

# PEACE RIVER REGIONAL DISTRICT ELECTORAL AREA DIRECTORS COMMITTEE MEETING

## R E V I S E D   A G E N D A

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for the meeting to be held on Friday, April 29, 2016 in the  
Regional District Office Boardroom, 1981 Alaska Avenue, Dawson Creek, BC  
commencing immediately after the Rural Budgets Administration Committee meeting

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1. Call to Order: Director Goodings to Chair the meeting
2. Director's Notice of New Business:
3. Adoption of Agenda:
4. Adoption of Minutes:
  - M-1 Electoral Area Directors' Committee Minutes of March 17, 2016
5. Business Arising from the Minutes:
6. Delegations:
  - 2 p.m. D-1 Anne Clayton, Farmers' Advocacy Office - Update
7. Correspondence:
  - C-1 March 7, 2016 - BC Hydro - Framework for an Agricultural Mitigation and Compensation Plan
  - C-2 April 1, 2016 - Community Futures - Peace Liard - BC Rural Dividend Funding Applications
  - C-3 April 20, 2016 - Randy Torggrimson - Citizens Attitude Toward the PRRD
8. Reports:
  - R-1 Chris Cvik, Chief Administrative Officer - Review of Electoral Area Directors' Committee Policy Statement
  - R-2 Discussion Regarding Timing for Considering Committee of the Whole Recommendations at Board Meetings - Director Sperling
  - R-3 Bruce Simard, General Manager of Development Services - Update of Zoning Regulations for Utilities
  - R-4 Bruce Simard, General Manager of Development Services - Regulation of Wind Farms
  - R-5 Bruce Simard, General Manager of Development Services - Proposed Draft Campground Bylaw
  - R-6 Erin Price, Bylaw Enforcement Officer - Enforcement File Update
9. New Business:
10. Communications:
11. Diary:
12. Adjournment:



**PEACE RIVER REGIONAL DISTRICT  
ELECTORAL AREA DIRECTORS' COMMITTEE  
MEETING MINUTES**

**M-1**

DATE: March 17, 2016

PLACE: Regional District Office Boardroom, Dawson Creek, BC

PRESENT:

Directors: Karen Goodings, Director, Electoral Area 'B' and Meeting Chair  
Leonard Hiebert, Director, Electoral Area 'D'  
Dan Rose, Director, Electoral Area 'E'  
Brad Sperling, Director, Electoral Area 'C'

Staff: Chris Cvik, Chief Administrative Officer  
Shannon Anderson, Deputy Chief Administrative Officer  
Trish Morgan, General Manager of Community and Electoral Area Services  
Bruce Simard, General Manager of Development Services  
Fran Haughian, Communications Manager / Commissions Liaison  
Jeff Rahn, General Manager of Environmental Services  
Barb Coburn, Recording Secretary

Guests: Jason Blanch, Lead, Surface Land Encana, Calgary, AB  
Noel Millions, Manager Surface Land (BC) Northern Operations, Encana  
Brian Lieverse, Community Relations Advisor, Dawson Creek, Encana  
Lorna Wollen, Resident, Montney, BC

Call to Order Chair Goodings called the meeting to order at 9:55 a.m.

ADOPTION OF AGENDA:

March 17, 2016 Agenda

MOVED by Director Sperling, SECONDED by Director Hiebert,  
That the Electoral Area Directors' Committee agenda for the March 17, 2016 meeting, including  
items of New Business, be adopted:  
Call to Order: Director Goodings to Chair the meeting  
Director's Notice of New Business:  
Adoption of Agenda:  
Adoption of Minutes:  
M-1 Electoral Area Directors' Committee Meeting Minutes of February 18, 2016.  
Business Arising from the Minutes:  
Delegations:  
D-1 Noel Millions, PSL, Manager, Surface Land, Encana Services Company Ltd. regarding proposed  
Encana Battery Site (South Central Liquids Hub) (10 a.m.)  
Correspondence:  
Reports  
R-1 Chris Cvik, Chief Administrative Officer - Draft Campground Bylaw - for Discussion (referred by the  
Regional Board)  
R-2 February 18, 2016 - Fran Haughian, Communications Manager - Communications Survey  
R-3 March 9, 2016 - Fran Haughian, Communications Manager - 'What Not to Flush' Educational Video  
New Business:  
NB-1 BC Hydro - Framework for Agriculture Mitigation and Compensation Plan  
NB-2 Building Bylaw  
Communications:  
CM-1 Community Directory - for Discussion (Director Goodings)  
CM-2 Fair Share Allocations - for Discussion  
CM-3 Alaska Highway News returns to Weekly Publications - for Discussion  
Diary:  
Adjournment:

CARRIED.

**April 29, 2016**

VARY THE AGENDA:

MOVED by Director Sperling, SECONDED by Director Hiebert,  
That the agenda be varied to deal with D-1 at this time.

CARRIED.

DELEGATION:

D-1  
Encana Battery Site - South  
Central Liquids Hub (SCLH)

Noel Millions, Manager Surface Land (BC) Northern Operations, Encana showed a PowerPoint presentation regarding the proposed South Central Liquids Hub. He explained that as a result of discussions and negotiations with six different property owners in the area, Encana purchased a quarter section upon which the hub will be constructed. The hub will separate liquids from raw natural gas, de-sand liquids, stabilize C5+ and serve as temporary storage area. This will alleviate liquid loading to existing compressor stations, address flaring issues, centralize liquid storage and hauling, and further develop Encana's Dawson South development area.

Encana will be upgrading a one mile section of the Blockline Road by expanding the width and re-building the section, after which the Ministry of Transportation and Infrastructure will pave it.

ADOPTION OF MINUTES:

M-1  
EADC meeting minutes of  
February 18, 2016

MOVED by Director Rose, SECONDED by Director Hiebert,  
That the Electoral Area Directors' Committee Meeting minutes of February 18, 2016 be adopted.  
CARRIED.

REPORTS:

R-1  
Draft Campground Bylaw

After a lengthy discussion regarding the proposed campground bylaw, management was asked to review the bylaw and investigate using guidelines rather than a bylaw to mitigate safety concerns then report back to the Electoral Area Directors' Committee.

Recess

The meeting recessed for lunch at 12:10 p.m.

Reconvene

The meeting reconvened at 12:40 p.m.

COMMUNICATIONS:

CM-1  
Community Directory

MOVED by Director Rose, SECONDED by Director Hiebert,  
That the Electoral Area Directors' Committee recommends to the Regional Board that staff be requested to research ways to gather contact information for residents in each community of the Regional District for the purpose of sending notices to keep them informed of items of interest pertinent to those residents and report back to the Electoral Area Directors' Committee with a targeted information strategy.

CARRIED.

NEW BUSINESS:

NB-1  
Framework for an  
Agricultural Mitigation and  
Compensation Plan

MOVED by Director Rose, SECONDED by Director Hiebert,  
That the discussion regarding the stakeholder consultation discussion guide and feedback form for the Agricultural Mitigation and Compensation Plan be referred to the April Electoral Area Directors' Committee meeting.

CARRIED.

DIARY:

MOVED by Director Rose, SECONDED by Director Sperling,  
That the Electoral Area Directors' Committee recommends to the Regional Board that  
representatives from the National Energy Board (NEB) be invited to a Regional Board meeting to  
update the Board regarding active projects across the region that are under its jurisdiction.

CARRIED.

ADJOURNMENT: The Chair adjourned the meeting at 1:40 a.m.

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Karen Goodings, Chair

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Barb Coburn, Recording Secretary



From: Karen Goodings [<mailto:kgooding@pris.bc.ca>]  
 Sent: Tuesday, March 15, 2016 10:55 AM  
 To: Director Brad Sperling <[brad.sperling@prrd.bc.ca](mailto:brad.sperling@prrd.bc.ca)>; Director Dan Rose <[Dan.Rose@prrd.bc.ca](mailto:Dan.Rose@prrd.bc.ca)>; Director Leonard Hiebert <[leonard.hiebert@prrd.bc.ca](mailto:leonard.hiebert@prrd.bc.ca)>  
 Cc: Trish Morgan <[Trish.Morgan@prrd.bc.ca](mailto:Trish.Morgan@prrd.bc.ca)>  
 Subject: FW: Framework for an Agricultural Mitigation and Compensation Plan - Consultation Summary Report

Wondering if it would be a good idea to have this printed off and discussed at the EADC on Thursday? or should each director read and respond? Or maybe Trish has a comment or two?

From: Project Team, Site C [<mailto:sitec@bchydro.com>]  
 Sent: March-07-16 12:21 PM  
 Subject: Framework for an Agricultural Mitigation and Compensation Plan – Consultation Summary Report



#### Consultation Summary Report Now Available

Stakeholder consultation was held from November 23, 2015 to January 29, 2016 to gather input regarding the development of a Framework for an Agricultural Mitigation and Compensation Plan for the Site C Clean Energy Project.

Participants provided feedback by attending consultation meetings, completing a feedback form, and providing written submissions.

The consultation summary report summarizing the feedback we received during the stakeholder consultation period is [now available online](#).

The consultation input will be considered, along with technical and financial information, as BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines develop a Framework for the Agricultural Mitigation and Compensation Plan by July 2016, a draft Agricultural Mitigation and Compensation Plan by January 2017, and a final Plan by July 2017.

If you have any questions, please contact us by email at [sitec@bchydro.com](mailto:sitec@bchydro.com).

Thank you,

Site C Project Team on behalf of the Consultation Steering Committee

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April 29, 2016



PEACE RIVER REGIONAL DISTRICT

C-1

Office of Electoral Area Directors B, C, D & E

January 28, 2016

BC Hydro  
PO Box 2218  
Vancouver, BC V6B 3W2

via email: [sitec@bchydro.com](mailto:sitec@bchydro.com)

**RE: Framework for an Agricultural Mitigation and Compensation Plan – Stakeholder Consultation Discussion Guide and Feedback Form**

To Whom It May Concern:

Enclosed please find for your consideration our joint submission of comments regarding the “Framework for an Agricultural Mitigation and Compensation Plan.”

Should you have any questions regarding our submission please contact Trish Morgan, General Manager of Community & Electoral Area Services, at 250 784-3218 or [trish.morgan@prrd.bc.ca](mailto:trish.morgan@prrd.bc.ca).

Respectfully submitted by,

Karen Goodings  
Director Electoral Area B

Brad Sperling  
Director Electoral Area C

Leonard Hiebert  
Director Electoral Area D

Dan Rose  
Director Electoral Area E

**diverse. vast. abundant.**

**April 21, 2016**

**PLEASE REPLY TO:**



Box 810, 1981 Alaska Ave, Dawson Creek, BC V1G 4H8 Tel: (250) 784-3200 or (800) 670-7773 Fax: (250) 784-3201 Email: [prrd.dc@prrd.bc.ca](mailto:prrd.dc@prrd.bc.ca)  
9505 100 St, Fort St. John, BC V1J 4N4 Tel: (250) 785-8084 Fax: (250) 785-1125 Email: [prrd.fs@prrd.bc.ca](mailto:prrd.fs@prrd.bc.ca)

**Site C Clean Energy Project**

**Framework for an Agricultural Mitigation and Compensation Plan  
Stakeholder Consultation Discussion Guide and Feedback Form**

**November 2015 – January 2016**



**April 21, 2016**



Ministry of  
Agriculture

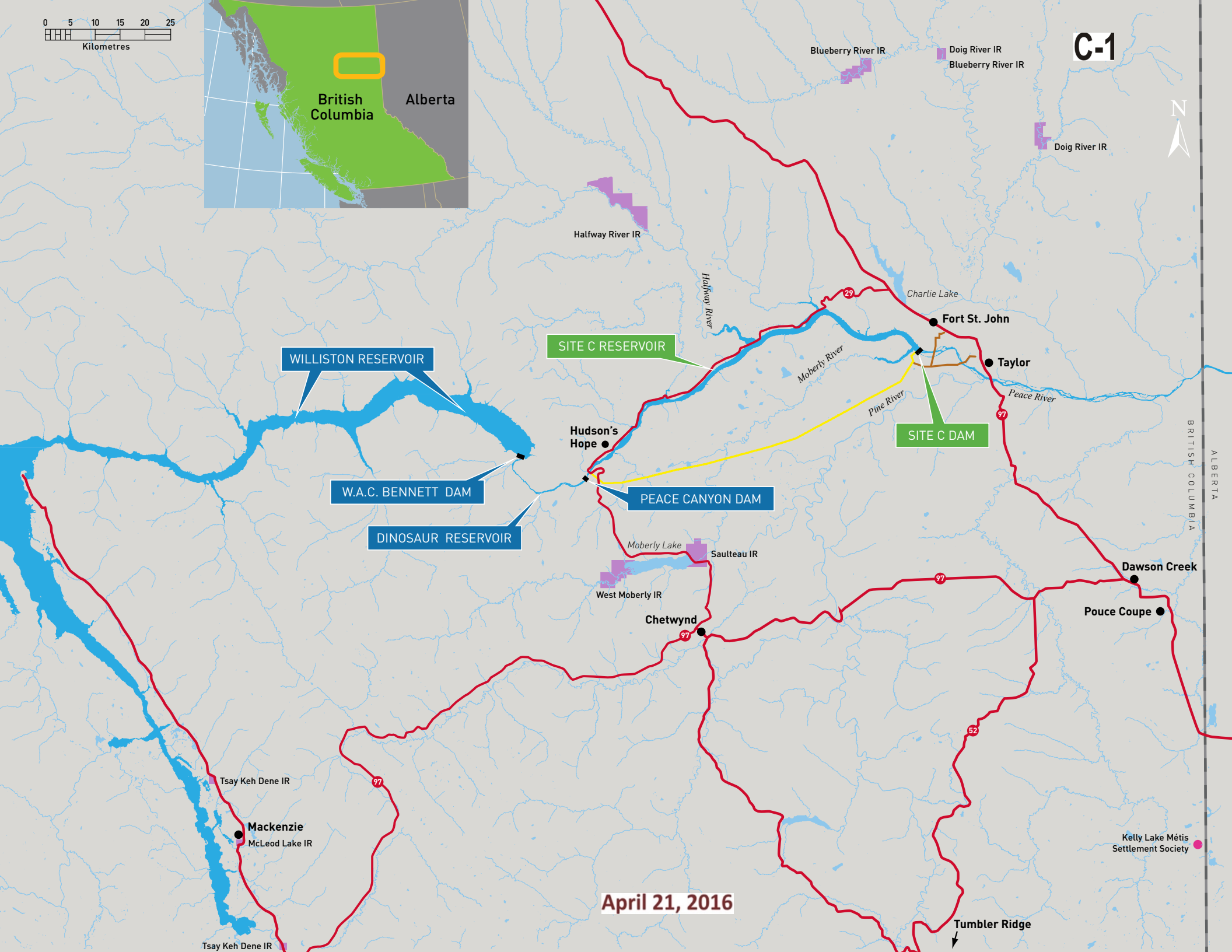


Ministry of  
Energy and Mines





C-1



April 21, 2016

# Framework for an Agricultural Mitigation and Compensation Plan – Stakeholder Consultation

(November 2015-January 2016)

## Purpose

BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines are seeking your input regarding the development of a Framework for an Agricultural Mitigation and Compensation Plan for the Site C Clean Energy Project.

This consultation process seeks your input regarding the four parts of the framework:

- A. Implementation of appropriate construction management practices, as they pertain to agriculture
- B. Approach to development of individual farm mitigation plans
- C. Approach to management of surplus agricultural land
- D. Establishment of a \$20 million Agricultural Compensation Fund

## How Input Will be Used

Your input will be considered, along with technical and financial information, as BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines develop a Framework for the Agricultural Mitigation and Compensation Plan by July 2016, a draft Agricultural Mitigation and Compensation Plan by January 2017, and a final Plan by July 2017.

## We Want to Hear From You

This consultation period runs from November 23, 2015 to January 29, 2016, so that Peace River agricultural stakeholders across various sectors will have an opportunity to review and provide their input.

As part of the consultation period, regional stakeholder meetings will be held in December 2015 and January 2016. If you are an agricultural stakeholder interested in attending a meeting and haven't received an invitation, please email us at [sitec@bchydro.com](mailto:sitec@bchydro.com).

Learn more and provide your feedback by:

- Coming to a stakeholder meeting
- Filling out the feedback form found in this discussion guide at [sitecproject.com](http://sitecproject.com). Alternatively, you can send your hardcopy feedback form to PO Box 2218, Vancouver, B.C. V6B 3W2.
- Sending us an email to [sitec@bchydro.com](mailto:sitec@bchydro.com) or letter to PO Box 2218, Vancouver, B.C. V6B 3W2

Please provide your feedback by January 29, 2016.

**April 21, 2016**



# 1. Background

C-1

## About the Site C Clean Energy Project

The Site C Clean Energy Project (Site C) will be a third dam and hydroelectric generating station on the Peace River in northeast B.C. Approved by the Province of B.C. on December 16, 2014, construction of the project began in the summer of 2015. Site C will provide 1,100 megawatts (MW) of capacity, and produce about 5,100 gigawatt hours (GWh) of electricity each year — enough energy to power the equivalent of about 450,000 homes per year in B.C.

Site C received environmental approvals from the federal and provincial governments in October 2014, and received approval from the Province of B.C. in December 2014. Site C will be a source of clean, reliable and affordable electricity for more than 100 years.

More information about Site C can be found at [sitecproject.com](http://sitecproject.com).

## Provincial Environmental Assessment Certificate – Conditions Regarding Agriculture

The Provincial Environmental Assessment Certificate for the Site C Clean Energy Project includes two conditions specific to agriculture, summarized below:

**Condition No.30:** BC Hydro will develop an Agricultural Mitigation and Compensation Plan addressing the following requirements: establishing a \$20 million Agricultural Compensation Fund; implementing appropriate construction management practices; developing individual farm mitigation plans; and managing surplus agricultural land.

**Condition No.31:** BC Hydro will implement an agriculture monitoring and follow-up program for a 10 year period: 5 years prior to operations and 5 years during operations. Condition 31 requires the development of a draft Agriculture Monitoring and Follow-Up Program which has been submitted to the Ministry of Agriculture, Peace River Regional District, and the District of Hudson's Hope for review. A final Program will be submitted in December 2015, and the monitoring program will begin in January 2016, within 180 days of the start of construction.

Monitoring programs to determine if creation of the Site C reservoir may result in site-specific changes that may affect agricultural operations include the following:

- Reservoir induced effects on crop drying;
- Effects on crop production due to changes in groundwater elevations;
- Effects on agriculture due to changes in wildlife habitat utilization; and
- Climate parameters to estimate irrigation water requirements near the reservoir.

**April 21, 2016**

## 2. Framework for an Agricultural Mitigation and Compensation Plan C-1

The Agricultural Mitigation and Compensation Plan will include four components, which are the subject of this consultation process:

- A. Implementation of appropriate construction management practices, as they pertain to agriculture
- B. Approach to development of individual farm mitigation plans
- C. Approach to management of surplus agricultural land
- D. Establishment of a \$20 million Agricultural Compensation Fund

BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines have established a Consultation Steering Committee to guide consultation with agricultural stakeholders regarding a framework for the Agricultural Mitigation and Compensation Plan. The Consultation Steering Committee is seeking and receiving advice from regional advisors: Hon. Mike Bernier, MLA for Peace River South, and Pat Pimm, MLA for Peace River North.

