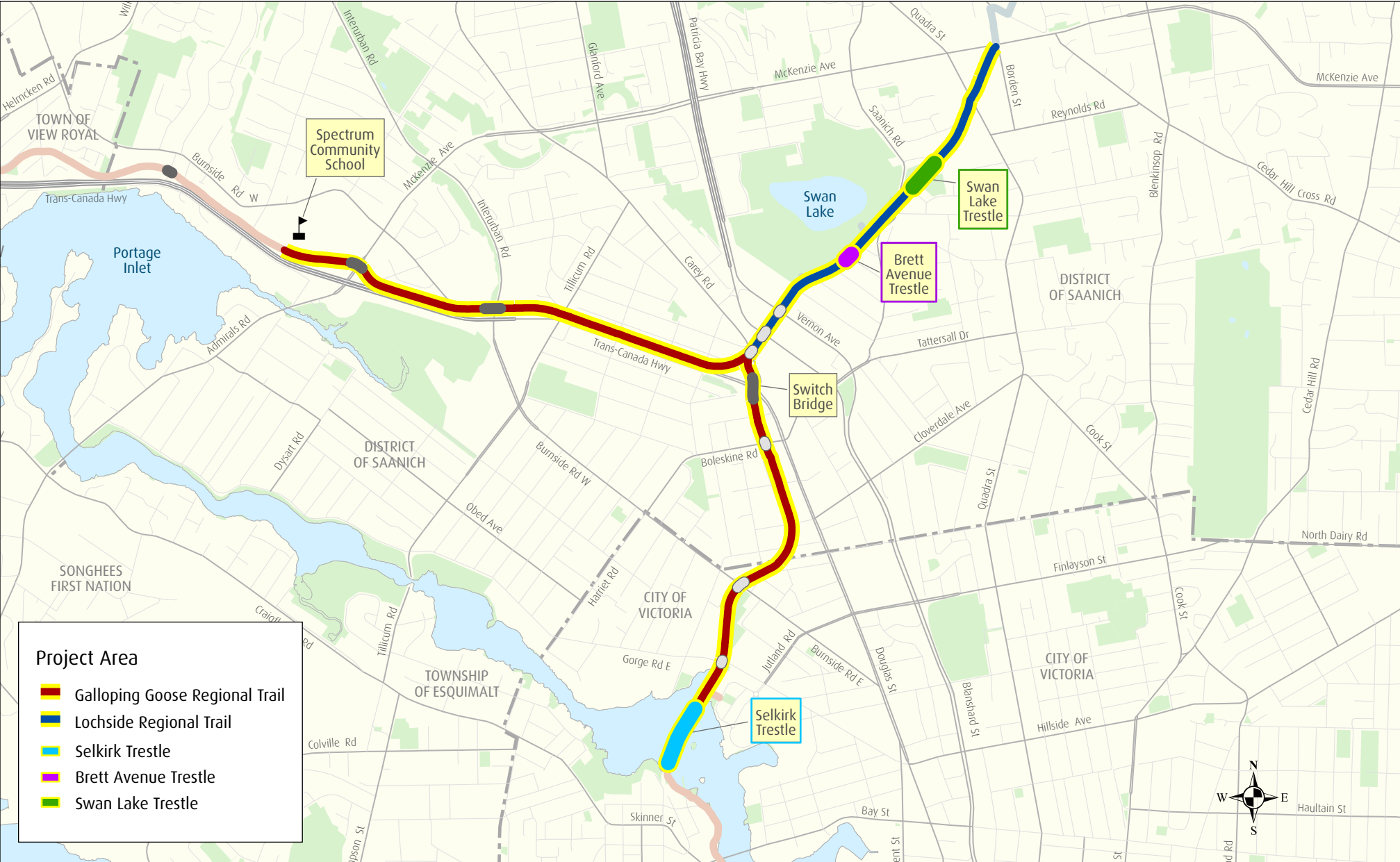
Appendix B: CRD Regional Trails Widening Study – Separated Use Pathway Design and Implementation Priorities

Appendix C: Project Scope and Timing – Alternative 1

Appendix D: Alternative 1 – Debt Servicing Profile and Requisition Increase

Appendix E: Project Scope and Timing – Alternative 2

Appendix F: Presentation – CRD Regional Trails Widening and Lighting Funding Model



Project Area

- Galloping Goose Regional Trail
- Lochside Regional Trail
- Selkirk Trestle
- Brett Avenue Trestle
- Swan Lake Trestle

Making a difference...together

0 500 1000 Meters

Projection: UTM ZONE 10N NAD 83

Important This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. **This map is not for navigation.** The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

