

Correspondence from Mayor Desjardins

*** Note: The information below was provided by Mayor Barb Desjardins. The enclosed information does not represent the views of the CRD. The values represented below are not market values.*

Introduction

The decision to add Viewfield Rd as a potential biosolids site has brought about an even greater concern that the CRD Core Liquid Waste Plan is possibly the wrong plan. The problem stems from the assumption that the liquid sewage treatment will occur at McLoughlin Point, a site which is 1.4 Ha. This site cannot accommodate the sludge processing component of the waste treatment and so another site was needed. Currently the CRD has looked at Hartland landfill (18 Km away) and Viewfield Rd (within the middle of a residential area). The preferred plan is to have only one plant location, but the properties chosen for the liquid site is too small and the second properties are fraught with issues.

If a single site is a more preferable plan, then perhaps we should turn our minds to considering a single site again. This solution could have even greater benefit thorough a triple bottom line lens. This is worth re-exploring, particularly since a single large site is available.

In 1995, the CRD did an extensive review of land for future sewage treatment site. One of the sites which rose to the top of the list was land owned by Mr Allan Vandekerkhove, at 1947 Burnside Road. Mr. Vandekerkhove has recently come forward both to the chair of the CALWMC and to Mayor Barb Desjardins, to offer his property for the purpose of providing a potential solution to the regions sewage treatment plan.

There are many factors which make this a highly favourable site which should be considered at this time. These are listed in more detail below. To summarize, there is significant potential for resource recovery and reuse, minimal visual and odour impact, and potential for future growth in the Westshore and expansion as required. It may be possible to redirect current and future West shore flows directly to this site requiring less or smaller infrastructure downstream. The proximity to the hospital speaks to the opportunity for local treatment of contaminants.

Description of the Burnside Rd. Site

The 40 acre (16.22 ha) lot located at 1947 Burnside Rd is in the District of Saanich on the border with View Royal and is covered by ALR zoning. The land would need to be excluded from the ALR through application by Regional Government to the ALR Commission. There is an application and public hearing process. The land would also require amendment to Saanich Zoning Rural A-1 (currently 2ha lots) to some form of Industrial Zoning and likely would need an amendment to the OCP.

Mr. Vandekerkhove has done extensive analysis of his property to determine what agricultural value it has. The findings have been that the soil is of poor quality and despite attempts to improve the soil over time he has only been able to yield minimal crop of hay. The land has very limited capability for agricultural use.

The lot contains a field and natural wooded areas. The wooded areas (yellow polygons on map) are designated as ecologically significant and would require an Environmental Development Permit. If these areas were excluded, the lot size is still 10 ha. **McLoughlin and Viewfield sites combined equal 3.1 Ha**

and both have been noted to be highly constrained sites. The legal description of the land is below. The total assessed value of the land parcel is \$569,411.00 based on information from the BC Assessment Authority. **and both have been noted to be highly constrained sites.** The legal description of the land is below. The total assessed value of the land parcel is \$569,411.00 based on information from the BC Assessment Authority.

Legal Description from Saanich

GIS Map Service Coordinate

Position

Coordinate Position

Geographic: 48° 28' 13.9" N, 123° 26' 18.8" W

Parcel

Street Number: 1947
Street Name: BURNSIDE RD
W Legal Section: 2
Legal Plan: NO
PLAN Legal District: LA
Lot Area (Sq Metres): 162264
Lot Area (Hectares): 16.2264
Property Identifier: 010-016-597
Development Area:
SAANICH GE Local Area
RURAL SAANICH Zoning: A-1
Land Value: 39,411
Improvements Value: 530,000
Total Value: 569,411

The ALR is a Provincial zonation of lands for priority agriculture use; farming is encouraged and non-farming is controlled. ALR takes precedence over, but does not replace other legislation and bylaws. The Act lays out the process for the inclusion or exclusion of land to/from the ALR, and for non-farm use and subdivision in the ALR. There are no specific criteria in the act or legislation for what is considered for exclusion/inclusion.

Local governments are expected to plan in accordance with provincial policy of preserving agricultural land. It is recognized by the ALR that ALR designations may not be accurate in terms of the classification of suitability and capability for agricultural use. Most lands excluded are not classed as prime agricultural land. Between 1974 and 2009 the Regional District has excluded 664 ha of land and included 289 ha (Source Agricultural Land Commission website). All of the re-zoning aspects should be feasible for this property with existing processes, especially if the agricultural capability of the land is low.

Benefits of 1947 Burnside Rd. Site for Locating Sewage Treatment Facility

- Highest ranked site for locating sewage facility in 1995. (This is Mr. Vandekerkhove's understanding and CRD documents could confirm).
- Large enough site (40 acres) to host both the solids and liquid waste facilities, with flexibility for expansion and modification over time (i.e. good for now and good for future).
- Willing seller who is flexible to terms of purchase (even willing to look at PPP scenario).
- Low cost of land acquisition (assessment value less than \$1M).