The Consultation Steering Committee has considered previous input related to agriculture received from consultation regarding the Site C Clean Energy Project and applied it in the development of this discussion guide and mitigation programs.

### Process and Timeframe for Developing an Agricultural Mitigation and Compensation Plan

BC Hydro is working with the Ministry of Energy and Mines and Ministry of Agriculture to develop the Agricultural Mitigation and Compensation Plan.

The Agricultural Mitigation and Compensation Plan will be developed within the following timelines:

- **Framework (by July 2016):** An Agricultural Mitigation and Compensation Plan Framework will be developed in consultation with affected agricultural land owners and tenure holders, and the Ministry of Agriculture and provided to the Peace River Regional District and the District of Hudson's Hope for review by July 2016.
- **Draft Plan (by January 2017):** A Draft Agricultural Mitigation and Compensation Plan will be provided for review and comment by affected agricultural land owners and tenure holders, the Peace River Regional District, District of Hudson's Hope, Ministry of Agriculture and the Ministry of Forests, Lands and Natural Resource Operations by January 2017.
- **Final Plan (by July 2017):** The Agricultural Mitigation and Compensation Plan will be filed with the BC Environmental Assessment Office, Peace River Regional District, District of Hudson's Hope, the Ministry of Agriculture and the Ministry of Forests, Lands and Natural Resource Operations by July 2017.

April 21, 2016

# A. Implementation of Standard Construction Mitigation Measures

C-1

Standard construction mitigation measures are included in the Site C Project's Construction Environmental Management Plan (CEMP). The CEMP outlines the requirements for Environmental Protection Plans, which must be developed by contractors prior to the commencement of construction activities.

These plans include standard mitigation measures for all aspects of construction, including those that may affect agricultural land and operations. Plans related to agricultural land include:

- **Soil Management, Site Restoration and Re-vegetation Plan** – restoration of temporarily affected agricultural land during construction;
- **Borrow and Quarry Site Reclamation Plan** – restoration of temporarily affected agricultural land within quarries and pits developed during construction;
- **Vegetation and Invasive Plant Management Plan** – mitigation of potential effects to agricultural land through protection of vegetation and limiting the spread of invasive plants; and
- **Traffic Management Plans** – mitigation of potential construction effects on individual farm operations as a result of increased traffic and road closures.

## *Provide Your Feedback*

### **1. Please provide any comments regarding the implementation of standard construction mitigation measures:**

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

#### **Soil Management, Site Restoration & Re-vegetation Plan:**

- Should be the responsibility of BC Hydro and not funded in any way through this compensation fund.

#### **Borrow and Quarry Site Reclamation Plan:**

- Should be the responsibility of BC Hydro and not funded in any way through this compensation fund.

#### **Vegetation and Invasive Plant Management Plan:**

- Should be the responsibility of BC Hydro and not funded in any way through this compensation fund.

#### **Traffic Management Plans:**

- Should be the responsibility of BC Hydro and not funded in any way through this compensation fund.

All of the above bullets are the direct responsibility of the proponents of this construction. Where there is a need for restoration then the program should be following the Agriculture Land Commission rules and the restoration plan should have been developed prior to any construction start.

**The restoration plan should include only the use of locally grown weed free seed.**

April 21, 2016



# B. Approach to the Development of Individual Farm Mitigation Plans

## C-1

In accordance with Condition 30, BC Hydro “*must evaluate effects on agricultural land owners and tenure holders, and develop mitigation and compensation measures consistent with industry compensation standards, to mitigate effects or compensate for losses.*” Also, BC Hydro’s plan must include “*funding for mitigation actions for disruptions to agricultural land owners and tenure holders.*”

BC Hydro evaluated effects on agricultural land owners and tenure holders as part of the agricultural assessment during the environmental assessment phase. As part of this assessment, interviews were held with potentially-affected farm operators and/or owners in 2011 and 2012. There are 34 farm operations where a portion of the operation is within the Site C project activity zone. Of the 34, 22 owners or operators agreed to participate, and provided information about current and potential future agricultural activities. The results of the interviews were used, along with other information, such as from Statistics Canada and direct observations about farm operations, to inform the agricultural assessment.

Now that Site C has moved into construction, BC Hydro’s properties team will discuss with agricultural land owners and tenure holders potential effects of the project on their land and operations, including potential mitigation actions related to disruption of their continuing agricultural operations. Where agricultural land is required for the Project it will be acquired at fair market value, and associated financial losses, including funding of mitigation actions and compensation for those effects which cannot be mitigated, if any, will be reimbursed as described in Section 11.3 of the Site C Environmental Impact Statement (Land Status, Tenure and Project Requirements).

The identification of specific mitigation actions that may require funding related to disruption of each agricultural operation will be identified by BC Hydro in private discussions with agricultural land owners and tenure holders whose land or rights may be affected by the Project. For example, potential mitigation actions may include changes to driveways to address changes to farm access, consideration of changes to unauthorised public

access, relocation of farm infrastructure such as buildings, wells or fencing, or other disruptions to current agricultural operations. Where such effects cannot be avoided, individual farm mitigation plans will be developed to determine compensation for financial losses due to disruptions to agricultural land use, consistent with industry compensation standards. Funding for individual farm mitigation or compensation will be in addition to the \$20 million Agricultural Compensation Fund.

### **Provide Your Feedback**

#### **2. Please provide any comments regarding the approach to the development of individual farm mitigation plans:**

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

This section is between BC Hydro and the landowners and we appreciate the comment that "Funding for individual farm mitigation or compensation will be in addition to the \$20 million Agricultural Compensation Fund." This leads us to wonder why this discussion is included in the paper re: the \$20 million compensation fund.

It is unfortunate that a Crown Corporation was allowed to use taxpayers dollars to purchase the valley lands with the idea that Site C "must" happen. Even more unfortunate is the knowledge that because of this, the valley has never been developed to its capacity. One doesn't spend the time and money to improve property they don't own.

With that in mind, it is also important to recognize the lost horticultural capability that will be gone forever by the flooding of the valley. Horticulture is defined as "the science and art of growing fruits, vegetables, flowers and ornamental plants." All very important to the wellbeing and economic development of any region.

Appendix "F" of the Agricultural Assessment shows "Class 1" lands are capable of growing a wide variety of vegetables, fruits, and high yield grains used for oils and cereals. It is very important to note that BC Hydro does not recognize the Class 1 lands as such and yet in the assessment the table shows its high capability.

**April 21, 2016**

## C. Approach to Management of Surplus Agricultural Lands

In accordance with Condition 30, BC Hydro's Agricultural Mitigation and Compensation Plan must include *"inclusion of suitable land in the Agricultural Land Reserve in consultation with the Agricultural Land Commission"*, and *"when residual parcels are to be sold, consolidate and / or connect residual agricultural parcels with adjacent agricultural land holdings, where practical and when owner(s) and BC Hydro agree."*

These conditions reflect the fact that, through the process of land acquisition for Site C, BC Hydro will end up with surplus land holdings that may be suitable for future agricultural land use.

BC Hydro will be in a position to begin the process of identifying lands that are surplus, or not directly required for the project, approximately five years after the completion of construction. This timeline allows for the results of reservoir shoreline monitoring to inform this process, as well as the establishment of long-term mitigation measures that may include establishment of areas such as wildlife habitat compensation lands or recreation sites. Until that time, BC Hydro-owned lands will continue to be managed in a responsible manner that supports, as appropriate, agricultural land use and wildlife habitat, and continues to ensure responsible approach to noxious weed management.

Surplus lands will be assessed against land use priorities to determine their suitability for various potential uses, including land required to mitigate project effects. Consideration will be guided by ongoing conditions associated with project approvals, including vegetation and wildlife habitat compensation, agricultural land use interests and Aboriginal interests, as well as community interests as stated in official community plans and zoning.

For those lands retained as wildlife habitat compensation, there will be management plans developed. Continued agricultural use of these lands is also an objective. BC Hydro will work with government agencies, Aboriginal groups and other potentially affected stakeholders to identify the habitat management objectives, specific actions for the maintenance, creation or enhancement of targeted habitat features, compatible land use

including agricultural practices, and other property-specific management considerations.

BC Hydro-owned land deemed surplus to project or mitigation requirements, and that have continuing agricultural value, may be dealt with in several ways. First, when these land parcels are to be sold, BC Hydro will make efforts to consolidate or connect residual agricultural parcels with adjacent agricultural land holdings, where practical and where owners agree. Secondly, BC Hydro will consult with the Agricultural Land Commission and adjacent landowners to include suitable land in the Agricultural Land Reserve.

### **Provide Your Feedback**

#### **3. Please provide any comments regarding the management of surplus agricultural lands:**

Who will have the task of determining what the land use priorities for suitable "other" uses will be? If it takes over 10 years to build the dam and five years before BC Hydro can begin the process of determination, how will the region be compensated for the 15+ years of lost use?

For those lands retained as wildlife habitat compensation, how will agriculture benefit? Wildlife and agriculture have not always been compatible. To encourage the use of the land for agriculture as an objective while working with government agencies, Aboriginal groups and affected stakeholders require separate funding that should not be part of the this \$20 million fund. There is a need for additional funds to be set up by BC Hydro to cover the costs of the meetings and discussions.

To consolidate the surplus parcel with adjacent landholding would be sensible.

To consult with the Agricultural Land Commission (ALC) and adjacent landowners to include suitable land in the Agricultural Land Reserve will result in the appearance of mitigating the loss of land, but it will not be comparable to the loss of the prime land in the valley nor the loss of horticulture capability.

- a) Set-up additional funds as this is the responsibility of BC Hydro and should not be funded through the meagre \$20 million fund.
- b) Consult with the local landowners and the ALC on consolidation and future uses for the "surplus" land.

**April 21, 2016**

## D. Establishment of an Agricultural Compensation Fund

As part of the environmental assessment of Site C, BC Hydro proposed the creation of a \$20 million Agricultural Compensation Fund for use in the Peace Region. The purpose of the fund is to mitigate the change in agricultural economic activity as a result of Site C.

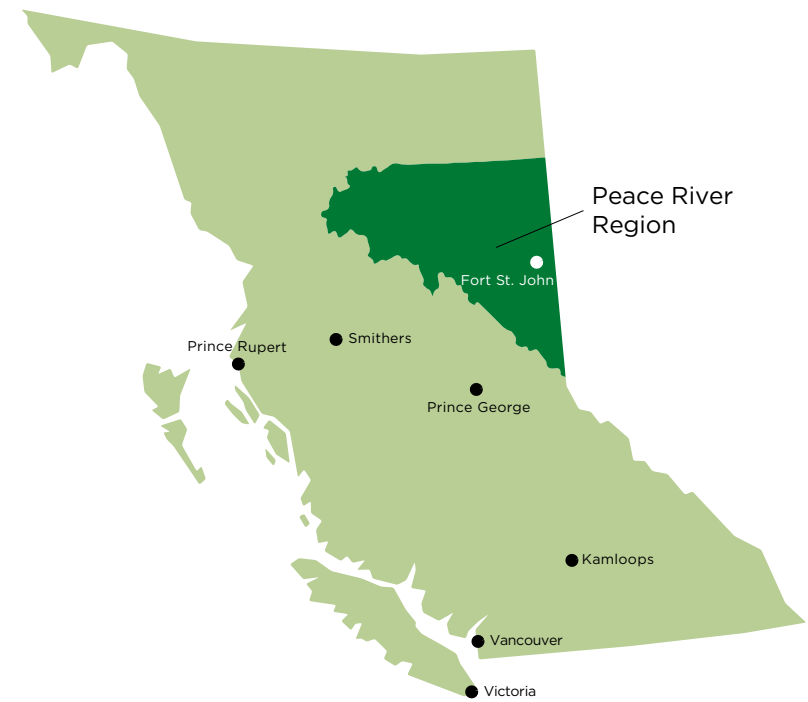
In accordance with Condition 30, BC Hydro's Agricultural Mitigation and Compensation Plan must include:

*"...establishment of an agricultural compensation fund of \$20 million for use in the Peace Region or other areas of the province as necessary to compensate for lost agricultural lands and activities, and an approach for establishing the governance and allocation of funds. The EAC Holder must work with the Ministry of Agriculture to establish a governance structure for the agriculture compensation fund that will ensure funds will be used to support enhancement projects that improve agricultural land, productivity or systems."*

BC Hydro is accountable for creating the Agricultural Compensation Fund, and responsible for seeking input from agricultural stakeholders on its objectives, administration, and delivery, which is the purpose of this consultation. Input received on the discussion guide information and feedback questions below will provide content for the development of the Framework, and will be the basis for a detailed Mandate to direct the Fund's future implementation.

The next few pages provide information and ask for your feedback regarding the following topics:

- **Vision:** Why are we creating an Agricultural Compensation Fund? Where should the Fund be targeted and what should it cover?
- **Governance:** How should the Fund be administered? How should projects be reviewed?
- **Eligibility:** Who should be eligible to apply? What is the nature and scope of projects that should be funded?
- **Allocation:** How should funds be allocated and over what time period?



# D1. Agricultural Compensation Fund Vision

C-1

## Why are we creating an Agricultural Compensation Fund?

The construction and operations of the Site C Clean Energy Project will affect agricultural land and operations in the Peace Region. To mitigate this impact to agricultural economic activity, BC Hydro will create a \$20 million Agricultural Compensation Fund (the Fund) to support enhancement projects that improve agricultural land, productivity, and systems. As discussed in separate sections, other mitigation is proposed to address other effects, including standard construction management, surplus agricultural land management, and physical monitoring programs for agriculture.

## Where should the Fund be targeted and what should it cover?

The Site C Clean Energy Project's physical footprint is in the Peace Region. Therefore it is proposed that the Fund be targeted to activities that will enhance agricultural lands, operations, or agrifoods<sup>1</sup> economic activity in the Peace Region. The geographic target for the Fund will be the area of the BC Peace River Regional District.

## Proposed Vision Statement

Based on the information above, the following is the proposed vision statement for the Agricultural Compensation Fund:

*"Enhance the Peace Region's opportunity for agricultural production and agrifoods economic activity."*

## Provide Your Feedback

### 4. Please provide any comments regarding the proposed vision statement for the Agricultural Compensation Fund:

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

Make it abundantly clear that this fund is intended for the BC Peace River area and to mitigate somewhat the losses of the valley.

This fund should be considered primarily as a fund in perpetuity. Terms of Reference to be developed should show clearly what the fund can be used for.

That the \$20 million be deposited in a lump sum so as to manage the interest that might be accrued.

April 21, 2016

1. Agrifoods refers to agriculture, seafood, and food and beverage processing.

# D2. Agricultural Compensation Fund Governance C-1

## How should the Fund be administered?

Based on research into effective fund administering organizations, the following are proposed principles to guide fund administration.

### Proposed Principles of Fund Administration

- **Fair and Transparent:** The Fund must be administered in a fair and transparent manner so that all projects are reviewed and given equal consideration.
- **Regional Knowledge and Technical Expertise:** Regional knowledge of agricultural strengths, needs, challenges and opportunities combined with technical expertise will assist in good decision-making and assessment of project viability.
- **Professional:** The organization needs to be efficient in order to make timely decisions, it must be effective in document management and record keeping, and have strong communication capabilities to interact with and support Fund applicants.
- **Accountable:** The organization would ensure that the Fund meets the regulatory requirements set out by the Environmental Assessment Certificate Condition 30, and that funding recipients and projects meet the eligibility requirements of the Fund.
- **Inclusive:** The fund must be administered in a manner than recognizes the diversity of agricultural sectors, interests and opportunities in the Peace Region.

## Provide Your Feedback

### 5. Please provide any comments regarding the proposed principles of fund administration:

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

**Fair & Transparent:** Through a Board made up of local producers where there is EQUAL representation of all sectors regardless of whether there is an association supporting the sector including, but is not limited to grain, cattle, horticulture, sheep and bison.

By having a Terms of Reference that utilizes a scoring system to define and assess the qualification of projects.

**Regional Knowledge & Technical Expertise:** As above

**Professional:** The developement of a similar system to that of the Northern Development Initiative Trust (NDIT) should be examined. Using an existing organization (such as NDIT) will save on administration costs.

**Accountable:** The NDIT would be an example of what would ensure accountability.

**Inclusive:** Agreed that is important and is not to be distributed using a formula of the number of acres or count of cattle, but of the need to be able to utilize our land for the growing of food (horticulture).

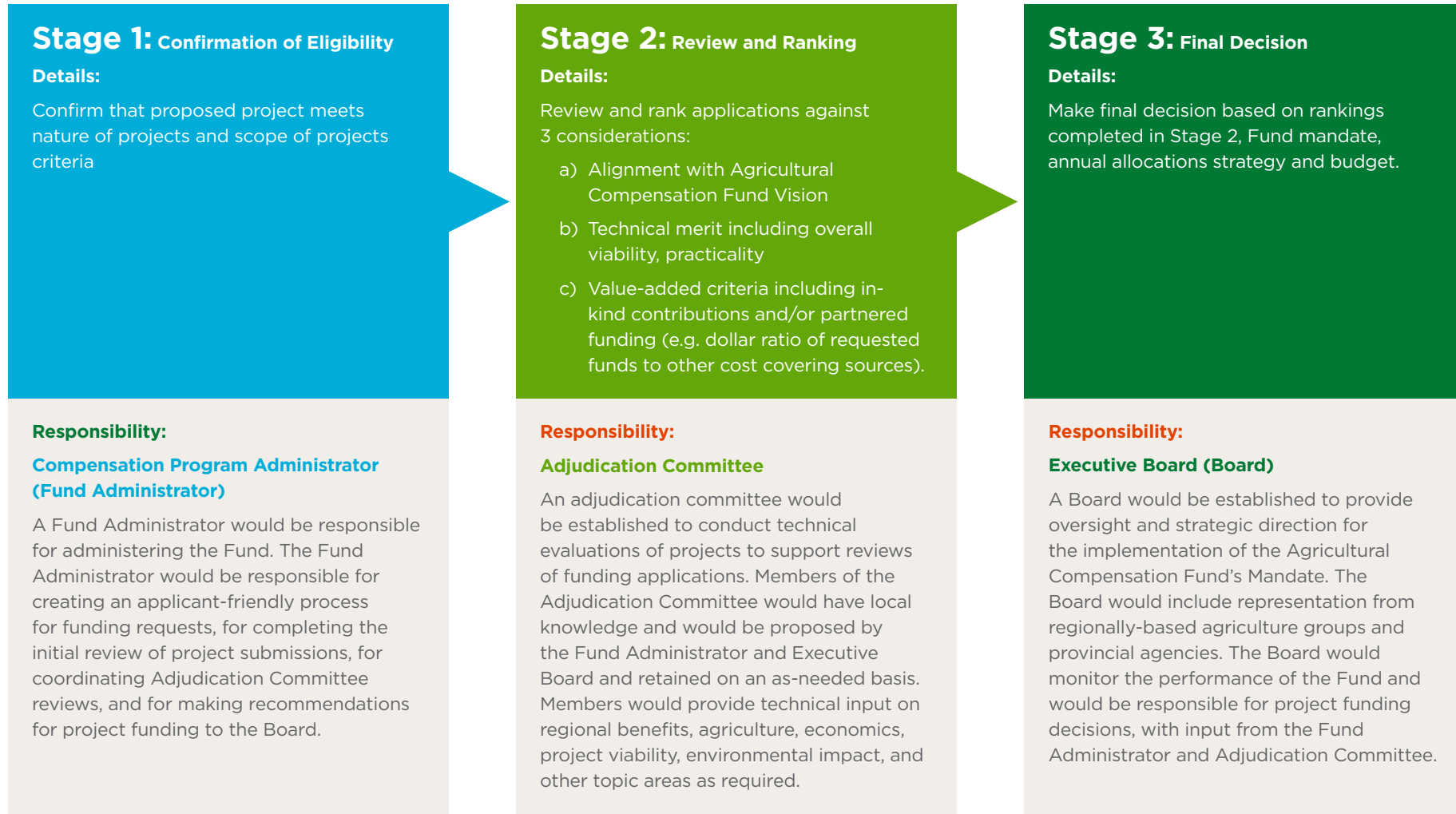
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### How should the fund be operated?