<ul style="list-style-type: none"> Bridge / Trestle Underpass Major Road Local Road 	<ul style="list-style-type: none"> Municipal Boundary Park / Protected Area First Nation Reserve Lake / Ocean 	<ul style="list-style-type: none"> Spectrum Community School <p>Outside Project Area</p> <ul style="list-style-type: none"> Galloping Goose Regional Trail Lochside Regional Trail
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Appendix A

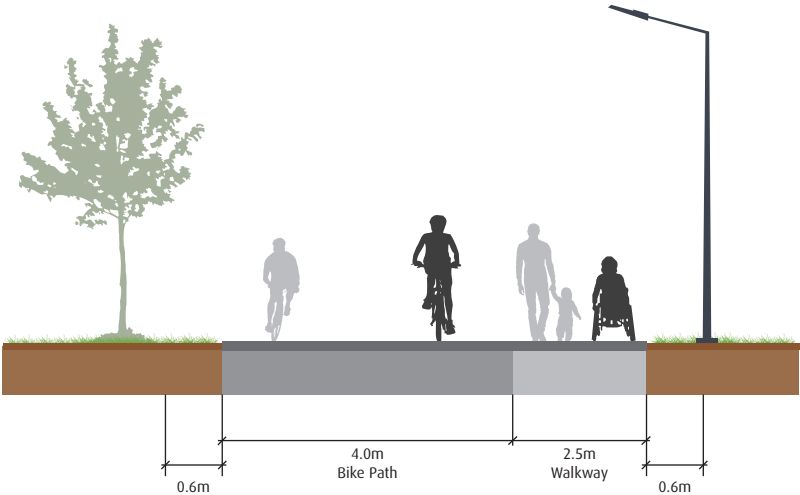
Regional Trail Widening and Lighting Project Area

Transportation Committee Staff Report

July 19, 2023

CAPITAL REGIONAL DISTRICT (CRD) REGIONAL TRAILS WIDENING STUDY
APRIL 28, 2020

SEPARATED USE PATHWAY DESIGN



IMPLEMENTATION PRIORITIES



Regional Trails Widening and Lighting Project Definition (Selkirk, Swan Lake and Brett Avenue Trestles, and Sections A, B, and C)

Project Scope and Timing – Alternative 1

Accelerate Project with CRD Board Authorization Loans

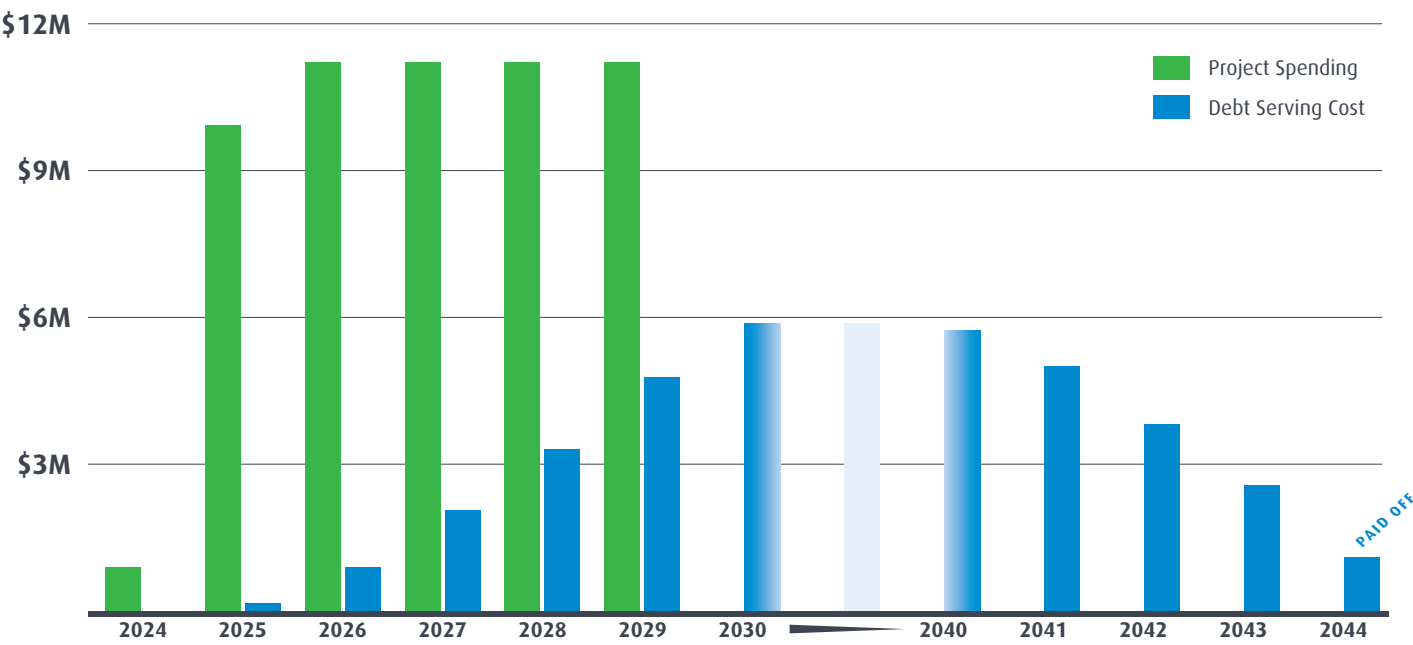
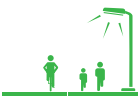
Project Cost Estimates: Low Range/High Range (Class D + Contingency Estimates 2023)