- Unlikely to need expropriation of adjacent lands. Land size is twice- three times what is required so lots of buffer zone, as well as future expansion potential. Significant buffers to residents and adjacent land users.
- Potential to compensate for impacts through benefits of resource recovery to adjacent land users (i.e. energy production for greenhouses, heating etc. for new View Royal development, and hospital; water reuse for golf course and greenhouses).
- Better chance of public acceptance in this area.
- Unlikely to affect adjacent property values.
- The land capability and suitability for agricultural use is very low. Technical study has been done to substantiate this.
- ALR zoning and regional zoning issues can be overcome through established processes.
- Nearest residents already support industrial landuse for sewage treatment.
- Close to marine environment for pipeline discharge development. Esquimalt harbour within close proximity.
- Any additional piping costs will be offset by lower costs for land acquisition (which is not funded) and the use of less expensive treatment technologies as compared to the McLouglin site.
- Opportunities to treat hospital contaminants in separate stream.
- Significantly better opportunities for resource recovery.
- Close proximity for district heating to hospital, greenhouses and new and upcoming residential developments in View Royal and Saanich.
- Consistent with smart growth and better fit for regional growth strategy (i.e. can build just in time and expand as needed, can take a more integrated approach to dealing with waste and recover more now or in the future).
- Better GHG outcomes with resource recovery.
- Not susceptible to inundation/tsunami.
- Does not appear to require significant bedrock blasting.
- Can be integrated into the natural landscape; sensitive areas can form natural buffers.
- Opportunities for trails and other community benefits.
- Construction related impacts are much less compared to other sites being considered.
- Very low loss of tax revenues for municipality.

Relevant Legislation

Agriculture Land Commission Act

<http://www.alc.gov.bc.ca/legislation/Act/alca.htm>

Exclusion application by a local government or the commission

29 (1) On the commission's own initiative or on application by a local government in respect of land within the local government's jurisdiction or by a first nation government in respect of the first nation's treaty settlement land, the commission may

(a) exclude land from an agricultural land reserve on terms the commission considers advisable, or

(b) without excluding the land from an agricultural land reserve, grant permission for a non-farm use or subdivision in respect of the land that is the subject of the application, on any terms the commission considers advisable.

(2) For a matter under subsection (1), a public hearing must be held in the manner, and after giving the notice, required by the regulations, by

(a) the commission, if the commission is acting on its own initiative,

(b) the local government before making an application, and

(c) the first nation government before making an application.

Conflict with bylaws

46 (1) In this section, "**bylaw**" means

(a) a bylaw, made by a local government, that adopts a regional growth strategy, an official settlement plan, an official community plan, an official development plan or a zoning bylaw,

(b) any other bylaw respecting land use in a local government's jurisdiction made by a local government under any other enactment, and

(c) a first nation government law respecting land use within the treaty settlement lands of the first nation government.

(2) A local government in respect of its bylaws and a first nation government in respect of its laws must ensure consistency with this Act, the regulations and the orders of the commission.

(3) Subject to subsection (4), nothing in this Act affects or impairs the validity of a local government bylaw or a first nation government law relating to the use of agricultural land in an agricultural land reserve.

(4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.

(5) Without limiting subsection (4), a local government bylaw or a first nation government law is deemed to be inconsistent with this Act if it

(a) allows a use of land in an agricultural land reserve that is not permitted by this Act, the regulations or an order of the commission, or

(b) contemplates a use of land that would impair or impede the intent of this Act, the regulations or an order of the commission, whether or not that use requires the adoption of any further bylaw or law, the giving of any consent or approval or the making of any order.

(6) A local government bylaw or a first nation government law that provides restrictions on farm use of agricultural land additional to those provided by this Act and the regulations is not, for that reason alone, inconsistent with this Act and the regulations.

(7) This section applies only to local government bylaws or first nation government laws made after August 26, 1994.

Regulations

http://www.alc.gov.bc.ca/legislation/Reg/ALR_Use-Subd-Proc_Reg.htm

Regulations state that on application by a local government for exclusion, an application must be filed, and a public hearing must be held. A waste water treatment plant would not meet the definition of farm use or other approved non-farm use.

Other permitted uses on ALR land that could potentially be relevant to a waste water treatment facility include:

- biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated buildings and structures does not exceed 100 m² for each parcel;
- use of an open land park established by a local government or treaty first nation government for any of the purposes specified in previous bullet
- force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;
- the production, storage and application of Class A compost in compliance with the [Organic Matter Recycling Regulation, B.C. Reg. 18/2002](#), if at least 50% of the compost measured by volume is used on the farm
- use of an open land park established by a local government or treaty first nation government for any of the purposes specified in previous bullet
- force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way;
- the production, storage and application of Class A compost in compliance with the [Organic Matter Recycling Regulation, B.C. Reg. 18/2002](#), if at least 50% of the compost measured by volume is used on the farm

Application by Local Government for ALR Exclusion

http://www.alc.gov.bc.ca/forms/App_LocalGov.pdf

Information requirements include:

- Legal description of land being considered
- Proposed use
- Current use of land
- Uses on adjacent lots
- Local planning (community plan, rural land use, bylaw name and designation, uses permitted etc.)
- Comments and recommendations (Board, Council, APC, Agriculture Advisory Committee, Planning Staff)
- Report of public hearing

Saanich Zoning Bylaw

<http://www.saanich.ca/living/pdf/zone8200.pdf>

Land Currently Zoned: Rural Zone A-1 (2Ha Lot) – see pages 59-60

Current permitted uses are:

- (a) Agriculture
- (b) Single Family Dwelling
- (c) Boarding
- (d) Home Occupation
- (e) Accessory Produce Sales
- (f) Accessory Buildings & Structures

Saanich Environmental Development Permit Area

<http://www.saanich.ca/living/natural/planning/edpa.html>

Environmental Development Permit Area covers environmentally significant areas. This could include sensitive ecosystems, red and blue listed animals, plants and ecological communities and wildlife trees (no site specific information). The alteration of land, subdivision and construction are prohibited within an environmental development permit area unless an exemption applies or a development permit is issued. A permit is generally required for the following activities (sometimes there are exemptions):

- Removal, alteration, disruption or destruction of vegetation;
- Removal, deposit or disturbance of soils;
- Construction or erection of buildings and structures;
- Creation of non-structural impervious or semi-impervious surfaces;
- Construction of roads, trails, docks, wharves and bridges;
- Provision and maintenance of sewer and water services; and
- Subdivision of land where there is the potential to create conditions for impacts to an ESA.

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