To achieve the administrative requirements outlined on the previous page, it is proposed that the Fund's organizational structure would include an Executive Board, an independent Fund Administrator, and an Adjudication Committee with agriculture and economic experts. Administration costs would be covered by the Fund. The proposed roles and responsibilities of each are outlined below and the relationship between each group is illustrated in the flowchart.

### How should projects be reviewed?

It is proposed that project funding applications would be reviewed using a three-stage process:



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**6. Please provide any comments regarding the proposed organizational structure of the Fund:**

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

[illegible]

**7. Please provide any comments regarding the proposed three-stage process for reviewing project funding applications.**

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

**Stage 1:** Through the development of the Terms of Reference, an application process and using the Agricultural Compensation Fund requirements, the eligibility of applications would be confirmed.

**Stage 2:** Ranking according to the criteria and the ability to match the fund with the proposed projects.

**Stage 3:** The Executive Committee, which should include Ministry of Agriculture staff, representatives of the commodity groups and representatives of horticulture groups, including organic producers, would make the final decisions based on the adjudication of qualifications.

**Provision of Feedback:** Needs to have perpetuity built into the TOR. If an application is requesting more than the funds available in any given year, then that application may have to be dealt with on a special plan over several years. Due to the compounded erosion of our valley lands, first in the Taylor area and now in the Bear Flats areas, has resulted in a loss of horticulture producers. This is a serious impediment to food security in our region. Food security must become a much higher priority. This needs to be recognized in the organizational structure for the fund.

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# D3. Agricultural Compensation Fund Eligibility

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## Who should be eligible to apply?

It is proposed that the following groups be eligible to apply for funds:

- Individuals and/or partnerships (including new entrants to agriculture)
- Non-profit organizations
- Peace Region industry associations, agencies, boards, and councils
- Educational institutions

## 8. Please rate your level of agreement with the proposed applicant categories noted above:

Strongly Agree	Somewhat Agree	Neither Agree Nor Disagree	Somewhat Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 9. Please provide any comments regarding the proposed applicant categories:

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

Yes - to individuals and/or partnerships (including new entrants to agriculture)

No - to non-profit organizations as this is too broad

Yes - to the Peace Region industry associations and agencies

No - to the educational institutions. If it qualifies through the application process for research in support of agriculture and the commodity group has an agreement with an educational institution to do the research then the application should be considered. However, applications should not be from the institutions themselves.

## What is the nature and scope of projects that should be funded?

We are interested in feedback regarding the nature and scope of projects that the agricultural community would like to see eligible for funding. BC Hydro has undertaken past consultation with agricultural stakeholders and the public regarding this topic.

In 2012, as part of public consultation regarding Site C, BC Hydro sought input regarding agriculture, asking consultation participants to rate their level of agreement with using funds from the agricultural compensation program to support the exploration of a range of regional agricultural mitigation project. 61 per cent of participants strongly or somewhat agreed with exploring the following types of projects:

- Crop irrigation research, development and infrastructure to enhance agricultural capability
- Vegetable sector projects, such as vegetable storage and processing facilities near transportation routes, to support development of higher-value agricultural production
- Forage sector projects to increase current forage and grain crop production levels
- Range and pasture sector improvements, such as clearing, seeding, fertilizing, and fencing, to increase capacity and local production
- Regional agricultural programs, such as invasive plant management, agricultural climate adaptation research or local food production programs

It is proposed that the Fund should consider a broad range of project categories to allow for consideration of projects that can provide maximum benefit to the agricultural sector. Based on this approach, the project categories proposed for the Fund include:

- Research and development
- Market development
- Training and education
- Capital investment for industry infrastructure
- Transportation and supply chain

The project criteria would be reviewed annually to ensure that it is current and comprehensive.

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**10. Please rate your level of agreement with projects in each of the following project categories being eligible for funding:**

	Strongly Agree	Somewhat Agree	Neither Agree Nor Disagree	Somewhat Disagree	Strongly Disagree
Research and Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Market Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Training and Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Capital Investment for Industry Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation and Supply Chain	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**11. Please provide any comments regarding the project criteria:**

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

Research into variety trials for crops including vegetables/fruits would be beneficial, also the ability to use abundant energy sources to heat greenhouses.

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## What is the nature and scope of projects that should be funded?

### Eligible Activities/Project

It is proposed that projects should address one or more of the following scope criteria related to agriculture in the Peace Region, and have demonstrated industry support, to be eligible:

- Land productivity (such as new crops and technology)
- Land base management (such as shelterbelts or windbreaks, weed management programs and improvements to grazing capacity)
- Land base improvements and infrastructure (such as livestock watering facilities, fencing for wildlife control and irrigation)
- Market access and infrastructure (such as regional value-added initiatives, institutions and services)
- Infrastructure and Transportation improvements (such as cleaning and packing, warehousing and storage, and distribution facilities to support vegetable industry)
- Sustainability (adoption of green and alternative technologies in place of fossil fuel-driven energy systems)
- Climate change response (on-farm responses and adaptations)
- New product and practice viability (studies, demonstrations to test new methods)

The list of eligible activities/projects would be reviewed annually and updated as needed to ensure that it is current, comprehensive, and distinct but complementary to other funding programs available to the agriculture sector.

### Ineligible Activities

The following activities are proposed to be ineligible for funding:

- Core activities of government or non-government agencies or programs, including lobbying activities
- Development of policy related to land or agricultural management
- Administration of government regulations
- Engagement in enforcement and compliance activities
- Costs incurred prior to formal notification of funding approval

## 12. Please provide any comments regarding the eligible and ineligible activities noted to the left:

(In consideration of privacy, do not identify yourself or other specific individuals in your written comments. Any comments including self-identification or identification of third parties will be discarded.)

Agree with the eligibility and ineligibility activities listed for projects, with the exception of the adoption of alternative technologies in place of fossil fuel driven energy systems. We have existing facilities that would qualify to help including some co-generation and there needs to be recognition that fossil fuels heat many homes and businesses in our region and provide the base for the LNG export facilities.

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### How should funds be allocated and over what time period?

A wide variety of approaches to fund allocation, including consideration of the size of awards, maximum duration of project funding, and frequency of disbursements have been explored.

The preferred approach for the Agricultural Compensation Fund is to retain flexibility to provide funding for projects that would provide the greatest benefits to agricultural production and agrifoods economic activity in the Peace River region. It is proposed that projects requesting over \$20,000 in

funds should have a minimum of one other funding source. The other funding sources could include in-kind contributions or other government or private funding. A second source of funding provides external validation of project value, and also creates a greater commitment by the project proponent to deliver the project. Specific details for fund applications and project requirements will be developed after the Fund Mandate is created.

The table below summarizes options considered by the Consultation Steering Committee for the following topics:

Topic	Options Considered	Research Findings
<b>Fund Duration</b> How long will the Fund be in place?	<ul style="list-style-type: none"> <li>• Single project investment (i.e., spend all \$20 million on a major investment such as an Agricultural Research and Development Centre)</li> <li>• Spread payout over a 5-, 10- or 20-year period</li> <li>• Endowment Approach, where only the interest would be allocated to projects</li> </ul>	<ul style="list-style-type: none"> <li>• Determining a specific timeframe for the Fund may limit eligible projects and Fund effectiveness.</li> </ul>
<b>Annual Allocation</b> How much would be dispersed from the Fund each year?	<ul style="list-style-type: none"> <li>• \$20 million in one year (i.e., single project investment)</li> <li>• \$4 million per year for 5 years</li> <li>• \$2 million a year for 10 years</li> <li>• \$1 million per year for 20 years</li> <li>• Endowment Approach, which could be continued in perpetuity</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-determining annual fund distribution totals may reduce the impact of the Fund by delaying funding of projects with merit.</li> </ul>
<b>Duration of Project Funding</b> How long should a project be eligible to receive funding for?	<ul style="list-style-type: none"> <li>• One year only</li> <li>• Multiple years, with an annual reporting requirement to secure funding for subsequent years</li> </ul>	<ul style="list-style-type: none"> <li>• Due to the seasonality of agriculture, several growing seasons are often required to understand the benefits of a new program, technology or process.</li> </ul>
<b>Project Funding Limits</b> What percentage of a project's cost should be eligible for funding?	<ul style="list-style-type: none"> <li>• No limit on individual project costs</li> <li>• Limited to \$500,000 per project, per applicant, per year</li> <li>• Limited to 50 per cent of a project's cost</li> <li>• Limit the % of in-kind contribution</li> <li>• Requirement of funding from at least one other source.</li> </ul>	<ul style="list-style-type: none"> <li>• Funding from a minimum of a second source provide validation of project value, and creates a greater commitment by the project proponent.</li> </ul>
<b>Application Submission Deadlines</b> When should project applications be accepted?	<ul style="list-style-type: none"> <li>• Pre-determined intake periods to focus review process on annual or bi-annual submissions</li> <li>• No deadlines – applications accepted and reviewed continuously</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-determined intakes for large applications assists in review processes, and efficiency of funding awards.</li> <li>• Consider allowance for small funding requests to be considered on an ongoing basis.</li> </ul>

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**About You****16. Which provincial agricultural region are you from?**

- ☒ Peace
- ☐ Omenica Skeena
- ☐ Cariboo Chilcotin Coast
- ☐ Thompson Nicola
- ☐ Okanagan
- ☐ Kootenay
- ☐ South Coast
- ☐ Vancouver Island/Coast

**17. What agricultural sector(s) are you active in?**

(select all that apply)

- ☒ Beef cattle ranching
- ☐ Dairy cattle
- ☐ Fruit and nut tree farming
- ☐ Field vegetables, melon farming and potato farming
- ☐ Greenhouse, mushroom, nursery and floriculture production
- ☐ Hog farming
- ☐ Forages
- ☐ Oilseed and grain farming
- ☐ Poultry and egg production
- ☒ Sheep and goat farming
- ☐ Other (please specify): \_\_\_\_\_

**18. What is your role within the agricultural sector?**

(select all that apply)

- ☐ Primary producer (farmer/rancher)
- ☐ Agriculture industry organization
- ☐ Agricultural service industry
- ☐ Agricultural product processor/marketer
- ☐ Agricultural researcher/educator
- ☒ Government representative
- ☐ Other (please specify): \_\_\_\_\_

**19. Please provide your contact information (optional):**

Jointly submitted by Karen Goodings, Brad Sperling, Leonard Hiebert

Name: &amp; Dan Rose

Organization: Peace River Regional District Electoral Area Directors

Position: Electoral Area Directors for Areas B, C, D &amp; E

Email Address: prrd.dc@prrd.bc.ca

Phone Number: 250 784-3200



**BC Hydro, Ministry of Agriculture and Ministry of Energy and Mines  
Consultation Steering Committee**

**Site C Clean Energy Project**

**Framework for an Agricultural Mitigation and Compensation Plan**

# **Consultation Summary Report**

**March 2016**

**April 21, 2016**

*Prepared by*  
**Kirk & Co. Consulting Ltd.**

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**Appendix 1:** Stakeholder Meeting Summaries

**Appendix 2:** Discussion Guide and Feedback Form

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## 1. Introduction

### 1.1. Framework for an Agricultural Mitigation and Compensation Plan

The Site C Clean Energy Project (Site C) will be a third dam and hydroelectric generating station on the Peace River in northeast B.C. Site C received environmental approvals from the federal and provincial governments in October 2014, and received approval from the Province of B.C. in December 2014.

The Provincial Environmental Assessment Certificate for the Site C Clean Energy Project includes Condition 30, which requires BC Hydro to develop an Agricultural Mitigation and Compensation Plan addressing the following requirements: establishing a \$20 million Agricultural Compensation Fund; implementing appropriate construction management practices; developing individual farm mitigation plans; and managing surplus agricultural land.

BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines are developing the Framework for an Agricultural Mitigation and Compensation Plan with input from Peace Region land owners, tenure holders, agricultural producers, and agricultural stakeholders, including local governments and First Nations.

In accordance with the requirements of the condition, the Framework for an Agricultural Mitigation and Compensation Plan will be submitted to the Peace River Regional District and the District of Hudson's Hope for review by July 2016. A draft Agricultural Mitigation and Compensation Plan will be provided for review in January 2017, and a final plan filed with the BC Environmental Assessment Office, Peace River Regional District, District of Hudson's Hope, the Ministry of Agriculture and the Ministry of Forests, Lands and Natural Resource Operations by July 2017. In addition, the Framework, draft Plan and final Plan will be posted on the Site C website for review, and notification will be provided to affected land owners, tenure holders, agricultural stakeholders, and consultation participants.

BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines has established a Consultation Steering Committee to guide consultation with agricultural stakeholders regarding the framework for the Agricultural Mitigation and Compensation Plan. The Consultation Steering Committee is seeking and receiving advice from regional advisors: Hon. Mike Bernier, MLA for Peace River South, and Pat Pimm, MLA for Peace River North.

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## 2. Stakeholder Consultation – November 2015-January 2016

Stakeholder consultation regarding the Framework for an Agricultural Mitigation and Compensation Plan took place from November 23, 2015 to January 29, 2016. This report summarizes input received during the stakeholder consultation process.

### 2.1 Purpose – Stakeholder Consultation

During stakeholder consultation, BC Hydro, the Ministry of Agriculture and the Ministry of Energy and Mines presented content from the draft Framework for an Agricultural Mitigation and Compensation Plan, and sought input regarding four key components of the Plan:

- A. Implementation of appropriate construction management practices, as they pertain to agriculture
- B. Approach to development of individual farm mitigation plans
- C. Approach to management of surplus agricultural land
- D. Establishment of a \$20 million Agricultural Compensation Fund

The input received during stakeholder consultation is summarized in this report and will be considered, along with technical and financial information, as BC Hydro, the Ministry of Agriculture and the Ministry of Agriculture and Mines develop the Framework for the Agricultural Mitigation and Compensation Plan.

### 2.2 Notification

Notification of opportunities to participate in stakeholder consultation included the following:

- **Invitation and Reminder Emails:** Notification emails were sent to approximately 125 Peace River agricultural stakeholders, encouraging participation in stakeholder meetings and reminding them of the opportunity to participate in online consultation.
  - **Invitation to Participate:** Sent to stakeholder meeting invitees on November 9, November 17 and December 21, 2015 and January 4 and 25, 2016
  - **Thank You and Reminder to Submit Feedback:** Sent to stakeholder meeting attendees on December 17, 2015, and January 1 and January 18, 2016
- **Reminder Phone Calls:** Calls were made in follow-up to the email invitations, inviting or reminding people about meetings and the online consultation.
- **Website:** Information regarding the Agricultural Stakeholder Consultation is available on the Site C Project website ([www.sitecproject.com/agricultural-stakeholder-consultation](http://www.sitecproject.com/agricultural-stakeholder-consultation)). The consultation discussion guide and an online feedback form were posted on the website on November 23, 2015.

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## 2.3 Participation

There were a total of **114 participant interactions** during the stakeholder consultation regarding the Framework for an Agricultural Mitigation and Compensation Plan:

- 81 people attended four stakeholder meetings
- 30 feedback forms were received
- 3 written submissions were received

It should be noted that some stakeholders participated through multiple methods, such as attending one or more stakeholder meetings, and providing a feedback form or a written submission.

## 2.4 Consultation Methods

Stakeholder consultation materials were available online at [www.sitecproject.com/agricultural-stakeholder-consultation](http://www.sitecproject.com/agricultural-stakeholder-consultation) beginning on November 23, 2015. Input and feedback were collected using the discussion guide, online consultation and stakeholder meetings as described below.

### 2.4.1 Discussion Guide and Feedback Form

A Discussion Guide presented the proposed Framework for an Agricultural Mitigation and Compensation Plan and additional detail on draft components relevant to the Agricultural Compensation Fund. A Feedback Form included in the Discussion Guide invited comment regarding four key elements of the Plan:

- A. Implementation of appropriate construction management practices, as they pertain to agriculture
- B. Approach to development of individual farm mitigation plans
- C. Approach to management of surplus agricultural land
- D. Establishment of a \$20 million Agricultural Compensation Fund

The Discussion Guide and Feedback Form was developed by the Consultation Steering Committee with input from the Regional Advisors.

The Discussion Guide and Feedback Form was distributed in hardcopy at four stakeholder meetings, and was available on the Site C Project website, and through web links from the Ministry of Agriculture.

### 2.4.2 Online Consultation

The discussion guide was available on the Site C Project website ([www.sitecproject.com/agricultural-stakeholder-consultation](http://www.sitecproject.com/agricultural-stakeholder-consultation)) as well as an online feedback form which could be submitted directly from the website.

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### 2.4.3 Stakeholder Meetings

81 people attended four stakeholder meetings. It should be noted that some people attended more than one meeting.

Meetings were held on the following dates:

Stakeholder Meetings		
Date	Time	Location
Wednesday, December 2, 2015	1:00-3:00 p.m.	Hudson's Hope
Thursday, January 7, 2016	1:00-3:00 p.m.	Fort St. John
Tuesday, January 12, 2016	1:00-3:00 p.m.	Dawson Creek
Wednesday, January 13, 2016	1:00-3:00 p.m.	Chetwynd

A Kirk & Co. facilitator attended the stakeholder meetings with the Consultation Steering Committee. At each meeting, participants were provided with the discussion guide and were encouraged to provide a completed feedback form or a submission. Members of the Consultation Steering Committee presented the contents of the discussion guide, focusing on the consultation topics, and participants were invited to ask questions and provide feedback during the meeting.

The Consultation Steering Committee stated during the meetings that it was also seeking guidance from the BC Environmental Assessment Office with respect to the governance and allocation of the Agricultural Compensation Fund and any requirements they would have of BC Hydro in satisfying the EAC conditions.

Key themes from each of the stakeholder meetings are provided in Section 3.1 and summary notes from each meeting are included in Appendix 1.

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### 3. Consultation Results

#### 3.1 Key Themes from Stakeholder Meetings

The following are the key themes from the four stakeholder meetings.