Selkirk Trestle Rehabilitation 300 m (GGRT)	Low Range	\$6.1 M
	High Range	\$8.3 M
Section A: GGRT Selkirk Trestle to Switch Bridge 2 km	Low Range	\$6.8 M
	High Range	\$8.9 M
Section B: GGRT Switch Bridge to McKenzie 2 km	Low Range	\$9.9 M
	High Range	\$13 M
Section C: Lochside Trail Switch Bridge to McKenzie 2 km	Low Range	\$7 M
	High Range	\$9.2 M
Swan Lake Trestle Rehab 145 m (Lochside Trail)	Low Range	\$8.6 M
	High Range	\$10.9 M
Brett Ave Trestle Rehab 25 m (Lochside Trail)	Low Range	\$2.2 M
	High Range	\$2.9 M
Project Totals	Low Range	\$40.8 M
	High Range	\$53.5 M



**INCLUDES CRITICAL INFRASTRUCTURE
AND FULL 6.5 m WIDENING AND
LIGHTING ENHANCEMENT**

CRD BOARD AUTHORIZATION LOAN (UP TO \$50M)
DEBT SERVICING 2024 TO 2044



Sample financial model presented is based on an assumed 6-year project life; Year 1 project planning; including phasing, coordination with partner organizations including First Nations and detailed design. Years 2 to 6 project construction, estimated to be relatively consistent for modeling purposes.

Both long-term and short-term borrowing have been estimated as 5.3% based on current BC Municipal Finance Authority (BCMFA) indicative rates. The model also assumes the full loan authorization amount of \$50 million is borrowed over the period of the project.

During the years 2031-2040 the maximum debt serving cost occurs and using the 2023 requisition data as a proxy would result in a requisition per average household of approximately \$28 for debt servicing.

Project Scope and Timing – Alternative 2


Advance Project by Prioritizing Critical Infrastructure Renewals (without CRD Board Authorization Loans)

Project Cost Estimates: Low Range/High Range (Class D + Contingency Estimates 2023)

		Rehabilitation or Replace in-kind (same width, timber)	With Widening 6.5 m	With Widening & Lighting
Selkirk Trestle Rehabilitation 300 m (GGRT)	Low Range High Range	\$3.4 M \$4.6 M	\$5.5 M \$7.6 M	\$6.3 M \$8.4 M
Swan Lake Trestle Rehab 145 m (Lochside Trail)	Low Range High Range	\$5.2 M \$6.6 M	\$8.4 M \$10.6 M	\$8.7 M \$11 M
Brett Ave Trestle Rehab 25 m (Lochside Trail)	Low Range High Range	\$1.1 M \$1.4 M	\$1.7 M \$2.2 M	\$1.8 M \$2.3 M
Section A: GGRT Selkirk Trestle to Switch Bridge 2 km	Low Range High Range	\$0 M \$0 M	\$0 M \$0 M	\$ 0 M \$ 0 M
Section B: GGRT Switch Bridge to McKenzie 2 km	Low Range High Range	\$0 M \$0 M	\$0 M \$0 M	\$ 0 M \$ 0 M
Section C: Lochside Trail Switch Bridge to McKenzie 2 km	Low Range High Range	\$0 M \$0 M	\$0 M \$0 M	\$ 0 M \$ 0 M
Project Totals	Low Range High Range	\$9.7 M \$12.6 M	\$15.6 M \$20.4 M	\$ 16.8 M \$ 21.7 M

LIKE FOR LIKE
REPLACEMENT OF
CRITICAL
INFRASTRUCTURE ONLY

REPLACEMENT WITH
ENHANCEMENT OPTIONS
FOR CRITICAL
INFRASTRUCTURE ONLY

The background image shows a wide wooden boardwalk bridge with a metal railing, curving along a body of water. Several people are riding bicycles on the boardwalk. In the background, there are green trees and modern buildings under a clear blue sky.

CRD Regional Trails Widening and Lighting Project Funding Model

Presented to the
CRD Transportation Committee
July 19, 2023

Timeline (2016 – 2023)

CRD



CRD Corporate Plan 2023-2026

- 4c Goal: Support investments, expansion and equitable access to active transportation and low carbon transportation
 - 4c-1 Update the Regional Trails Management Plan
 - 4c-2 Prepare a funding strategy to support implementation of priority regional trail enhancement and expansion projects at Regional Parks

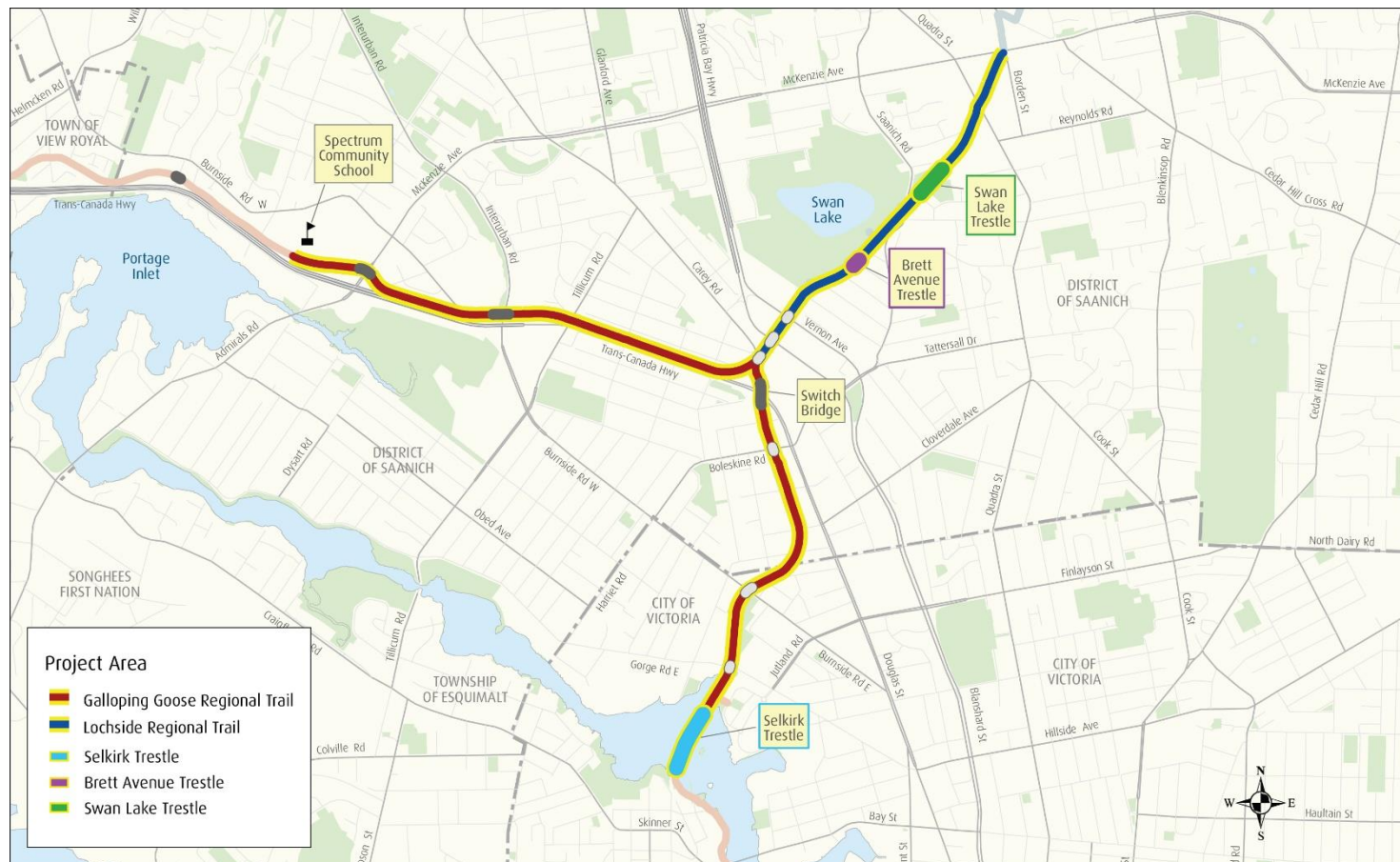
Regional Parks and Trails Strategic Plan (Interim) 2022 - 2032