Meeting	Key Themes
Hudson's Hope December 2, 2015 1:00 – 3:00 p.m.	<ul style="list-style-type: none"> <li>Participants expressed an interest in refining the Agricultural Compensation Fund's geographic scope to be focused on the Peace River Valley, rather than the Peace Region, because the Peace River Valley is the area that will experience the greatest impact due to the Site C Project.</li> <li>Participants asked that BC Hydro clarify the approach for engaging directly with affected landowners on topics including highway relocation, land acquisition, Statutory Right of Ways, and monitoring plan findings.</li> <li>Participants were interested in establishing a regional working group to provide further input on the Agricultural Compensation Fund framework.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>
Fort St. John January 7, 2016 1:00 – 3:00 p.m.	<ul style="list-style-type: none"> <li>Participants stressed the importance of having regional administration of the Agricultural Compensation Fund, and regional decisions on funding awards.</li> <li>Participants discussed various existing fund managers that may be able to play a role in the compensation fund going forward.</li> <li>Participants expressed interest in BC Hydro transferring the full amount of the agricultural compensation fund of \$20 million as a lump sum to enable the fund administrator to accrue interest over time.</li> <li>Some local agriculture producer groups expressed interest in the fund being distributed in larger amounts chunks to have a greater impact</li> <li>Some government representatives expressed interest in annual funding that would last in perpetuity for long term benefit.</li> <li>Participants commented on potential project eligibility criteria for the fund, and in general expressed interest in maintaining a flexible framework to ensure the best projects are selected for funding with examples including agricultural infrastructure projects and low-interest loans.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>
Dawson Creek January 12, 2016 1:00 – 3:00 p.m.	<ul style="list-style-type: none"> <li>Participants stated that the Agricultural Compensation Fund should be regionally managed, and that local agricultural producers should be the final decision makers.</li> <li>Participants expressed interest in creating an executive board to govern the fund, with 1/3 livestock industry representatives, 1/3 crop producers and 1/3 various other minor commodities groups including horticulture.</li> <li>Participants requested that the Fund be allocated in a lump sum endowment of \$20 million.</li> <li>Participants expressed interest in retaining flexibility of eligibility and the criteria for applications, to avoid exclusion of potentially beneficial projects. Participants considered fund eligibility for on-farm investments, multiple-year funding, and interest-free or low interest loans.</li> </ul>

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Meeting	Key Themes
	<ul style="list-style-type: none"> <li>Participants identified the need to support new, young entrants into agriculture.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>
Chetwynd January 13, 2016 1:00 – 3:00 p.m.	<ul style="list-style-type: none"> <li>Participants expressed an interest in creating a new cross-producer society to manage/disburse the fund, and not an adaptation of an existing group or fund manager, to ensure all interested stakeholders are represented.</li> <li>Participants commented on fund governance, articulating the need for an executive board comprised of local agricultural producers, with positions for smaller groups and new entrants. Participants commented that the executive board should have a clear terms of reference to ensure fairness, and that the terms of reference should be reviewed every two to five years.</li> <li>Participants expressed interest in the compensation fund of \$20 million being paid out in a lump sum from BC Hydro, and managed as an endowment, with flexibility in annual payments.</li> <li>Participants commented on criteria and eligibility, expressing interest in ensuring individual producers have ways of participating in the fund – both on advisory board and as applicants. Participants proposed that 30 per cent of each year's funding be available for individual projects.</li> <li>Participants expressed the need for new, young entrants into the farming industry and a need for educational agriculture programming.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>

### 3.2 Results from Feedback Forms

The following summarizes input received through 30 feedback forms. It should be noted that not all respondents provided a response to all questions and that a response may have included more than one theme.

#### A. Implementation of Standard Construction Mitigation Measures

Standard construction mitigation measures are included in the Site C Project's Construction Environmental Management Plan (CEMP). The CEMP outlines the requirements for Environmental Protection Plans, which must be developed by contractors prior to the commencement of construction activities.

These plans include standard mitigation measures for all aspects of construction, including those that may affect agricultural land and operations. Plans related to agricultural land include:

- **Soil Management, Site Restoration and Re-vegetation Plan** – restoration of temporarily affected agricultural land during construction;
- **Borrow and Quarry Site Reclamation Plan** – restoration of temporarily affected agricultural land within quarries and pits developed during construction;
- **Vegetation and Invasive Plant Management Plan** – mitigation of potential effects to agricultural land through protection of vegetation and limiting the spread of invasive plants; and
- **Traffic Management Plans** – mitigation of potential construction effects on individual farm operations as a result of increased traffic and road closures.

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# 1. Please provide any comments regarding the implementation of standard construction mitigation measures.

The following are the key themes from the 15 responses to this question:

- 7 respondents noted that agricultural transportation needs to be considered during project construction, including suggestions that roads should have wider shoulders and pull outs to accommodate large and slow moving agricultural vehicles, that agricultural and local resident traffic should have priority, and that roads should be connected across the Peace River
- 3 respondents commented on the need to manage weeds and invasive plants, noted that BC Hydro should rely on the experience of local seed producers and local seed companies to determine re-vegetation plans and source local seed, and that equipment should be cleaned before entering construction sites. One respondent noted that “limiting” the spread of invasive plants is not acceptable, and that the goal should instead be preventing the spread of invasive plants.
- 1 respondent stated that highway improvements should be realigned around farms, orchards, gardens and buildings as to not drive farmers away from the valley
- 1 respondent suggested that any disturbed soils should be stockpiled and protected so that it can be returned to its original location, that disturbed areas should be returned to as good or better than they were found, and that attempts should be made to create more agricultural land within disturbed areas through levelling, draining or soil rehabilitation
- 1 respondent stated that standard mitigation measures applied to all construction activities is not adequate, and that there should be individual plans developed for each aspect of construction based on the land base that would be affected
- 1 respondent noted that cumulative effects of construction activities needs to be considered, and that support is needed to facilitate affected landowners to provide input into minimizing daily impacts into landowner activities. Traffic management was provided as an example of an activity that could be resolved through discussion and land owner input
- 1 respondent commented that local environmental companies should monitor the construction sites
- 1 respondent noted that reclamation efforts should be planned and signed off by Ministry of Agricultural agrologists and a third-party agrologist (i.e., not affiliated with BC Hydro)
- 1 respondent noted they are concerned about the destruction of mother earth

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## B. Approach to the Development of Individual Farm Mitigation Plans

In accordance with Condition 30, BC Hydro “*must evaluate effects on agricultural land owners and tenure holders, and develop mitigation and compensation measures consistent with industry compensation standards, to mitigate effects or compensate for losses.*” Also, BC Hydro’s plan must include “*funding for mitigation actions for disruptions to agricultural land owners and tenure holders.*”

BC Hydro evaluated effects on agricultural land owners and tenure holders as part of the agricultural assessment during the environmental assessment phase. As part of this assessment, interviews were held with potentially-affected farm operators and/or owners in 2011 and 2012. There are 34 farm operations where a portion of the operation is within the Site C project activity zone. Of the 34, 22 owners or operators agreed to participate, and provided information about current and potential future agricultural activities. The results of the interviews were used, along with other information, such as from Statistics Canada and direct observations about farm operations, to inform the agricultural assessment.

Now that Site C has moved into construction, BC Hydro’s properties team will discuss with agricultural land owners and tenure holders potential effects of the project on their land and operations, including potential mitigation actions related to disruption of their continuing agricultural operations. Where agricultural land is required for the Project it will be acquired at fair market value, and associated financial losses, including funding of mitigation actions and compensation for those effects which cannot be mitigated, if any, will be reimbursed as described in Section 11.3 of the Site C Environmental Impact Statement (Land Status, Tenure and Project Requirements).

The identification of specific mitigation actions that may require funding related to disruption of each agricultural operation will be identified by BC Hydro in private discussions with agricultural land owners and tenure holders whose land or rights may be affected by the Project. For example, potential mitigation actions may include changes to driveways to address changes to farm access, consideration of changes to unauthorised public access, relocation of farm infrastructure such as buildings, wells or fencing, or other disruptions to current agricultural operations. Where such effects cannot be avoided, individual farm mitigation plans will be developed to determine compensation for financial losses due to disruptions to agricultural land use, consistent with industry compensation standards. Funding for individual farm mitigation or compensation will be in addition to the \$20 million Agricultural Compensation Fund.

## 2. Please provide any comments regarding the approach to the development of individual farm mitigation plans.

The following are the key themes from the 15 responses to this question:

- 6 respondents commented that consultation with affected agricultural operators and land owners regarding the development of individual farm mitigation plans must be respectful and meaningful
- 6 respondents noted that funding for individual farm mitigation must be completely separate from the \$20 million Agricultural Compensation Fund
- 2 respondents stated that individual farm mitigation must be provided on a fair, equal and adequate basis

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- 2 respondents noted a need for a dispute resolution process, including a suggestion of an independent arbitrator and that BC Hydro needs to address current identified disputes with land owners
- 1 respondent noted that removal of key lands may affect the operability of an entire business, and that BC Hydro should compensate for this
- 1 respondent stated that highways should be fenced to prevent trespassers from accessing private property, that underpasses should be installed to allow wildlife and cattle to cross the highway safely, and that a third-party should evaluate the effects of the reservoir on agriculture, noting that they believe BC Hydro has underestimated the effects of the project on agriculture
- 1 respondent asked that BC Hydro be transparent and not ask for or enforce confidentiality regarding individual rates of compensation
- 1 respondent stated that BC Hydro should give individual farm owners/operators whatever they want
- 1 respondent suggested that BC Hydro provide land not needed for the project to landowners and First Nations as part of compensation
- 1 respondent stated that funding should be provided to the most affected parties and that priority should be given to families losing their livelihood as a result of the project
- 1 respondent suggested that it is too early to determine the impacts of the project
- 1 respondent stated that the creation of the reservoir would increase humidity and fog and asked how this would be mitigated
- 1 respondent stated that they did not want to see any development

### C. Approach to Management of Surplus Agricultural Lands

In accordance with Condition 30, BC Hydro's Agricultural Mitigation and Compensation Plan must include *"inclusion of suitable land in the Agricultural Land Reserve in consultation with the Agricultural Land Commission"*, and *"when residual parcels are to be sold, consolidate and / or connect residual agricultural parcels with adjacent agricultural land holdings, where practical and when owner(s) and BC Hydro agree."*

These conditions reflect the fact that, through the process of land acquisition for Site C, BC Hydro will end up with surplus land holdings that may be suitable for future agricultural land use. BC Hydro will be in a position to begin the process of identifying lands that are surplus, or not directly required for the project, approximately five years after the completion of construction. This timeline allows for the results of reservoir shoreline monitoring to inform this process, as well as the establishment of long-term mitigation measures that may include establishment of areas such as wildlife habitat compensation lands or recreation sites. Until that time, BC Hydro-owned lands will continue to be managed in a responsible manner that supports, as appropriate, agricultural land use and wildlife habitat, and continues to ensure responsible approach to noxious weed management.

Surplus lands will be assessed against land use priorities to determine their suitability for various potential uses, including land required to mitigate project effects. Consideration will be guided by ongoing conditions associated with project approvals, including vegetation and wildlife habitat compensation, agricultural land use interests and Aboriginal interests, as well as community interests as stated in official community plans and zoning.

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For those lands retained as wildlife habitat compensation, there will be management plans developed. Continued agricultural use of these lands is also an objective. BC Hydro will work with government agencies, Aboriginal groups and other potentially affected stakeholders to identify the habitat management objectives, specific actions for the maintenance, creation or enhancement of targeted habitat features, compatible land use including agricultural practices, and other property-specific management considerations.

BC Hydro-owned land deemed surplus to project or mitigation requirements, and that have continuing agricultural value, may be dealt with in several ways. First, when these land parcels are to be sold, BC Hydro will make efforts to consolidate or connect residual agricultural parcels with adjacent agricultural land holdings, where practical and where owners agree. Secondly, BC Hydro will consult with the Agricultural Land Commission and adjacent landowners to include suitable land in the Agricultural Land Reserve.

### 3. Please provide any comments regarding the management of surplus agricultural lands

The following are the key themes from the 15 responses to this question:

- 8 respondents stated that original seller/previous owner should have the first right of refusal for surplus lands
- 5 respondents stated that all tools available should be used to maintain the production of unused agricultural land before, during and after construction
- 4 respondents stated that adjacent land owners should have second right of refusal for surplus lands
- 4 respondents stated that previous renters or adjacent land owners should have second right of refusal for surplus lands
- 1 respondent stated that other agricultural producers should have third right of refusal for surplus lands
- 1 respondent stated that all surplus lands should be in good condition that would allow for immediate use (i.e., no invasive plants or garbage)
- 1 respondent stated that young farmers should have third right of refusal to purchase or lease lands at a low price to encourage farming among young people
- 1 respondent stated that those who have lost the most amount of land should have first right of refusal for surplus lands
- 1 respondent suggested that surplus lands should first be provided to the original owners free of charge, followed by offered to nearby farmers and ranchers free of charge, sold at a low price to family-run market gardens, and lastly turned into a park with some hunting to manage wildlife populations
- 1 respondent stated that flooded owners/farmers should have the first right of refusal for surplus land
- 1 respondent stated that surplus lands should be re-vegetated to prevent growth and spread of weeds
- 1 respondent stated that those in the surrounding Peace Region should have the third right of refusal for surplus land, followed by those outside the Peace region
- 1 respondent suggested that First Nations should be given a high priority for the acquisition of surplus lands to compensate for the loss of areas to practice Treaty Rights in the area
- 1 respondent expressed concern with the timeline regarding the availability of surplus lands, noting that having to wait 15 years could impact the viability of some operations,

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and suggesting that surplus lands should be identified earlier and used in the interim period

- 1 respondent stated that a last refusal clause should be included to provide the previous occupant with the opportunity to accept any of the offers on the table before their tenure is cancelled
- 1 respondent suggested that input from the Peace Valley Landowner Association is needed to develop fair and equitable processes and options
- 1 respondent stated that the “pipeline” will destroy the land needed for survival

## **D. Establishment of an Agricultural Compensation Fund**

### **D1. Agricultural Compensation Fund Vision**

#### **Why are we creating an Agricultural Compensation Fund?**

The construction and operations of the Site C Clean Energy Project will affect agricultural land and operations in the Peace Region. To mitigate this impact to agricultural economic activity, BC Hydro will create a \$20 million Agricultural Compensation Fund (the Fund) to support enhancement projects that improve agricultural land, productivity, and systems. As discussed in separate sections, other mitigation is proposed to address other effects, including standard construction management, surplus agricultural land management, and physical monitoring programs for agriculture.

#### **Where should the Fund be targeted and what should it cover?**

The Site C Clean Energy Project’s physical footprint is in the Peace Region. Therefore it is proposed that the Fund be targeted to activities that will enhance agricultural lands, operations, or agrifoods<sup>1</sup> economic activity in the Peace Region. The geographic target for the Fund will be the area of the BC Peace River Regional District.

#### **Proposed Vision Statement**

Based on the information above, the following is the proposed vision statement for the Agricultural Compensation Fund: *“Enhance the Peace Region’s opportunity for agricultural production and agrifoods economic activity.”*

## **4. Please provide any comments regarding the proposed vision statement for the Agricultural Compensation Fund.**

The following are the key themes from the 15 responses to this question:

- 8 respondents noted that the Agricultural Compensation Fund should be used only to directly benefit the agricultural sector in the Peace Region and not elsewhere in the province
- 1 respondent stated that the vision statement should be changed from “Peace Region” to “Peace Valley”, noting that the effects from the project are in the Peace River Valley, and that those elsewhere in the Peace Region do not need the money
- 1 respondent stated that BC Hydro must help improve the agricultural land left in the Peace Valley
- 1 respondent stated that a significant percentage of the Agricultural Compensation Fund should be allocated to developing the unrealized potential of the horticultural sector in the Peace Valley

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- 1 respondent suggested replacing “enhance” to “support”, noting that enhancement is subjective and hard to predict prior to starting a project
- 1 respondent stated that they agree with using the Peace River Regional District (PRRD) boundaries for the area for the fund, but that the PRRD (i.e., elected officials and staff) should have no involvement in the fund or its administration
- 1 respondent commented that the fund should be weighted towards projects and programs that address and mitigate specific losses arising from Site C
- 1 respondent confirmed that the vision statement is separate from individual farm mitigation
- 1 respondent commented that the fund should be paid in one lump sum to a responsible board of agricultural producers
- 1 respondent noted their opposition to development

## D2. Agricultural Compensation Fund Governance

### How should the Fund be administered?

Based on research into effective fund administering organizations, the following are proposed principles to guide fund administration.

### Proposed Principles of Fund Administration

- **Fair and Transparent:** The Fund must be administered in a fair and transparent manner so that all projects are reviewed and given equal consideration.
- **Regional Knowledge and Technical Expertise:** Regional knowledge of agricultural strengths, needs, challenges and opportunities combined with technical expertise will assist in good decision-making and assessment of project viability.
- **Professional:** The organization needs to be efficient in order to make timely decisions, it must be effective in document management and record keeping, and have strong communication capabilities to interact with and support Fund applicants.
- **Accountable:** The organization would ensure that the Fund meets the regulatory requirements set out by the Environmental Assessment Certificate Condition 30, and that funding recipients and projects meet the eligibility requirements of the Fund.
- **Inclusive:** The fund must be administered in a manner than recognizes the diversity of agricultural sectors, interests and opportunities in the Peace Region.

### 5. Please provide any comments regarding the proposed principles of fund administration.

The following are the key themes from the 15 responses to this question:

- 2 respondents stated that local agricultural producers or producer groups should be administering the Fund, with government providing technical information and guidance
- 2 respondents stated that administration should be inclusive of agricultural people in the Peace Region, and not just large associations, noting that previous funds in the Peace Region have gone to benefit a small number of large associations
- 1 respondent suggested that First Nations be represented in the administration of the Fund
- 1 respondent noted that the Fund should be exclusively for the Peace Region
- 1 respondent stated that the Fund should be administered by a new entity set up for this specific purpose with representation across Peace Valley producers, and not attached to a specific entity or producer group

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- 1 respondent stated that the Fund should consider providing bursaries for post-secondary education
- 1 respondent noted that the principles should be followed to the letter
- 1 respondent suggested that administration costs should not come out of the Fund
- 1 respondent stated that administration should be made up of local volunteers to keep costs down and that BC Hydro and government should not be involved
- 1 respondent noted their opposition to development

**How should the fund be operated?**

To achieve the administrative requirements outlined on the previous page, it is proposed that the Fund's organizational structure would include an Executive Board, an independent Fund Administrator, and an Adjudication Committee with agriculture and economic experts. Administration costs would be covered by the Fund. The proposed roles and responsibilities of each are outlined below and the relationship between each group is illustrated in the flowchart.

**How should projects be reviewed?**

It is proposed that project funding applications would be reviewed using a three-stage process, shown on the next page

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### Stage 1: Confirmation of Eligibility

#### Details:

Confirm that proposed project meets nature of projects and scope of projects criteria

### Stage 2: Review and Ranking

#### Details:

Review and rank applications against 3 considerations:

- a) Alignment with Agricultural Compensation Fund Vision
- b) Technical merit including overall viability, practicality
- c) Value-added criteria including in-kind contributions and/or partnered funding (e.g. dollar ratio of requested funds to other cost covering sources).