- Priority 4-1b Plan for and implement priority regional trail enhancement and expansion projects
- Priority 4-1c Prepare a funding strategy to support implementation of priority regional trail enhancement and expansion projects.
- Priority 4-3d Conduct a service level review of regional trails to understand current levels of service, forecast emerging needs and required adjustments
- Reporting Indicators include:
 - 3-1 Maintain high rates of visitor satisfaction
 - 4-1 Complete regional trail priority projects and minimize regional trail service disruptions
 - 4-3 Maintain critical infrastructure in good condition

Project Description

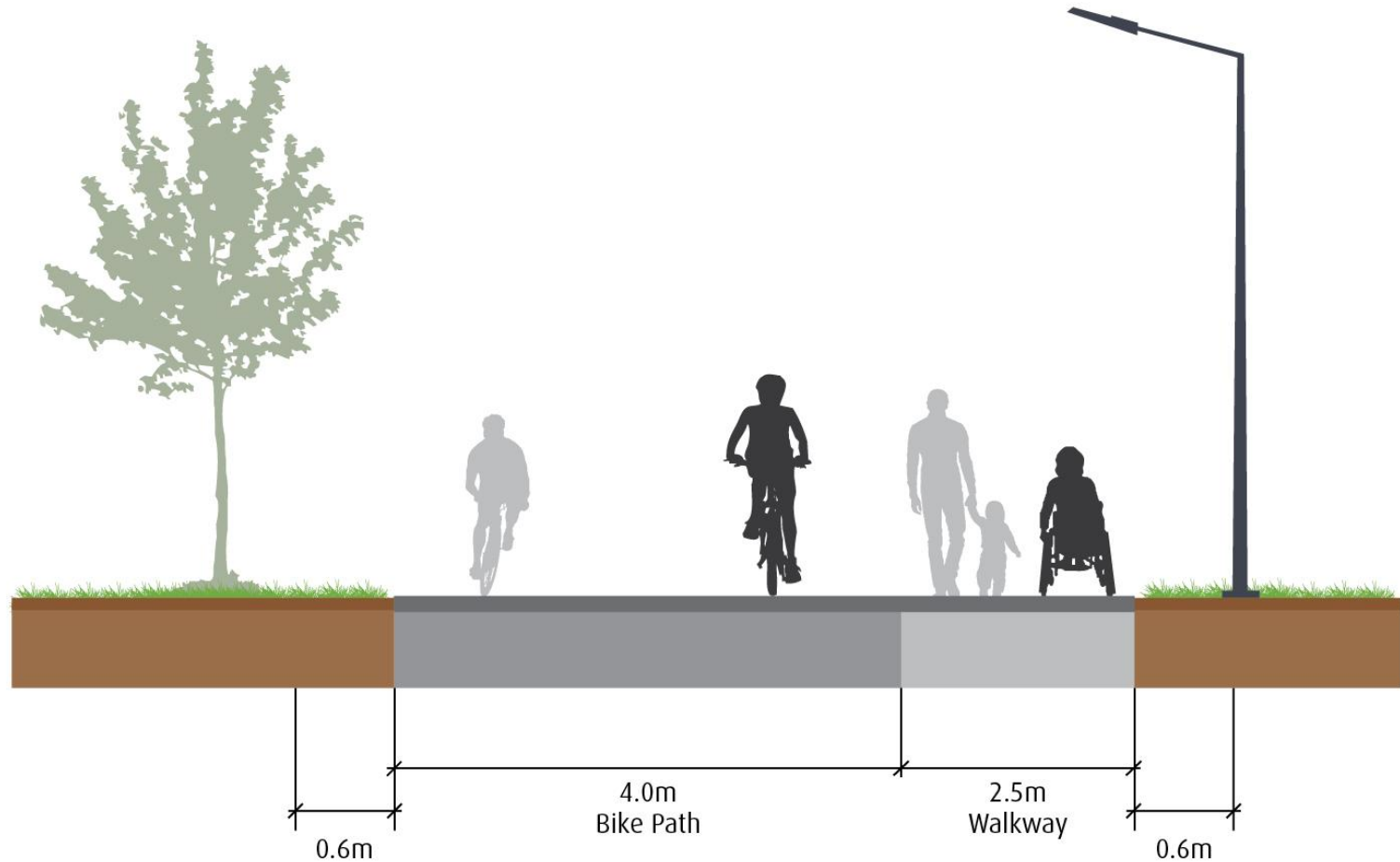
Regional Trails Widening and Lighting project includes:

- Critical infrastructure renewal for the Selkirk, Swan Lake and Brett Avenue trestles
- Six kilometres of Regional Trail enhancement (6.5m separated use pathway design with lighting)



Separated Use Pathway Design

CRD



Implementation Priorities



Regional Trail Widening and Lighting Project Definition (Selkirk, Swan Lake, and Brett Avenue Trestle, Sections A, B, and C)

1st Priority

2nd Priority

3rd Priority

4th Priority

5th Priority



Potential higher priority based on Condition Assessment (Swan and Brett Trestle)

Estimated Project Cost (\$53.5 M)

CRD

Critical Infrastructure Renewal and Enhancement Projects	Budget Estimate (Low)	Budget Estimate (High)
Selkirk Trestle	\$6,156,358	\$8,367,368
Swan Lake Trestle	\$8,641,173	\$10,943,792
Brett Avenue Trestle	\$1,778,560	\$2,910,507
Regional Trails Widening and Lighting (6 kilometres)	\$23,767,003	\$31,240,784
Total Budget Estimate	\$40,343,094	\$53,462,451



Secure Project Funds Through:

CRD Board Authorization Loans



Offset loan reliance through:

Partnership and Grant Opportunities



Regional Park Core Budget



Non-tax Revenue

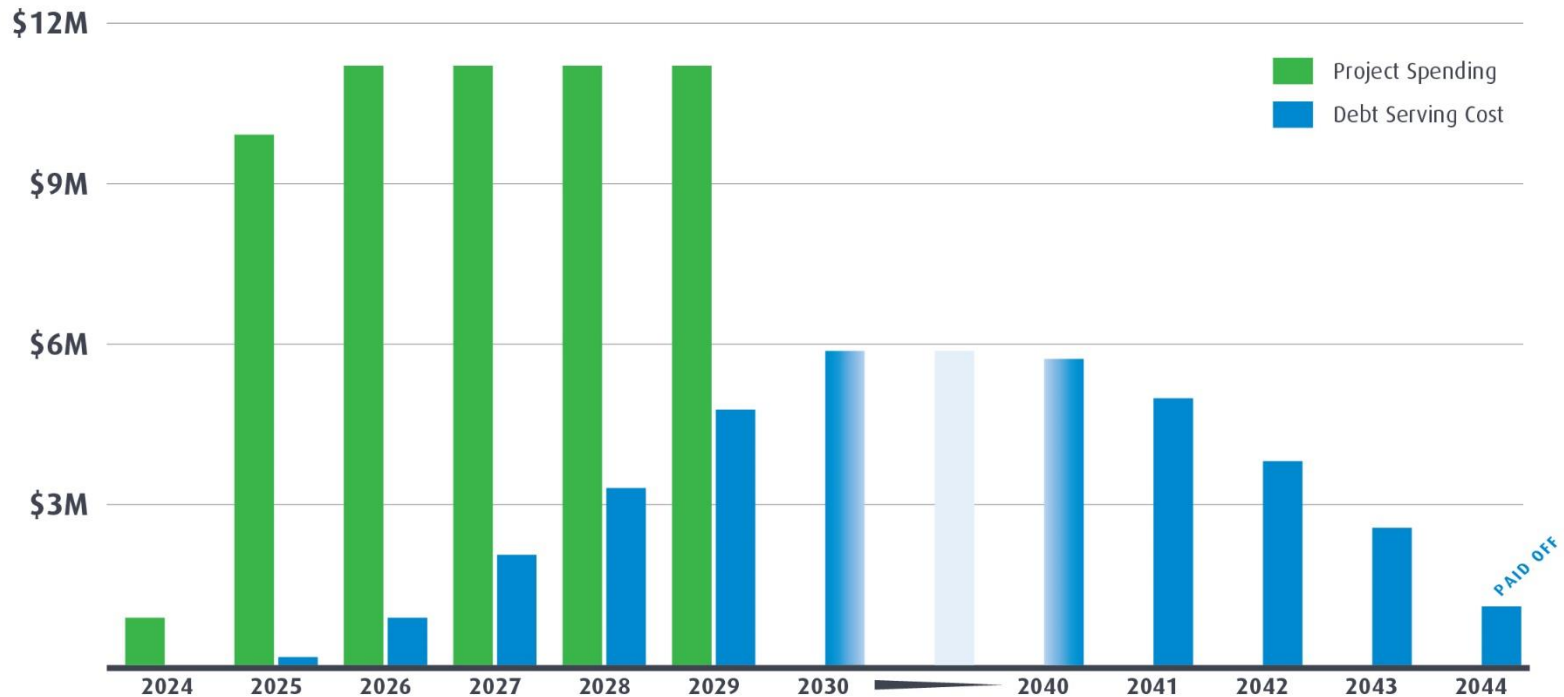


Project Funding Model

CRD

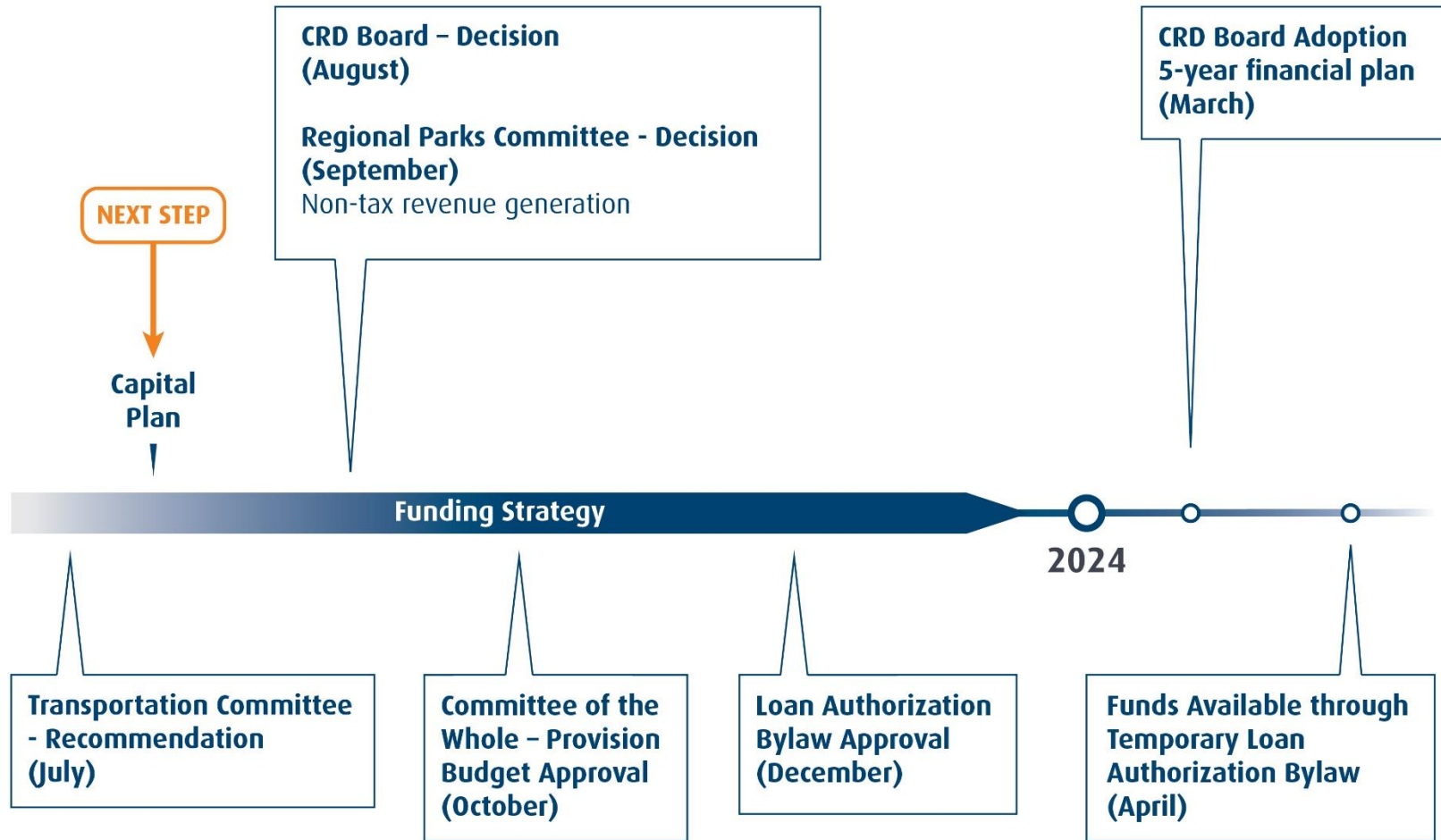
Alternative 1

CRD BOARD AUTHORIZATION LOAN (UP TO \$50M)
DEBT SERVICING 2024 TO 2044



CRD Governance

CRD



CAPITAL REGIONAL DISTRICT

BYLAW NO. 4546

**A BYLAW TO AUTHORIZE THE BORROWING OF TWO MILLION NINE HUNDRED
THOUSAND DOLLARS (\$2,900,000) FOR THE PURPOSE OF CONSTRUCTION OF THE
CENTENNIAL PARK MULTI-SPORT BOX**

WHEREAS:

- A. Under Bylaw No. 3008, "Saanich Peninsula Recreation Services Combination Bylaw No. 1, 2002", the Capital Regional District established a service for recreational and related community programs, equipment, and facilities for the municipal participating areas of the District of North Saanich, the Town of Sidney, and the District of Central Saanich;
- B. The Board of the Capital Regional District wishes to construct the Centennial Park Multi-Sport Box as included in the service's capital plan;
- C. The estimated cost of the Project, including expenses incidental thereto to be funded by debt servicing, is the sum of Two Million Nine Hundred Thousand Dollars (\$2,900,000); which is the amount of debt intended to be authorized by this bylaw;
- D. Pursuant to Section 407(3)(c) of the Local Government Act, elector approval is required, and pursuant to Section 346, elector consent is to be obtained on behalf of the municipal participating areas;
- E. The approval of the Inspector of Municipalities is required under Section 342 of the Local Government Act; and
- F. Financing is proposed to be undertaken by the Municipal Finance Authority of British Columbia pursuant to agreements between it and the Capital Regional District;

NOW THEREFORE the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the planning, study, design and construction of works for the Project in connection with the service and to do all things necessary in connection with the Project and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Capital Regional District a sum not exceeding Two Million Nine Hundred Thousand Dollars (\$2,900,000); and
 - b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the Project.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is fifteen (15) years.
3. This Bylaw may be cited as "Saanich Peninsula Recreation Services (Centennial Park Multi-Sport Box) Loan Authorization Bylaw No. 1, 2023".

READ A FIRST TIME THIS	10 th	day of	May,	2023
READ A SECOND TIME THIS	10 th	day of	May,	2023
READ A THIRD TIME THIS	10 th	day of	May,	2023
APPROVED BY MUNICIPAL COUNCIL CONSENT PROCESS PER S.346 and S.347 OF THE <i>LOCAL GOVERNMENT ACT</i> THIS	13 th	day of	June,	2023
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	30 th	day of	June,	2023
ADOPTED THIS		day of		2023

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS day of

CAPITAL REGIONAL DISTRICT

BYLAW NO. 4547

**A BYLAW TO AUTHORIZE THE BORROWING OF TWO MILLION FOUR HUNDRED
FIFTY-THREE THOUSAND DOLLARS (\$2,453,000) FOR THE PURPOSE OF
CONSTRUCTION OF A HEAT RECOVERY SYSTEM FOR THE PANORAMA
RECREATION CENTRE**

WHEREAS:

- A. Under Bylaw No. 3008, "Saanich Peninsula Recreation Services Combination Bylaw No. 1, 2002", the Capital Regional District established a service for recreational and related community programs, equipment, and facilities for the municipal participating areas of the District of North Saanich, the Town of Sidney, and the District of Central Saanich;
- B. The Board of the Capital Regional District wishes to construct a Heat Recovery System for the Panorama Recreation Centre as included in the service's capital plan;
- C. The estimated cost of the Project, including expenses incidental thereto to be funded by debt servicing, the sum of Two Million Four Hundred Fifty-Three Thousand Dollars (\$2,453,000); which is the amount of debt intended to be authorized by this bylaw;
- D. Pursuant to Section 407(3)(c) of the Local Government Act, elector approval is required, and pursuant to Section 346, elector consent is to be obtained on behalf of the municipal participating areas;
- E. The approval of the Inspector of Municipalities is required under Section 342 of the Local Government Act; and
- F. Financing is proposed to be undertaken by the Municipal Finance Authority of British Columbia pursuant to agreements between it and the Capital Regional District;

NOW THEREFORE the Capital Regional District Board in open meeting assembled hereby enacts as follows:

1. The Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the planning, study, design and construction of works for the Project in connection with the service and to do all things necessary in connection with the Project and without limiting the generality of the foregoing:
 - a) to borrow upon the credit of the Capital Regional District a sum not exceeding Two Million Four Hundred Fifty-Three Thousand Dollars (\$2,453,000); and
 - b) to acquire all such real property, easements, rights-of-way, leases, licenses, rights or authorities as may be requisite or desirable for or in connection with the Project.

2. The maximum term for which debentures may be issued to secure the debt intended to be created by this bylaw is fifteen (15) years.
3. This Bylaw may be cited as "Saanich Peninsula Recreation Services (Panorama Heat Recovery System) Loan Authorization Bylaw No. 1, 2023".

READ A FIRST TIME THIS	10 th	day of	May,	2023
READ A SECOND TIME THIS	10 th	day of	May,	2023
READ A THIRD TIME THIS	10 th	day of	May,	2023
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ADOPTED THIS		day of		2023

CHAIR

CORPORATE OFFICER

FILED WITH THE INSPECTOR OF MUNICIPALITIES THIS day of