### Stage 3: Final Decision

#### Details:

Make final decision based on rankings completed in Stage 2, Fund mandate, annual allocations strategy and budget.

#### Responsibility:

#### Compensation Program Administrator (Fund Administrator)

A Fund Administrator would be responsible for administering the Fund. The Fund Administrator would be responsible for creating an applicant-friendly process for funding requests, for completing the initial review of project submissions, for coordinating Adjudication Committee reviews, and for making recommendations for project funding to the Board.

#### Responsibility:

#### Adjudication Committee

An adjudication committee would be established to conduct technical evaluations of projects to support reviews of funding applications. Members of the Adjudication Committee would have local knowledge and would be proposed by the Fund Administrator and Executive Board and retained on an as-needed basis. Members would provide technical input on regional benefits, agriculture, economics, project viability, environmental impact, and other topic areas as required.

#### Responsibility:

#### Executive Board (Board)

A Board would be established to provide oversight and strategic direction for the implementation of the Agricultural Compensation Fund's Mandate. The Board would include representation from regionally-based agriculture groups and provincial agencies. The Board would monitor the performance of the Fund and would be responsible for project funding decisions, with input from the Fund Administrator and Adjudication Committee.

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## 6. Please provide any comments regarding the proposed organizational structure of the Fund.

The following are the key themes from the 14 responses to this question:

- 8 respondents stated that the proposed organizational structure is top heavy and would lead to high administrative costs
- 7 respondents suggested that a new non-profit group be established to administer the Fund
- 5 respondents provided a suggested structure for the administration of the Fund:
  - Establish an executive board/committee of 7-10 members
  - Executive board/committee to be comprised entirely of agricultural producers from BC
  - Executive board/committee would review and approve all applications, and audit projects
  - Executive board/committee would be supported by an administrative staff person/clerk
  - Executive board/committee could include one ex-officio/non-voting position for a BC Hydro or Ministry of Agriculture representative
  - Producer group to be involved in the development of the terms of reference and composition of the executive board/committee
- 2 respondents suggested that the Fund board be made up of volunteers as to reduce administration costs
- 1 respondent suggested holding a general meeting of landowners in the Peace Valley on an annual basis to elect a board that would meet four times a year to hear pitches from applicants and to discuss/approve projects
- 1 respondent generally agreed with the proposed organizational structure noting that it needs to be cost effective and avoid duplication
- 1 respondent suggested that an administrator should be paid to review applications to ensure they meet basic criteria and then forward them to a board for approval
- 1 respondent stated that the Fund should be used only to pay for “on ground” projects of individual producers, and that producers should be required to provide 50% of funding for their projects
- 1 respondent stated that BC Hydro should assume the cost of administration
- 1 respondent commented that agricultural producers in the Peace Region have the local knowledge to know what is best for agriculture in the region
- 1 respondent noted their opposition to development

## 7. Please provide any comments regarding the proposed three-stage process for reviewing project funding applications.

The following are the key themes from the 12 responses to this question:

- 7 respondents commented that it should be a priority to keep administrative costs low
- 5 respondents stated that the three-stage process is too top heavy and would result in high administration costs
- 3 respondents provided an alternate process for the review of applications involving an executive board/committee and administrative staff/clerk, without an advisory committee:
  - Administrative staff/clerk to review applications for completeness and eligibility
  - Executive board/committee to make decisions on each application

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- 1 respondent stated that while it is important to keep administration costs low, that administration must be effective and assist groups with the application process and with timely application approval
- 1 respondent stated that while they did not support including an advisory committee, if an advisory committee was to be established, it should serve a real purpose and decision-making role
- 1 respondent suggested that there should be one board, elected yearly from people in the Peace Valley, and that four public meetings should be held each year where applicants would pitch directly to the board for approval
- 1 respondent suggested that criteria be established to give stronger consideration for Peace Valley projects or opportunities directly impacted by Site C
- 1 respondent suggested that requirements for projects should be posted online so that applicants can see whether their project meets the requirements
- 1 respondent suggested that the board should be made up of one employee from the Ministry of Agriculture and volunteer representatives from agricultural producers
- 1 respondent noted their opposition to development

### D3. Agricultural Compensation Fund Eligibility

#### Who should be eligible to apply?

- It is proposed that the following groups be eligible to apply for funds:
- Individuals and/or partnerships (including new entrants to agriculture)
- Non-profit organizations
- Peace Region industry associations, agencies, boards, and councils
- Educational institutions

### 8. Please rate your level of agreement with the proposed applicant categories noted above

Strongly Agree	0
Somewhat Agree	5
Neither Agree Nor Disagree	2
Somewhat Disagree	3
Strongly Disagree	3

Total responses: 13

### 9. Please provide any comments regarding the proposed application categories

The following are the key themes from the 16 responses to this question:

- 8 respondents stated that the Fund should be for agriculture only
- 6 respondents stated that as the Fund should benefit agricultural activities in the Peace Region, the word "agriculture" and/or "Peace River agriculture" should be added to the category names
- 4 respondents noted that any funds to educational institutions for training or research must be used to directly benefit agriculture in the Peace Region
- 3 respondents suggested that training and education could include youth related projects, training or scholarships

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- 2 respondents stated that they felt the categories are broad enough to enable desired activities
- 1 respondent noted that horticulture does not appear to be represented in the Peace Region
- 1 respondent stated that they do not support “individuals or partnerships” if the funds are used entirely for personal gain
- 1 respondent commented that any group that has a project with demonstrated benefit for the entire region should be eligible
- 1 respondent stated that First Nations should have a separate category and receive funds on an annual basis
- 1 respondent noted that while they do not think this money should be available to anyone, if it does get provided, it should go to agricultural producers
- 1 respondent commented that affected Peace Valley producers should not be excluded, but encouraged and assisted to benefit from the Fund
- 1 respondent stated that educational institutions should be considered last among applicants
- 1 respondent noted their opposition to development

### **What is the nature and scope of projects that should be funded?**

We are interested in feedback regarding the nature and scope of projects that the agricultural community would like to see eligible for funding. BC Hydro has undertaken past consultation with agricultural stakeholders and the public regarding this topic.

In 2012, as part of public consultation regarding Site C, BC Hydro sought input regarding agriculture, asking consultation participants to rate their level of agreement with using funds from the agricultural compensation program to support the exploration of a range of regional agricultural mitigation project.

61 per cent of participants strongly or somewhat agreed with exploring the following types of projects:

- Crop irrigation research, development and infrastructure to enhance agricultural capability
- Vegetable sector projects, such as vegetable storage and processing facilities near transportation routes, to support development of higher-value agricultural production
- Forage sector projects to increase current forage and grain crop production levels
- Range and pasture sector improvements, such as clearing, seeding, fertilizing, and fencing, to increase capacity and local production
- Regional agricultural programs, such as invasive plant management, agricultural climate adaptation research or local food production programs

It is proposed that the Fund should consider a broad range of project categories to allow for consideration of projects that can provide maximum benefit to the agricultural sector. Based on this approach, the project categories proposed for the Fund include:

- Research and development
- Market development
- Training and education
- Capital investment for industry infrastructure
- Transportation and supply chain

The project criteria would be reviewed annually to ensure that it is current and comprehensive.

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**10. Please rate your level of agreement with projects in each of the following project categories being eligible for funding:**

	Strongly Agree	Somewhat Agree	Neither Agree Nor Disagree	Somewhat Disagree	Strongly Disagree
Research and Development (n=13)	3	4	2	3	1
Market Development (n=13)	4	3	2	2	2
Training and Education (n=13)	3	2	7	0	1
Capital Infrastructure for Industry Infrastructure (n=13)	3	4	2	1	3
Transportation and Supply Chain (n=13)	0	3	4	4	2

**11. Please provide any comments regarding the project criteria.**

The following are the key themes from the 13 responses to this question:

- 7 respondents stated that the new executive committee/board should establish eligibility and project criteria
- 4 respondents commented that projects directly offsetting lost agricultural opportunities in the Peace Valley as a result of Site C should be prioritized
- 3 respondents stated that the executive committee/board would establish a scoring system and priorities in an annual work plan
- 2 respondents noted that a problem facing the agricultural sector is the aging population of producers, and stated that efforts should be made to encourage and support youth in agricultural in the Peace Region
- 1 respondent recommended keeping the funding areas as broad as possible
- 1 respondent stated that funding should not cover operational expenses of producers or organizations
- 1 respondent suggested supporting First Nations in the agricultural sector, including training and direction
- 1 respondent stated that they do not support the use of the Fund for capital investment
- 1 respondent noted that they do not support the concept of the Fund providing interest free loans
- 1 respondent stated that the horticultural industry does not have an organized voice, but should be encouraged through the Fund
- 1 respondent noted that each project decision should be based on its merits to provide benefits to the region
- 1 respondent emphasized that investment should only be made to benefit agriculture in the Peace River Valley, not elsewhere in the Peace Region such as Dawson Creek, Rolla or Chetwynd
- 1 respondent asked how agriculture would be affected outside the valley
- 1 respondent noted their opposition to development

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## What is the nature and scope of projects that should be funded?

### Eligible Activities/Project

It is proposed that projects should address one or more of the following scope criteria related to agriculture in the Peace Region, and have demonstrated industry support, to be eligible:

- Land productivity (such as new crops and technology)
- Land base management (such as shelterbelts or windbreaks, weed management programs and improvements to grazing capacity)
- Land base improvements and infrastructure (such as livestock watering facilities, fencing for wildlife control and irrigation)
- Market access and infrastructure (such as regional value-added initiatives, institutions and services)
- Infrastructure and Transportation improvements (such as cleaning and packing, warehousing and storage, and distribution facilities to support vegetable industry)
- Sustainability (adoption of green and alternative technologies in place of fossil fuel-driven energy systems)
- Climate change response (on-farm responses and adaptations)
- New product and practice viability (studies, demonstrations to test new methods)

The list of eligible activities/projects would be reviewed annually and updated as needed to ensure that it is current, comprehensive, and distinct but complementary to other funding programs available to the agriculture sector.

### Ineligible Activities

The following activities are proposed to be ineligible for funding:

- Core activities of government or non-government agencies or programs, including lobbying activities
- Development of policy related to land or agricultural management
- Administration of government regulations
- Engagement in enforcement and compliance activities
- Costs incurred prior to formal notification of funding approval

## 12. Please provide any comments regarding the eligible and ineligible activities noted above.

The following are the key themes from the 13 responses to this question:

- 4 respondents noted that the Fund should not be used for operational expenses of any producer or association (e.g., payroll or contractor fees)
- 2 respondents suggested that this question should be addressed by the new executive committee/board
- 2 respondents suggested that eligibility should be left as flexible as possible
- 1 respondent noted that they do not support the use of the Fund for capital assets
- 1 respondent commented that none of the Fund should go to individual producers who are directly affected by Site C, since they should be compensated through the individual farm mitigation
- 1 respondent stated that projects need to be geared to improve returns to primary producers

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- 1 respondent generally agreed with the list of eligible and ineligible activities and suggested that it should be subject to periodic review
- 1 respondent suggested additional eligible activities: piped watering systems, water holes/wells, weed management, improving grazing capacity, fencing/cattle guards, climate change response
- 1 respondent supported an endowment approach where only interest would be allocated to projects
- 1 respondent noted their opposition to development

### **How should funds be allocated and over what time period?**

A wide variety of approaches to fund allocation, including consideration of the size of awards, maximum duration of project funding, and frequency of disbursements have been explored.

The preferred approach for the Agricultural Compensation Fund is to retain flexibility to provide funding for projects that would provide the greatest benefits to agricultural production and agrifoods economic activity in the Peace River region. It is proposed that projects requesting over \$20,000 in funds should have a minimum of one other funding source. The other funding sources could include in-kind contributions or other government or private funding. A second source of funding provides external validation of project value, and also creates a greater commitment by the project proponent to deliver the project. Specific details for fund applications and project requirements will be developed after the Fund Mandate is created.

The table on the next page summarizes the topics and options considered by the Consultation Steering Committee.

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Topic	Options Considered	Research Findings
<b>Fund Duration</b> How long will the Fund be in place?	<ul style="list-style-type: none"> <li>• Single project investment (i.e., spend all \$20 million on a major investment such as an Agricultural Research and Development Centre)</li> <li>• Spread payout over a 5-, 10- or 20-year period</li> <li>• Endowment Approach, where only the interest would be allocated to projects</li> </ul>	<ul style="list-style-type: none"> <li>• Determining a specific timeframe for the Fund may limit eligible projects and Fund effectiveness.</li> </ul>
<b>Annual Allocation</b> How much would be dispersed from the Fund each year?	<ul style="list-style-type: none"> <li>• \$20 million in one year (i.e., single project investment)</li> <li>• \$4 million per year for 5 years</li> <li>• \$2 million a year for 10 years</li> <li>• \$1 million per year for 20 years</li> <li>• Endowment Approach, which could be continued in perpetuity</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-determining annual fund distribution totals may reduce the impact of the Fund by delaying funding of projects with merit.</li> </ul>
<b>Duration of Project Funding</b> How long should a project be eligible to receive funding for?	<ul style="list-style-type: none"> <li>• One year only</li> <li>• Multiple years, with an annual reporting requirement to secure funding for subsequent years</li> </ul>	<ul style="list-style-type: none"> <li>• Due to the seasonality of agriculture, several growing seasons are often required to understand the benefits of a new program, technology or process.</li> </ul>
<b>Project Funding Limits</b> What percentage of a project's cost should be eligible for funding?	<ul style="list-style-type: none"> <li>• No limit on individual project costs</li> <li>• Limited to \$500,000 per project, per applicant, per year</li> <li>• Limited to 50 per cent of a project's cost</li> <li>• Limit the % of in-kind contribution</li> <li>• Requirement of funding from at least one other source.</li> </ul>	<ul style="list-style-type: none"> <li>• Funding from a minimum of a second source provide validation of project value, and creates a greater commitment by the project proponent.</li> </ul>
<b>Application Submission Deadlines</b> When should project applications be accepted?	<ul style="list-style-type: none"> <li>• Pre-determined intake periods to focus review process on annual or bi-annual submissions</li> <li>• No deadlines – applications accepted and reviewed continuously</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-determined intakes for large applications assists in review processes, and efficiency of funding awards.</li> <li>• Consider allowance for small funding requests to be considered on an ongoing basis.</li> </ul>

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**13. Please indicate your level of agreement with the proposed Agricultural Compensation Fund approach of maintaining flexibility to provide funding for projects that would provide the greatest benefits to agricultural production and economic activity in the Peace River region.**

Strongly Agree	3
Somewhat Agree	5
Neither Agree Nor Disagree	3
Somewhat Disagree	0
Strongly Disagree	2

Total responses: 13

**14. Please provide any comments regarding the proposed fund allocation approach.**

The following are the key themes from the 15 responses to this question:

- 7 respondents requested that the entire \$20 million be released in a lump sum
- 5 respondents recommended an endowment/trust fund approach where only the interest earned from the Fund would be available to pay for projects each year
- 5 respondents stated that the executive committee/board should establish the annual project funding limits
- 5 respondents suggested that fund matching should be encouraged, with the Fund providing 50% of the cost of a project
- 5 respondents stated that in-kind contributions/funding sources should be allowed for matching
- 4 respondents noted that inflation would reduce the future value of the fund and therefore BC Hydro should provide indexed payments on an annual basis
- 4 respondents recommended an endowment/trust fund approach for the first three or five years, and then a review to determine whether to continue with the endowment/trust fund approach
- 4 respondents noted that this Fund must not affect other future funding possibilities for the agricultural sector
- 3 respondents suggested that the executive committee/board should establish the intake deadlines
- 3 respondents recommended removing the multiple source funding requirement
- 3 respondents stated that since the Fund would be provided by BC Hydro and not government, the funds should be eligible to match government funds
- 2 respondents suggested that there should be two intakes per year to reduce keep administration costs down but maintain flexibility
- 2 respondents suggested having one intake per year with an annual submission deadline
- 1 respondent stated that they hope the fund lasts 10 years
- 1 respondent suggested that funding limits should be set annually depending on the applications received and their costs
- 1 respondent commented that the duration of funding should be project-dependent
- 1 respondent noted that First Nations funding should not require in-kind or 50% matching as their ability to fund projects may be limited
- 1 respondent suggested getting agreement on one or two large research projects to simplify and economize the use of funds

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- 1 respondent noted that the Fund should not be spent in the Peace Region but rather should be focused in the Peace Valley
- 1 respondent stated that \$20 million is not enough for the Fund, that it would not last longer than 20 years, and that it would not have a significant impact to local agricultural production
- 1 respondent suggested that projects could be funded for up to three years with annual reports confirming that they are meeting requirements
- 1 respondent noted their opposition to development

#### **15. Please provide any additional comments regarding the development of a Framework for an Agricultural Mitigation and Compensation Plan**

The following are the key themes from the 14 responses to this question:

- 7 respondents stated that the Fund must benefit agriculture in the Peace Region
- 4 respondents noted that the draft framework should be developed with producer groups and that producer groups should be consulted and have an opportunity to review the draft framework
- 3 respondents suggested term limits for the executive committee/board (e.g., three, three-year terms or three, two-year terms)
- 2 respondents stated that executive committee/board members should be fairly compensated
- 1 respondent suggested that executive committee/board members should receive a per diem and mileage expenses, and that advisory committee members should receive mileage expenses
- 1 respondent suggested consideration of the appointment or election process for executive committee/board members to ensure that the composition reflects changing agricultural group dynamics in the future
- 1 respondent suggested that First Nations should have an annual amount that they could apply for, citing impacts to harvesting, gathering and hunting activities which could be mitigated
- 1 respondent stated that individuals should have the ability to apply, and that funding should not be reserved only for “big names” or organizations
- 1 respondent suggested that the executive committee/board be volunteer-based to keep administrative costs low, with any administration costs paid by BC Hydro
- 1 respondent noted that the impacts of the project on agriculture are yet to be determined, and that the two previous dams (i.e., W.A.C. Bennett and Peace Canyon) do not have a lot of agricultural land around them to demonstrate effects
- 1 respondent stated that the application process should be simple and that accountability of funds used is required
- 1 respondent commented about the consultation process, suggesting that items A, B and C should have been part of one discussion and item D: Agricultural Compensation Fund as another
- 1 respondent stated that \$20 million is not enough
- 1 respondent noted their opposition to development

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**16. Which provincial agricultural region are you from?**

All 15 respondents to this question identified themselves as being from the Peace Region.

**17. Which agricultural sector(s) are you active in?**

Forages	12
Oilseed and grain farming	11
Beef cattle ranching	11
Sheep and goat farming	2
Fruit and nut farming	1
Field vegetable, melon farming and potato farming	1
Greenhouse, mushroom, nursery and floriculture production	1
Hog farming	1
Poultry and egg production	1
Other: Ranch horses	1
Other: Concerned citizen	1
Other: Retired	1
Other: Beekeeping	1
Other: Equine production	1
Other: Organic seed, forage and beef	1
Other: Bison	1

Total respondents: 16

**18. Which is your role within the agricultural sector?**

Primary producer (farmer/rancher)	14
Agricultural industry association	7
Agricultural product processor/marketer	3
Other: Concerned citizen	2
Agricultural service industry	1
Agricultural researcher/educator	1
Other: Retired	1

Total respondents: 16

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### 3.3 Results from Submissions

In addition to the feedback forms, three submissions were received through email or letter.

- One submission stated that the \$20 million agricultural fund should be directed to the area which bears the agricultural loss, namely the Peace Valley: Hudson's Hope, PRRD Electoral Areas B, C, and to a lesser degree E. The submission notes that horticulture is the sector that would be most affected and, given that it does not have a longstanding producer group experienced in endowment funds, is the most in need of support.
- One submission noted that the respondent could not attend the meetings and asked BC Hydro to consider and address two topics: 1) how BC Hydro and the BC government would compensate for increasing food costs in the Peace area and 2) how BC Hydro will compensate farming and ranching families for the loss of multiple decades of heritage, livelihoods and way of life, over and above land and home loss.
- One submission provided feedback regarding the Fund, noted that little capital investment has been made by governments for horticulture in the Peace Region. Attached to the submission were two proposals for prospective projects for the Fund, and a paper regarding the value of the contributions of Taylor to agriculture in the Peace Area, which has been provided to the BC Hydro Properties team for consideration.
  - Feedback regarding the Fund included the following:
    - The Fund should be provided in one lump sum, awarded to capital projects for infrastructure needed in the Peace, be administered locally by the Area Economic Development Commission, be awarded mainly to vegetable and horticultural projects and activities, be increased to \$60 million to include flood plain areas of Taylor and try to create as many agricultural-related jobs in the area as possible.
    - The Fund should not be: awarded over time or through interest payments only, be awarded to groups that are already funded through other government programs or opportunities, be administered by the Ministry of Agriculture or be awarded to anyone outside the Peace Region.

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Kirk&Co.



**BC Hydro, Ministry of Agriculture and Ministry of Energy and Mines  
Consultation Steering Committee**

**Site C Clean Energy Project**

**Framework for an Agricultural Mitigation and Compensation Plan**

# **Appendix 1: Stakeholder Meeting Summaries**

**March 2016**

**April 29, 2016**

*Prepared by*  
**Kirk & Co. Consulting Ltd.**

## Framework for an Agricultural Mitigation and Compensation Plan for the Site C Clean Energy Project

DATE: DECEMBER 2, 2015 TIME: 1:00PM TO 3:00PM LOCATION: HUDSON'S HOPE

<b>ATTENDEES/AFFILIATION</b>	<p>Mayor Gwen Johansson, Hudson's Hope  Renee Ardill, Peace River Cattlemen's Association  Lee Bowd, BC Peace River Grain Industry Development Council  Mary Brereton  Vicki Burt, BCIA  Opal Gentles  Pam Gunderson  Rick Kantz, BC Peace River Grain Industry Development Council  Blane Meek  Colin Meek  Ross Musgrove, North Peace Cattlemen's Association  Sharla Pearce, BC Grain Producers Association  Deborah Peck  Ross Peck  Robert (Garry) Pringle, North Peace Cattlemen's Association  Willy Rath, BC Peace River Grain Industry Development Council  Doug Summer  Christopher Weder  Steve Winnicky  Travis Winnicky  Julie Robinson, Ministry of Agriculture</p>
<b>CONSULTATION STEERING COMMITTEE REPRESENTATIVES</b>	<p>Siobhan Jackson, BC Hydro  Erin Harlos, BC Hydro  James Thomas, BC Hydro  Julie Chace, Ministry of Energy and Mines  Leslie MacDonald, Ministry of Agriculture</p>
<b>FACILITATOR</b>	Judy Kirk, Kirk & Co. Consulting Ltd.
<b>MEETING RECORDER</b>	Erin Harlos/Siobhan Jackson
<b>KEY THEMES</b>	
<ul style="list-style-type: none"> <li>Participants expressed an interest in refining the Agricultural Compensation Fund's geographic scope to be focused on the Peace River Valley, rather than the Peace Region, because the Peace River Valley is the area that will experience the greatest impact due to the Site C Project.</li> <li>Participants asked that BC Hydro clarify the approach for engaging directly with affected landowners on topics including highway relocation, land acquisition, Statutory Right of Ways, and monitoring plan findings.</li> <li>Participants were interested in establishing a regional working group to provide further input on the Agricultural Compensation Fund framework.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>	
<b>General</b>	
<ul style="list-style-type: none"> <li>Ross Peck asked about the representatives on the Consultation Steering Committee. <i>Siobhan Jackson noted that the Consultation Steering Committee includes representatives from the Ministry of Agriculture, the Ministry of Energy and Mines and BC Hydro, along with regional advisors, Hon. Mike Bernier, MLA for Peace River South, and Pat Pimm, MLA for Peace River North.</i></li> <li>Colin Meek commented on the consultation process, and noted that feedback from the Peace Valley should be more heavily weighted than feedback from elsewhere in the Peace Region.</li> <li>Mayor Gwen Johansson expressed concern regarding impacts on the horticultural sector, and commented that this sector should receive the most support and benefit from the fund.</li> </ul>	

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## Provincial Environmental Assessment Certificate – Conditions

- Participants (Ross Peck, Renee Ardill) asked about Provincial Environmental Assessment Certificate – Condition 31 and the timeline of the agriculture monitoring and follow-up program. *Siobhan Jackson noted that the final plans are due for submission at the end of 2015, and the drafts were available to the District of Hudson's Hope and the Peace River Regional District for comment for 30 days.*
- Ross Peck asked about the 10-year program monitoring period, which includes 5 years prior to operations and 5 years during operations. *Erin Harlos explained the 10-year period is to collect data before and after the reservoir is in place to further develop the baseline and assess changes.*
- Garry Pringle and Mayor Gwen Johansson asked about the geographical scope of the monitoring plans. *Siobhan Jackson noted that the monitoring plans will consider site-specific changes relative to each monitoring plan, ranging from 2 to 5 kilometres of the Site C reservoir.*
- Ross Peck expressed concern about the impact of greater moisture on hay at upper elevations, and whether this will be considered in the monitoring plans. *Siobhan Jackson noted that Environment Canada was involved in the process, and that these impacts are unlikely to be associated with the Site C Project.*
- Ross Peck asked about BC Hydro's protocol if adverse impacts arise that have not been addressed in the monitoring plans. *Siobhan Jackson noted that they have options to address these impacts, including the Agricultural Compensation Fund, to determine how to effectively execute mitigation programs.*
- Rick Kantz asked about Provincial Environmental Assessment Certification – Condition 30, and whether the draft framework will be posted publicly. *Siobhan Jackson noted that BC Hydro will post the draft framework and provide 30 days to comment.*

## Construction Mitigation Measures

- Deborah Peck asked about Site C's construction monitoring practices. *Siobhan Jackson noted that construction mitigation measures are included in the Site C Project's Construction Environmental Management Plan (CEMP), and those include Environmental Protection Plans (EPP) developed by the contractors prior to construction. As well, BC Hydro has retained an independent environmental monitor that is involved in the entire EPP process and monitoring, and reports directly to the Province of BC.*
- Mayor Gwen Johansson asked about oversight of the independent environmental monitor. *Siobhan Jackson noted that the Environmental Assessment Office and the Ministry of Forests, Lands and Natural Resource Operations are responsible for reviewing and approving the independent environmental monitors' reports. More information can be found on the Site C website Document Library ([www.sitecproject.com](http://www.sitecproject.com)), within the CEMP.*
- Renee Ardill asked about the Vegetation and Invasive Plan Management Plan, and expressed concern about weeds and thistles on BC Hydro's property in the region. *Siobhan Jackson noted that BC Hydro has been actively working to mitigate weeds in the Peace Valley. BC Hydro, in conjunction with local landowners and the Peace River Regional District, successfully eradicated knapweed at Site C's location prior to construction.*
- Garry Pringle asked if BC Hydro will have inspectors monitoring all aspects of work on the project. *Siobhan Jackson noted that there will be inspectors to audit and provide oversight for all aspects of work. These include professionals in quality, environment, engineering and more. The construction management team is in the field monitoring on an ongoing basis.*
- Ross Peck asked about their contact for individual construction monitoring concerns. *Siobhan Jackson noted that landowners with concerns should contact their direct properties representative contact at BC Hydro.*

## Individual Farm Mitigation Plans

- Ross Peck expressed concern about development of mitigation plans without transparency, and requested an overriding framework for how these plans will be discussed and developed.
- Garry Pringle and Renee Ardill expressed individual property concerns, including fencing and wildlife issues. *Siobhan Jackson noted that a member of the Properties team will follow up directly with the participants regarding their concerns.*

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## Management of Surplus Agricultural Lands

- Travis Winnicky, Ross Peck and Deborah Peck asked about the resale of surplus agricultural land, the pricing and opportunity to purchase the land, and requested the development of a land management working group. *James Thomas and Siobhan Jackson noted that they will honour specific commitments already made in agreements, then look to combine land parcels with adjacent agricultural land holdings, and finally consult with the Agricultural Land Commission and adjacent landowners to add suitable land to the Agricultural Land Reserve.*
- Travis Winnicky commented that a surplus agricultural land parcel could be an opportunity for a new entrant into the farming industry.
- Christoph Weder, Blane Meek and Garry Pringle expressed that they did not believe BC Hydro will sell surplus lands back, as they will require it as a statutory right of way, citing current land purchases around the Williston reservoir and Beryl Prairie. *James Thomas offered to discuss further with the participants.*
- Vicki Burt asked about wildlife compensation lands, and the process regarding these land parcels. *Siobhan Jackson noted the mitigation requirements for the Project, citing The Land Conservancy of British Columbia.*
- Ross Peck and Deborah Peck asked about Agricultural Land Reserve exemptions, and requested a more transparent approach to ramifications on existing landowners. *Leslie MacDonald and James Thomas noted that BC Hydro will work with participants to assist in understanding the current exclusions, and implications on existing lands.*
- Christoph Weder asked about the land parcel located near the airport that was purchased to offset wetland. *Siobhan Jackson noted that improvements have been made to ensure maintenance and secure habitat, and offered to discuss further with the participant.*

## Agricultural Compensation Fund

- Mayor Gwen Johansson asked when the fund will be available. *Siobhan Jackson noted that the fund will be accessible in mid-2017.*
- Ross Peck and Mary Brereton asked about the dollar value of the fund, and how BC Hydro decided on \$20 million. *Siobhan Jackson and Erin Harlos noted that the fund is in real dollars, not based on interest or growth. The \$20 million is based on the assessed value of lost future economic agricultural activity on lands that will be inundated by the Site C reservoir.*
- Mary Brereton commented that the \$20 million should be split into two funds, one for the Peace Valley and one for the Peace Region.
- Doug Summer suggested that 50% of the fund be available to the horticulture sector due to the opportunity for growth in the Peace Region.
- Colin Meek asked whether costs associated with this consultation meeting were deducted from the Agricultural Fund. *Siobhan Jackson noted that the funds for the consultation were not deducted from the Agricultural Fund.*
- Ross Peck commented that a small portion of the fund could be allocated to support initial application/project development costs.
- Lee Bowd commented that the fund should be unavailable for provincial use, and should only be available to the Peace Region.
- Vicki Burt commented that the fund should have a narrower scope and vision, and establish some end goals to ensure the \$20 million is disbursed appropriately.
- Mayor Gwen Johansson, Christoph Weder and Pam Gunderson commented that the fund should be focused in the Peace Valley to support and maintain the agricultural community that will be most impacted. Mayor Gwen Johansson commented that this fund should set a precedent for allocation to a more refined geographic scope.
- Mayor Gwen Johansson and Christoph Weder expressed concerns about the classification system for describing impacts on regional lands.

## Agricultural Compensation Fund – Governance

- Christoph Weder asked whether administrative expenses will be deducted from the Fund. *Siobhan Jackson noted that administration will be financed from the Fund, similar to other programs run by BC Hydro.*
- Christoph Weder asked if BC Hydro will be involved in running and distributing the Fund. *Siobhan Jackson noted that BC Hydro is accountable for ensuring the Fund is properly set up with robust administration, but would hope to have the lightest touch possibly once established. BC Hydro is*

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*seeking clarify from the Environmental Assessment Office on what would be acceptable to meet the requirements of the condition.*

- Christoph Weder and Renee Ardill asked about positions on the board, and how they would be funded. *Siobhan Jackson, Erin Harlos and Leslie MacDonald noted that they are seeking input from participants on allocation of funds to board positions, and that typically administrative positions are paid.*
- Rick Kantz commented that the adjudication committee should have the primary weight for final decisions, and that the board should only provide oversight.
- Vicki Burt and Ross Peck cited BC Hydro's Fish and Wildlife Compensation Plan, and expressed concerns about the board disregarding input from the adjudication committee. *Erin Harlos noted that they hope to take feedback from other funds and apply these to the Terms of Reference/Mandate for the Agricultural Compensation Fund.*
- Christoph Weder and Lee Bowd asked about the composition of the board, and how it will be formed. *Siobhan Jackson and Leslie MacDonald noted that they have not decided on a board structure, and would like to receive feedback from participants regarding the structure and mandate.*
- Renee Ardill, Deborah Peck and Lee Bowd commented that the board should include representation from various different agricultural groups in the region, and Peace Valley land owners groups.
- Ross Peck commented that the fund would be better received if it was perceived as being developed by agricultural sector groups, instead of political figures. Ross Peck, Deborah Peck, Doug Summer and Garry Pringle expressed the need for a working group to help consider input from consultation and provide a more democratic approach.

#### **Additional Comments/Discussion**

- Colin Meek asked about Highway 29 Relocation, and if BC Hydro was open to changing the alignment. *Siobhan Jackson noted that the final project design has been submitted and approved within the environmental assessment, and is based on input received during consultation from the public and local farmers.*
- Renee Ardill and Ross Peck expressed concern about the Highway 29 Relocation consultation process. *Siobhan Jackson noted that they assessed preliminary highway designs and comments received during consultation to determine the most feasible relocation option.*

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# Framework for an Agricultural Mitigation and Compensation Plan for the Site C Clean Energy Project

**C-1**

DATE : JANUARY 7, 2016 TIME: 1:00PM TO 3:00PM

LOCATION: FORT ST. JOHN

<b>ATTENDEES/AFFILIATION</b>	<p>Mayor Lori Ackerman, Fort St. John  Karen Gooding, PRRD Regional District, Director, Electoral Area B  Renee Ardill, Peace River Cattlemen's Association  Ted Burdge  Joy Burdge  Aron Collins, Peace River Cattlemen's Association  Tobin Dirks, Peace Region Forage Seed Association  Ken Forest, Peace Valley Environment Association  Shaun Grant, South Peace Grain Cleaning Coop  Board Member, South Peace Grain Cleaning Coop  Dave Harris, North Peace Cattlemen's Association  Blair Hill, Peace Region Forage Seed Association  Rick Kantz, BC Grain Growers Association  Shawn Loeren, NPCA  Sam Mahood  Ross Musgrove, Upper Cache Creek Cattleman's Association  Sharla Pearce, BC Grain Producers Association  Robert Pringle, North Peace Cattlemen's Association  Les Shurtliff, Peace River Greenhouse Ltd.  Dean Shurtliff, Peace River Greenhouse Ltd.  Brad Sperling, Peace River Regional District  Dan Stocking, Peace River Cattlemen's Association  Franz Wenger, Grain Farmer  Lori Vickers, Ministry of Agriculture  Julie Robinson, Ministry of Agriculture</p>
<b>CONSULTATION STEERING COMMITTEE REPRESENTATIVES</b>	<p>Siobhan Jackson, BC Hydro  Erin Harlos, BC Hydro  Judy Reynier, BC Hydro  Julie Chace, Ministry of Energy and Mines  Leslie MacDonald, Ministry of Agriculture</p>
<b>REGIONAL ADVISOR</b>	<p>MLA Pat Pimm, Peace River North</p>
<b>FACILITATOR</b>	<p>Judy Kirk, Kirk &amp; Co. Consulting Ltd.</p>
<b>MEETING RECORDER</b>	<p>Erin Harlos</p>
<b>KEY THEMES</b>	
<ul style="list-style-type: none"> <li>Participants stressed the importance of having regional administration of the Agricultural Compensation Fund, and regional decisions on funding awards.</li> <li>Participants discussed various existing fund managers that may be able to play a role in the compensation fund going forward.</li> <li>Participants expressed interest in BC Hydro transferring the full amount of the agricultural compensation fund of \$20 million as a lump sum to enable the fund administrator to accrue interest over time.</li> <li>Some local agriculture producer groups expressed interest in the fund being distributed in larger amounts to have a greater impact</li> <li>Some government representatives expressed interest in annual funding that would last in perpetuity for long term benefit.</li> <li>Participants commented on potential project eligibility criteria for the fund, and in general expressed interest in maintaining a flexible framework to ensure the best projects are selected for funding with examples including agricultural infrastructure projects and low-interest loans.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>	
<b>General</b>	<b>April 29, 2016</b>

- Renee Ardill expressed concern about the general consultation process, and feedback being disregarded in previous project consultations.
- MLA Pat Pimm, Mayor Lori Ackerman, Les Shurtliff, Aron Collins and Dean Shurtliff discussed potential opportunities for co-generation with the agriculture and greenhouse gas industries. Franz Wenger and asked why the dam is considered a green project when it requires diesel/gas to build. *Siobhan Jackson and Julie Chace acknowledged the comment, provided a summary of the GHG analysis for the project, and noted that this topic was outside the scope of the agricultural stakeholder meeting.*

### Construction Management Practices

- Les Shurtliff, commented about the Soil Management, Site Restoration and Re-vegetation Plan, and requested that BC Hydro use local seeds, seeding and native species from the area.
- Sam Mahood asked about contractors' Environmental Protection Plans (EPP), who accepts/reviews their submissions, and if their submissions will be submitted to local government. *Siobhan Jackson noted that contractors must submit EPPs to BC Hydro.*
- Brad Sperling commented that if local government had the EPPs, they could be more helpful at answering public questions and concerns. *Siobhan Jackson noted the EPPs are an extension of the Construction Environmental Management Plan, which is available to the public.*
- Les Shurtliff and Sam Mahood asked about construction monitoring practices, including who is responsible for overseeing contractors. *BC Hydro has retained an independent environmental monitor that reports to the Province of BC directly. As well, BC Hydro's construction management team is in the field monitoring every day.*
- Les Shurtliff shared experiences of other projects, and expressed concern about contractors taking shortcuts to reduce their costs. *Siobhan Jackson noted that the construction management team is onsite constantly monitoring to ensure compliance, and have the authority to stop work as required.*
- MLA Pat Pimm, Renee Ardill and Franz Wenger expressed concern over the Invasive Plant Management Plan, past weed management plans, and asked if BC Hydro is using certified weed-free products. *Siobhan Jackson noted that contractors are required to use local, native and weed-free seed.*
- Karen Gooding expressed concern about the timeline for construction monitoring and ability to stop work. *Siobhan Jackson noted that the construction management team is onsite every day, and have the ability to stop work immediately.*

### Individual Farm Mitigation Plans

- MLA Pat Pimm asked about the source of funds for individual farm mitigation plans. *Judy Reynier noted that property acquisition costs are not deducted from the \$20 million Agriculture Compensation Fund, as they are two separate funds.*

### Management of Surplus Agricultural Land

- Sam Mahood asked about weed management plans for surplus agricultural lands. *Judy Reynier noted that BC Hydro is responsible for invasive plant management on its property, including lands that may become surplus in the future.*
- Dean Shurtliff asked if BC Hydro will change the Agriculture Land Reserve (ALR). *Siobhan Jackson noted that they have only sought Agriculture Land Reserve lands directly required for the project, and commit to consulting with the Agriculture Land Commission to determine if appropriate surplus lands can be added to the ALR.*
- Dean Shurtliff asked about the process regarding surplus agricultural land parcels. *Siobhan Jackson noted that they will honour specific commitments already made in agreements, look to combine land parcels with adjacent agricultural land holdings, and consult with the Agricultural Land Commission and adjacent landowners to add suitable land to the Agricultural Land Reserve.*
- Brad Sperling asked if surplus agricultural lands fall into statutory right of way. *Judy Reynier noted that some surplus land will be free of statutory rights of way and some may not.*

### Agricultural Compensation Fund

- Karen Gooding expressed interest in concentrating the geographic scope of the fund to be focused on Peace Valley. *Pat Pimm, MLA for Peace River North reiterated unanimous agreement from Ministers and the Premier that the fund is for the Peace Region.*
- Karen Gooding, Brad Sperling and Renee Ardill expressed interest in setting up the Agricultural Compensation Fund in perpetuity, and using the interest to cover administration costs.
- Dean Shurtliff, Dave Harris, Rick Kantz and Shaun Grant expressed interest in allocating the \$20 million as a lump sum, to avoid long-term administration costs, and to create a greater impact for agriculture in the province.

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- Rick Kantz expressed interest in using a regional organization as the vehicle to deliver the fund.
- Ken Forest asked about eligibility for the fund, and why educational institutions are included. *Leslie MacDonald noted that an educational institution may have expertise, or the ability to respond to specific project requirements.*
- Karen Gooding asked if applications would need to comply with the *Clean Energy Act*. *Siobhan Jackson noted that any proposed applications would need to comply with all existing Provincial legislation.*
- Numerous participants, including Mayor Lori Ackerman, Shaun Grant, Dean Shurtliff and Tobin Dirks commented that eligibility for the fund should remain flexible, be based on specific merits of individual projects, and remain open to various opportunities including interest free loans, agricultural infrastructure, and some projects may need support and connections but not always money.
- Rick Kantz asked whether money from the compensation fund could be used to receive matching money from the government. *Siobhan Jackson commented that the fund would not be expected to be government money. Siobhan Jackson noted that it is consulting with the Environmental Assessment Office to clarify the specifics of the fund.*
- Les Shurtliff and Renee Ardill asked about implementation of the agricultural fund, including timeline. *Siobhan Jackson noted that the final plan for the compensation fund is due in July 2017.*
- Mayor Lori Ackerman asked if there will be additional compensation for construction impacts prior to July 2017, when the fund becomes available. *Siobhan Jackson noted that no impacts on agriculture are expected before this time, but if there were, they could be addressed through individual farm mitigation plans.*
- MLA Pat Pimm asked if the \$20 million will be allocated at one time, or in segments. *Siobhan Jackson noted that BC Hydro needs to consult with the Environmental Assessment Office to better understand BC Hydro's responsibility and accountability for fund delivery.*
- Some participants, including Franz Wenger and Shaun Grant expressed concern that \$20 million will not be enough money to mitigate agricultural impacts to the region from the Site C project.

#### **Agricultural Compensation Fund - Governance**

- Les Shurtliff asked for an estimate of the fund's allocation towards administration costs. *Leslie MacDonald noted that previous funds have generally used 10-15% of the fund's total value for administration costs, however this varies by fund amount and structure.*
- Mayor Lori Ackerman, Renee Ardill, Brad Sperling, Robert Pringle, Dave Harris and Ross Musgrove expressed interest in reducing the administration costs by developing a regional advisory committee, with representatives from each of the regional agriculture groups, and Mayor Lori Ackerman cited a similar committee established for the Northern Development Initiatives Trust.
- Les Shurtliff and Dean Shurtliff expressed interest in having the Peace River Regional District, MLA Pat Pimm and Mayor of Fort St. John, Lori Ackerman, administer the fund.
- Numerous participants, including Les Shurtliff, Dave Harris and Sam Mahood commented that management of the fund, including administration and governance, should remain regional.
- Ken Forest commented that a number of interests should join together to jointly oversee the fund, instead of having one single producer group in charge of administration.
- Mayor Lori Ackerman and Brad Sperling cited the Northern Development Initiatives Trust fund, and requested that a similar process be used, including local administration, framework, process and decisions.

#### **Additional Comments/Discussion**

- Tobin Dirks and Blair Hill expressed a need for infrastructure to promote local labour and benefit a multitude of producers across all sectors.
- Participants reiterated that eligibility should remain flexible, the governing committee should represent local agriculture groups and funded projects should benefit the whole agriculture community.
- Participants reiterated that the fund should remain in the region, and be administered and governed by the region.
- *Leslie MacDonald noted that the Ministry of Agriculture would be interested in completing short term feasibility studies to help identify potential opportunities.*

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# Framework for an Agricultural Mitigation and Compensation Plan for the Site C Clean Energy Project

DATE: JANUARY 12, 2016 TIME: 1:00PM TO 3:00PM

LOCATION: DAWSON CREEK

<b>ATTENDEES/AFFILIATION</b>	Bill Bentley, Peace River Cattlemen's Association Lary Fossum, BC South Peace River Stockmen's Association Talon Gauthier, BC Forage Seed Producers Leonard Hiebert, Peace Agricultural Advisory Committee Blair Hill, Peace Region Forage Seed Association Rick Kantz, Grain Industry Development Council/BC Grain Growers Association Mike McConnell, Peace River Cattlemen's Association Blane Meek, Peace Valley Landowner's Association Ross Musgrove, Upper Cache Creek Cattleman's Association Connie Patterson, BC Cattlemen Development Council Sharla Pearce, BCGP Steve Rainey, BC South Peace River Stockmen's Association Troy Schweitzer, BC South Peace River Stockmen's Association Art Seidl, Peace River Cattlemen's Association Hugh Shurtliff, Peace River Greenhouse Ltd. Les Shurtliff, Peace River Greenhouse Ltd. Barry Tompkins Bill Wilson, Peace River Forage Association of BC Julie Robinson, Ministry of Agriculture Lori Vickers, Ministry of Agriculture Cindy Fisher, Executive Assistant to Minister Mike Bernier
<b>CONSULTATION STEERING COMMITTEE REPRESENTATIVES</b>	Siobhan Jackson, BC Hydro Erin Harlos, BC Hydro Julie Chace, Ministry of Energy and Mines Leslie MacDonald, Ministry of Agriculture
<b>REGIONAL ADVISORS</b>	Minister Mike Bernier, Peace River South MLA Pat Pimm, Peace River North
<b>FACILITATOR</b>	Judy Kirk, Kirk & Co. Consulting Ltd.
<b>MEETING RECORDER</b>	Erin Harlos, BC Hydro
<b>KEY THEMES</b>	
<ul style="list-style-type: none"> <li>Participants stated that the Agricultural Compensation Fund should be regionally managed, and that local agricultural producers should be the final decision makers.</li> <li>Participants expressed interest in creating an executive board to govern the fund, with 1/3 livestock industry representatives, 1/3 crop producers and 1/3 various other minor commodities groups including horticulture.</li> <li>Participants requested that the Fund be allocated in a lump sum endowment of \$20 million.</li> <li>Participants expressed interest in retaining flexibility of eligibility and the criteria for applications, to avoid exclusion of potentially beneficial projects. Participants considered fund eligibility for on-farm investments, multiple-year funding, and interest-free or low interest loans.</li> <li>Participants identified the need to support new, young entrants into agriculture.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>	
<b>General</b>	
<ul style="list-style-type: none"> <li>Art Siedl expressed interest in viewing the Consultation Summary and Framework report.</li> <li>Les Shurtliff asked about the Growing Forward Program, and how much capital was allocated to the North. <i>Leslie MacDonald noted that the Growing Forward Program is three years into the five-year program, and has not funded many capital projects.</i></li> </ul>	

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### Construction Management Practices

- Mike McConnell expressed concern about the wording of the Vegetation and Invasive Plant Management Plan, including parameters for accountability.
- Talon Gauthier and MLA Pat Pimm asked about BC Hydro's seed sourcing plan. *Siobhan Jackson noted that contractors are required to use local, native and weed-free seed.*

### Individual Farm Mitigation Plans

- Mike McConnell asked about the source of funds for individual farm mitigation plans. *Siobhan Jackson noted that the individual farm mitigation plan expenditures, including property acquisition costs are not deducted from the \$20 million Agriculture Compensation Fund; there are two separate and distinct budgets.*
- Barry Tompkins asked about the process for landowners that previously sold land to BC Hydro, but are now leasing back the land. *Siobhan Jackson responded that landowners and lease holders will be contacted on an individual basis.*
- Art Seidl asked about the geographic scope of Site C's impact, including how many acres will be affected. *Siobhan Jackson noted that approximately 6,500 hectares will be impacted in total, and that additional information can be found in the agricultural summary on the Site C website ([www.sitecproject.com](http://www.sitecproject.com)).*
- Mike McConnell expressed concern regarding Individual Farm Mitigation Plans, stating that the land being flooded is irreplaceable, and there will be immeasurable losses in horticultural production.

### Management of Surplus Agricultural Lands

- MLA Pat Pimm and Barry Tompkins discussed opportunities for landowners that sold to BC Hydro, but are now leasing back the land. *Siobhan Jackson noted that in some cases, the agreement will indicate in the purchase terms that surplus lands will be offered for sale to the original owner first.*
- Blane Meek and Art Seidl asked about impact lines, and impacts to their property. *Siobhan Jackson noted that the most recent study on impact lines will guide acquisition requirements and statutory right of way. Participants can follow up directly with BC Hydro concerning their individual property concerns.*
- Minister Mike Bernier expressed interest in ensuring appropriate surplus lands are used for agriculture.
- Minister Mike Bernier and Barry Tompkins asked about fragmented parcels of surplus land. *Siobhan Jackson noted that where appropriate, BC Hydro would look for opportunities to connect surplus lands to adjacent land holdings.*

### Agricultural Compensation Fund

- Mike McConnell commented on a letter written by Minister Norm Letnick confirming that the compensation fund would only be spent in the Peace Region, and asked for the letter to be made public. *Siobhan Jackson noted that this consultation has proposed that the Fund be focused on the Peace Region and is seeking participants' feedback on geographic scope. The content regarding geographic scope of the Fund within the guide is directly from the Environmental Assessment Certificate Condition 30.*
- MLA Pat Pimm commented that the Premier, Ministers and caucus are all in support of the funds being used exclusively in the Peace Region.
- Les Shurtliff expressed interest in allocating funds to a non-profit organization that could clean, sort and package local agriculture and sell it locally, to improve the local economy by reducing food costs and allowing food from the Peace Region to be inspected and marketed for public consumption.
- Bill Wilson expressed concern about lost opportunities to support good projects, if the fund is used in perpetuity.
- Mike McConnell, Art Seidl and Rick Kantz commented on eligibility for the fund, and ensuring flexibility and potential for multi-year funding and on-farm capital investments, to ensure that potentially beneficial projects are not excluded.
- Art Seidl expressed interest in cost sharing, to ensure projects have money contributed to increase their commitment level.
- Les Shurtliff commented that the horticultural industry will endure the greatest impacts from the dam, and therefore should benefit from the Fund.
- Les Shurtliff asked if there was more money available for the funds. *Siobhan Jackson noted that \$20 million is the allocated amount, and is based on agricultural land impact and potential productivity*

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over 100 years.

- Mike McConnell commented that the majority of investment should be to farming/producing.
- Hugh Shurtliff expressed interest in developing programs to help create local jobs in the agriculture industry for young people, and other participants agreed with need for new entrants into agriculture in the region.
- Rick Kantz, Connie Patterson and Blane Meek commented that the \$20 million compensation fund is not enough to cover impacts from the dam that will last generations.
- Steve Rainey expressed concern about the potential impacts and changes to the region due to the Site C Dam, and cited the Bennett Dam and its impact on Tumbler Ridge.
- Leonard Hiebert asked how the terms of reference will be developed for the fund. *Siobhan Jackson noted that they will be developed from feedback provided during consultation.*

#### **Agricultural Compensation Fund - Governance**

- Steve Rainey, Mike McConnell, Les Shurtliff and Bill Wilson expressed interest in allocating the fund as a \$20 million endowment, a lump sum managed by a local working group, and have the fund continue in perpetuity.
- Art Seidl and Leonard Hiebert expressed concern that the fund could be dispersed too quickly, and expressed interest in the compensation fund lasting long-term.
- Minister Mike Bernier and Connie Patterson commented on the Northern Development Initiatives Trust, noting that it is well managed, has been success in allocating grants exclusively from interest, and should be used as a model for the agricultural compensation fund framework.
- Numerous participants, including Steve Rainey, Leonard Hiebert, Connie Patterson, Larry Fossum and Ross Musgrove commented on governance, and expressed interest in developing an executive board with representation from different local producer groups to administer the fund.
- Steve Rainey and Talon Gauthier expressed interest in creating an adjudication committee to advise the board.
- Numerous participants, including Steve Rainey, Mike McConnell, Sharla Pearce, Art Siedl, Larry Fossum, Rick Kantz, Connie Patterson, Bill Wilson and MLA Pat Pimm, expressed interest in creating an executive board that would have representation from crop producers, the livestock (cattle) industry and various minor commodities groups including horticulture, to ensure fairness and transparency.
- Talon Gauthier presented the Forage Seed association's support for an endowment approach with consideration of interest free or low interest loans that would be paid back into the fund, and with multiple year funding available.
- Rick Kantz expressed concern about governance, and ensuring that BC Hydro and the Ministry of Agriculture be involved in administering the fund as little as possible.
- Rick Kantz, Steve Rainey and Bill Wilson discussed auditing and annual reporting requirements for projects once they have been funded, and included interest in maintaining flexibility to increase amounts, or provide annual funding.
- Troy Schweitzer, Steve Rainey, Les Shurtliff and Larry Fossum expressed concern about using compensation fund money for administration costs.

**April 29, 2016**



# Framework for an Agricultural Mitigation and Compensation Plan for the Site C Clean Energy Project C-1

DATE: JANUARY 13, 2016 TIME: 1:00PM TO 3:00PM LOCATION: CHETWYND

<b>ATTENDEES/AFFILIATION</b>	Dan Rose, PRRD Regional District, Director, Electoral Area E Sandra Burton, Peace River Forage Association Dale Frederickson, BC South Peace River Stockmen's Association Anja Hutgens, Penalty Ranch Charlie Lasser, Rancher, Organic Association Annie Madden, Rancher from Jackfish Lake Dennis Madden, Rancher from Jackfish Lake Judy Madden, BC Southpeace Cattleman Mike McConnell, Peace River Cattlemen's Association Ross Musgrove, Upper Cache Creek Cattleman's Association Steve Rainey, BC South Peace River Stockmen's Association John Stokmans, Saulteau First Nations Julie Robinson, Ministry of Agriculture Lori Vickers, Ministry of Agriculture
<b>CONSULTATION STEERING COMMITTEE REPRESENTATIVES</b>	Siobhan Jackson, BC Hydro Erin Harlos, BC Hydro Julie Chace, Ministry of Energy and Mines Leslie MacDonald, Ministry of Agriculture
<b>REGIONAL ADVISOR</b>	MLA Pat Pimm, Peace River North
<b>FACILITATOR</b>	Judy Kirk, Kirk & Co. Consulting Ltd.
<b>MEETING RECORDER</b>	Erin Harlos, BCH
<b>KEY THEMES</b>	
<ul style="list-style-type: none"> <li>Participants expressed an interest in creating a new cross-producer society to manage/disburse the fund, and not an adaptation of an existing group or fund manager, to ensure all interested stakeholders are represented.</li> <li>Participants commented on fund governance, articulating the need for an executive board comprised of local agricultural producers, with positions for smaller groups and new entrants. Participants commented that the executive board should have a clear terms of reference to ensure fairness, and that the terms of reference should be reviewed every two to five years.</li> <li>Participants expressed interest in the compensation fund of \$20 million being paid out in a lump sum from BC Hydro, and managed as an endowment, with flexibility in annual payments.</li> <li>Participants commented on criteria and eligibility, expressing interest in ensuring individual producers have ways of participating in the fund – both on advisory board and as applicants. Participants proposed that 30 per cent of each year's funding be available for individual projects.</li> <li>Participants expressed the need for new, young entrants into the farming industry and a need for educational agriculture programming.</li> <li>Participants stated that the Agricultural Compensation Fund should not be for use outside the Peace Region.</li> </ul>	
<b>General</b>	
<ul style="list-style-type: none"> <li>Participants requested additional opportunities to provide input on the compensation fund.</li> <li>Charlie Lasser expressed concern about overall climate change due to the Site C dam.</li> </ul>	
<b>Provincial Environmental Assessment Certificate – Conditions</b>	
<ul style="list-style-type: none"> <li>Dale Frederickson asked about Condition 31 and the geographic scope of the monitoring plans, including whether there will be an increased wildlife impact closer to the dam. <i>Siobhan Jackson noted that Condition 31 of the Provincial Environmental Assessment Certificate requires BC Hydro to implement a 10-year monitoring program to determine if the Site C Reservoir will result in site-specific changes that will affect local agricultural operations. These monitoring findings will be used to inform direct mitigation and/or compensation.</i></li> </ul>	

April 29, 2016

## Construction Management Practices

- Judy Madden expressed concern about the wording in the section on the Vegetation and Invasive Plant Management Plan.
- Charlie Lasser commented on the Traffic Management Plans and the potential widening of Jackfish Lake Road, and its impact to the surrounding agriculture.
- Annie Madden and Dennis Madden commented on traffic management issues along Jackfish Lake Road.

## Individual Farm Mitigation Plans

- Dan Rose asked about the process for dispute resolution regarding individual farm mitigation plans. *Siobhan Jackson noted that BC Hydro is in the process of developing an acquisition process guide, and will follow up directly with the participant regarding the question.*
- Steve Rainey, MLA Pat Pimm and Charlie Lasser expressed concern about land owner and tenure holder questions not being addressed, as it impacts their agricultural operations. *Siobhan Jackson noted that landowners and tenure holders should follow up directly with their Properties contact, and BC Hydro will be releasing an acquisition process guide in the near term.*

## Management of Surplus Agricultural Lands

- Judy Madden commented on surplus lands, and expressed interest in giving priority to former landowners, and then to adjacent landowners, to ensure the land is maintained for local agricultural purposes.
- Mike McConnell asked about loss of portions of a farmer's land, and expressed interest in BC Hydro buying the entire parcel if they are unable to operate. *Siobhan Jackson noted that during individual negotiations with landowners those concerns would be discussed.*
- Ross Musgrove asked about the Agricultural Land Reserve (ALR), and how BC Hydro decides if lands stays in the ALR. *Siobhan Jackson noted that they do not have the authority to remove lands from the ALR. There may be surplus lands that are not currently in the ALR, which BC Hydro would seek to add to the ALR based on consultation with the Agricultural Land Commission and landowners*
- Ross Musgrove asked how BC Hydro acquired the agricultural land from the ALR. *Siobhan Jackson noted that the provincial government executed an exclusion of land.*

## Agricultural Compensation Fund

- *MLA Pat Pimm stated his support for narrowing the geographic scope of the Agricultural Compensation Fund to exclusively remain in the Peace Region.*
- Judy Madden and Dale Frederickson asked about BC Hydro seeking feedback from outside the Peace Region. *Siobhan Jackson noted that they have not held meetings outside the region, and in the online discussion guide and feedback form, the form requests that participants identify what region they are from so that the source of input is clear.*
- Judy Madden and Dale Frederickson expressed concern about the wording in the discussion guide, relating to funding going outside the region. *Siobhan Jackson noted that the wording is from the Environmental Assessment Certificate, and the Committee understands, and has recommended, that the fund remain in the Peace Region.*
- Dan Rose and MLA Pat Pimm expressed interest in mirroring money management practices of the Columbia Basin Trust and the Northern Development Initiatives Trust, to ensure long term distribution of the fund.
- Numerous participants, including Judy Madden, Mike McConnell and Steve Rainey, expressed interest in the Agricultural Compensation Fund being paid out as a lump sum from BC Hydro, and managed locally as an endowment.
- John Stokmans and Steve Rainey discussed setting up the fund in perpetuity, and what the rate of return would be for this approach.
- Charlie Lasser asked about the \$20 million fund. *Siobhan Jackson noted that the \$20 million will be available once the final plan is issued, and that directly impacted landowners will be compensated from a separate fund.*
- Judy Madden, Dan Rose and Charlie Lasser commented on the wording of the compensation fund's vision, and requested the addition of 'enhancing and maintaining agriculture', including wildlife displacement, crop drying and wildlife predation.
- Dan Rose and Judy Madden expressed interest in ensuring a simple and straightforward application process. *Pat Pimm noted that the application process can be complicated due to federal requirements.*

April 29, 2016

- John Stokmans expressed interest in setting aside a portion of the fund to mitigate potential future impacts that may arise, and that the fund should exclusively be used in the Peace Region, and managed locally.
- Judy Madden and Sandra Burton expressed concern about the proposed eligibility criteria, and that it should be limited to agriculture exclusively. Furthermore, eligibility for educational institutions should include a requirement that the research be directly linked to benefits for the Peace Region.
- Mike McConnell and Judy Madden commented on eligibility for individuals, and that individual projects should only be 50% funded.
- MLA Pat Pimm, Dan Rose and Steve Rainey expressed interest in maintaining eligibility for individual projects, to support local on-the-ground projects that aren't associated with any societies, and suggested allocation 30% of each year's funding to individual projects.
- Dan Rose commented that individual projects may have increased administration costs in comparison to societies who are governed.

#### **Agricultural Compensation Fund – Governance**

- Mike McConnell and Judy Madden expressed concern regarding the draft governance structure included in the Discussion Guide, and proposed an alternate governing framework, which includes creation of a non-profit society to administer the fund with an executive board representing various groups from the region. Additionally, the proposed structure would include an advisory committee to oversee the review of applications and to make recommendations to the primary executive board.
- Dan Rose discussed the creation of a primary decision-making group and an administration group, to vet applications to ensure they meet criteria.
- Sandra Burton expressed interest in maintaining flexibility for eligibility, and that the framework should be reviewed every five years.
- Steve Rainey, Judy Madden and Dan Rose expressed interest in creating an executive board made up of agricultural producers to make decisions regarding the Fund, ensuring local, non-government and non-political administration of the Fund.
- Dan Rose expressed interest in providing input on the terms of reference, to ensure all forms of agriculture are represented, including those that are not part of existing producers groups, and that the PRRD does not wish to be involved with the distribution of the money.
- Judy Madden asked about BC Hydro's involvement in oversight. *Siobhan Jackson noted that they are consulting with the Environment Assessment Office to determine their involvement requirements.*
- *Siobhan Jackson requested feedback regarding the level of due diligence that participants would expect of the producer decision-making group, and how BC Hydro can ensure the producer board will follow a fair and transparent process.*
- *Leslie MacDonald asked for feedback on the possibility of creating a role for an administrator, to act as a conduit, bring forward applications and respond to questions.* Dan Rose expressed concern regarding duplication in this proposed role, and cited the Northern Development Initiatives Trust board that meets quarterly, reviews applications and makes decisions.
- *Leslie MacDonald asked attendees about the proposed electoral process for executive board members, and whether attendees expected the roles to be compensated or voluntary positions.*
- Judy Madden expressed interest in a nomination process by producer groups for executive board member positions, and that those positions would warrant travel and per diems.
- Dale Frederickson commented on the creation of an executive board, and expressed interest in smaller sectors being represented through the Peace River Regional District.

#### **Additional Comments/Discussion**

- Dale Frederickson, Steve Rainey, MLA Pat Pimm, and Charlie Lasser expressed the need for new, young entrants into the farming industry, and commented that there is a lack of opportunities for youth in agriculture, citing a need for programs that bring agriculture into the classrooms and coordinating with programs such as Northern Opportunities.
- Anja Hutgens expressed interest in the Farmer's Advocate in Dawson Creek remaining a resource for all farmers in the region.

**April 29, 2016**



Applications for the first year of funding under the BC Rural Dividend will be accepted from April 4 to May 31, 2016.

As committed during the September 2015 Union of British Columbia Municipalities convention and in Balanced Budget 2016, the three-year \$75-million Rural Dividend will help rural communities with populations under 25,000 diversify and strengthen their economies.

Funding of \$25 million per year is available in four categories:

- Community capacity building;
- Workforce development;
- Community and economic development; and
- Business sector development.

Local governments, not-for-profit organizations and First Nations are all eligible to apply. Single applicants can apply for up to \$100,000 for community-driven projects and must contribute at least 20% of the total project cost. Partnerships involving more than one eligible applicant can apply for up to \$500,000, and must contribute 40% of the total project cost. Applicant contributions can include in-kind contributions of up to 10%. A project development funding stream will provide up to \$10,000 to help communities with limited capacity build business cases and feasibility assessments to support the development of strong projects and future project applications.

Downloadable application forms, program guidelines, as well as detailed instructions on how to apply will be available as of April 4, 2016, when the new Rural Dividend website goes live: [www.gov.bc.ca/ruraldividend](http://www.gov.bc.ca/ruraldividend). The criteria for the Rural Dividend was designed with input from the Rural Advisory Council, which was formed in March 2015.

#### **Quotes:**

##### **Premier Christy Clark -**

"We promised to help manage the effects of rapid growth and share the wealth that comes from rural B.C. more fairly with the communities that create it. And thanks to the hard work of Donna Barnett and the Rural Advisory Council, we're keeping that promise."

##### **Minister of Forests, Lands and Natural Resource Operations Steve Thomson -**

"These funds will assist rural communities and organizations diversify their economies and build and retain their workforce."

##### **Parliamentary Secretary to the Minister of Forests, Lands and Natural Resource Operations for Rural Development Donna Barnett -**

"Over the past year, we've worked closely with the Rural Advisory Council in designing this program that will benefit rural British Columbians."

#### **Learn More:**

Rural Dividend: [www.gov.bc.ca/ruraldividend](http://www.gov.bc.ca/ruraldividend)

Rural Advisory Council: [www2.news.gov.bc.ca/news\\_releases\\_2013-2017/2016flnr0040-000473.htm](http://www2.news.gov.bc.ca/news_releases_2013-2017/2016flnr0040-000473.htm)

The following was copied from the UBCM website April 6, 2016

# Application Period Opens for BC Rural Dividend Program

April 6, 2016

Local governments, First Nations and non-profit organizations in rural BC can now apply for funding to strengthen community resilience and support social, cultural and economic viability.

The [BC Rural Dividend Program](#) will support projects under the following categories: community capacity building; workforce development; community and economic development; and, business sector development.

Funding is available at three scales: project development funding can provide up to \$10,000 at 100% funding; project funding from a single applicant can provide up to \$100,000 at 80% funding; and, project funding supported by partnerships can provide up to \$500,000 at 60% funding.

The Program Guide provides complete eligibility and application information. The following is a summary of the eligibility criteria that may be of most interest to local governments:

- Projects must be in rural communities with a population of 25,000 or less, located outside Metro Vancouver and the Capital Regional District.
- Program funding is not intended for infrastructure projects. Minor renovations or retrofits that are essential to support a proposed project may be considered.
- Applicants are encouraged to seek funding from other government sources, including other levels of government – municipal, regional, First Nation or federal.
- Applicants are required to directly contribute funding to projects (20% of total project cost for Single Applicants; 40% for Partnerships) that cannot be sourced from another government program except for the Community Works Fund. Please refer to the [Community Works Fund](#) website to ensure eligibility under the Gas Tax program.
- There are restrictions on the amount of in-kind funding that can be used.

The first application intake runs from April 4, 2016 to May 31, 2016. It is important to note that a Council or Board resolution is required with the application package and must be submitted before the deadline.

A second intake will run from October 3 to 31, 2016, and additional intakes are planned for 2017/18.

All application materials are available on the [BC Rural Dividend Program](#) website. For additional information, contact [FrontCounter BC](#) at 1-877-855-3222 or [FrontCounterBC@gov.bc.ca](mailto:FrontCounterBC@gov.bc.ca).

**April 29, 2016**

**Received April 20, 2016**

**C-3**

From: Director Leonard Hiebert <[leonard.hiebert@prrd.bc.ca](mailto:leonard.hiebert@prrd.bc.ca)>  
Date: 2016-04-20 10:08 AM (GMT-07:00)  
To: Director Dan Rose, Director Karen Goodings , Director Brad Sperling  
Cc: Chris Cvik, Trish Morgan  
Subject: FW: citizens attitude toward the PRRD

Hello,

Received this email this morning, forwarding it onto the rural directors. Might be good to give you an update as to how we have been responding to Randy, tomorrow at EDAC.

Thanks,  
Leonard Hiebert  
Electoral Director Area "D"  
250-219-8098  
[leonard.hiebert@prrd.bc.ca](mailto:leonard.hiebert@prrd.bc.ca)

From: Randy Torgrimson [<mailto:torg@pris.bc.ca>]  
Sent: Wednesday, April 20, 2016 09:44  
To: Leonard Hiebert; Director Leonard Hiebert; Chair Don McPherson  
Cc: Chad McGowan; Randy Dokken; Ron Scobie; Cherlyn Scobie; Hellmut Patzelt; Adi Carlstad ; Cortney ; Gilles Turcotte; Tim / Charlie Hartnell; Ardyth Overholt; Bonnie Aasen; Cheryl Ireland; Dave Anderson; Dean Anderson; John & Mary Miller; Katharina Siemens; Walter Stewart; Ed Armitage; Bryan Tower; Norm Rousell; Jake Torgrimson; Linda Fontaine; Joanne; Wayne Johnson; Tim Shipton; Luke Petersen; Brian and Deanne Stratuliak; Glen Hiebert; Elden Veiner  
Subject: citizens attitude toward the PRRD

Don McPherson, Chair PRRD

Dear Mr. McPherson and Mr. Hiebert:

I received this letter from a local resident. This letter is typical of the rural citizen's attitude toward the PRRD. I thought you may be interested to see what the people really think. The District may have had the current arrogant attitude since inception, but it really came to light when they created this fabricated and bogus Rural Building By-law; the only purpose of which was to rob the citizens of their freedom generate money. Absolutely shameful behaviour, which by the way will not be forgotten.

I can't imagine anyone being proud to admit association with the PRRD.

Thank you,  
Randy Torgrimson  
Ph: 250-784-5539  
[torg@pris.bc.ca](mailto:torg@pris.bc.ca)

Hello Randy:-

I have been following correspondence between you, Mr. Stewart and the PRRD for some time. I too am wondering, why it seems to be impossible to get straight forward answers from anybody in the PRRD. My understanding is that WE vote for whomever we feel will do the best job representing US, but how can they represent us if there is no communication? It seems to me that secrecy seems to be the norm, and we are expected to just sit back and take it – without any questions. This is not democracy! I am not feeling very confident having the PRRD make By-laws they feel are best for us, when in fact it appears that the By-laws they are passing are first and foremost for their benefit, or in some cases, the benefit of a few select individuals. Is there a higher level of Government that the PRRD is accountable to?

Bonnie

**April 29, 2016**





## POLICY STATEMENT

### **ELECTORAL AREA DIRECTORS' COMMITTEE**

The Electoral Area Directors' Committee membership shall be elected representatives from Electoral Area 'B', Electoral Area 'C', Electoral Area 'D' and Electoral Area 'E'.

#### **TERMS OF REFERENCE**

1. The Electoral Area Directors' Committee will meet to address issues of a rural nature.
2. Meetings will be open to the public.
3. The Electoral Area Directors' Committee will be chaired by an Electoral Area Director elected by the committee participants.
4. The Electoral Area Directors' Committee will hold meetings the third Thursday of each month or at the call of the Chair.
5. Electoral Area Directors' Committee meetings will be funded through the Legislative - Electoral Area budget under "Electoral Area Business." Only Electoral Area Directors will be compensated for attending meetings.
6. Agenda items for the Electoral Area Director's Committee meetings will include items that are:
  - a) referred to the meeting by resolution of the Regional Board; or
  - b) of a purely rural nature.
7. Items for the regular agenda must be provided to Administration by noon the Friday prior to the scheduled meeting.
8. All recommendations of the Committee shall be determined by majority vote of the Electoral Area Directors.
9. Staff will prepare minutes and forward recommendations to the Regional Board for consideration.
10. Committee recommendations will be ratified by the Regional Board prior to staff action being undertaken, unless previously authorized by a referring Board resolution.





Peace River Regional District  
REPORT

To: Electoral Area Directors Committee Date: April 13, 2016

From: Bruce Simard, General Manager of Development Services

Subject: Update of Zoning Regulations for Utilities

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**RECOMMENDATION(S):**

For discussion and clarification prior to proceeding.

**BACKGROUND/RATIONALE:**

At the February 18, 2016 Electoral Area Directors (EADC) meeting the following resolution was made:

*"That the Electoral Area Directors' Committee recommends to the Regional Board that staff be requested to review current zoning to determine whether specific zoning for sewage lagoons is an accepted usage within all zones and, if necessary, to report back to the Electoral Area Directors' Committee with suggested changes to all Peace River Regional District zoning to address concerns regarding sewage haulers taking domestic sewage to private lagoons."*

On March 24 the Board gave 1<sup>st</sup> Reading to a zoning amendment bylaw {see report attached} that would update Zoning Bylaw No. 1343, 2001 to achieve the following:

**Proposed Remedy:**

The proposed zoning bylaw amendment included with this report modifies Zoning Bylaw 1343, 2001 to achieve the following objectives:

- Update definitions for utilities to more commonly used formats.
- Update definition for "community sewer" to apply only to underground infrastructure.
- Differentiate utilities between "major" and "minor" utilities.
- Specify minor utilities that are permitted in all zones.
- Prepare a new P-3 zone for major utilities.
- Include a use for "*Sewer lagoon to provide storage and treatment for off-site effluent*" that is permitted only in the new P-3 zone.
- Include a use for "*Solid waste disposal site*" that is permitted only in the new P-3 zone.

The effect of these changes will be as follows:

- Clearly identify major utility uses that will require a P-3 zone.
- Clearly identify those essential utilities that can occur in all zones.
- Existing PRRD and private activities will be grand-fathered as existing non-conforming pursuant to the Local Government Act.
- If not already pre-zoned, newly proposed uses under the P-3 zone would require a rezoning process to confirm appropriate location with public consultation.

April 29, 2016

Staff Initials:

Dept. Head:

*Bruce Simard*

CAO:

*Ch. G. Kirk*

Page 1 of 2

**R-3**

Board Resolution (March 24, 2016):

B-5

ZONING AMENDMENT BYLAW NO. 2247, 2016

RD/16/03/34 (24)

MOVED Director Goodings, SECONDED Director Sperling,

That staff be requested to review current zoning to determine whether specific zoning for sewage lagoons is an accepted usage within all zones, and report back to the Electoral Area Directors' Committee with suggested changes to all Peace River Regional District zoning to address concerns regarding sewage haulers taking domestic sewage to private lagoons.

**CARRIED.**

RD/16/03/35 (24)

MOVED Director Goodings, SECONDED Director Nichols,

1. That "Zoning Amendment Bylaw No. 2247, 2016" be read a first time this 24<sup>th</sup> day of March, 2016; and
2. That three Public Hearings be held, one each in the North Peace, South Peace and West Peace; and
3. That the holding of Public Meetings be delegated to the Electoral Area Directors.

OPPOSED: Directors Ackerman, Hiebert, Rose, and Sperling

**CARRIED.**

At the Board meeting on April 14, 2016 Resolution RD/16/03/35 (24) was reconsidered and rescinded by the following decision:

RD/16/04/04

MOVED Director Goodings, SECONDED Director Rose,

That Resolution No. RD/16/03/35 (24) which states:

- "1. That "Zoning Amendment Bylaw No. 2247, 2016" be read a first time this 24th day of March, 2016; and
2. That three Public Hearings be held, one each in the North Peace, South Peace and West Peace; and
3. That the holding of Public Meetings be delegated to the Electoral Area Directors"

be rescinded.

**CARRIED.**

**STRATEGIC PLAN RELEVANCE:**

**FINANCIAL CONSIDERATION(S):**

**COMMUNICATIONS CONSIDERATION(S):**

Public Hearings required to amend the zoning bylaw

**OTHER CONSIDERATION(S):**

**April 29, 2016**



# Peace River Regional District REPORT

R-3

To: Regional Board Chair and Directors Date: March 17, 2016

From: Bruce Simard, General Manager of Development Services  
Electoral Area Directors Committee (EADC)

Subject: **UPDATE ZONING REGULATIONS FOR UTILITIES**

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## RECOMMENDATION(S):

### **EADC:**

THAT the Electoral Area Directors' Committee recommends to the Regional Board that staff be requested to review current zoning to determine whether specific zoning for sewage lagoons is an accepted usage within all zones and, if necessary, to report back to the Electoral Area Directors' Committee with suggested changes to all Peace River Regional District zoning to address concerns regarding sewage haulers taking domestic sewage to private lagoons.

### **STAFF:**

THAT the Regional Board read Zoning Amendment Bylaw No. 2247, 2016 for a first time; and

THAT the Regional Board authorize holding of three Public Hearings, one each in the North Peace, South Peace and West Peace; and

THAT holding of the Public Hearings be delegated to the Electoral Area Directors Committee.

## BACKGROUND/RATIONALE:

Concerns have been brought to the attention of Director Sperling regarding the use of an existing lagoon on I-1 zoned land (near the Charlie Lake School), for disposal of sewage by a commercial sewage hauler. It has been determined that this use meets both the PRRD zoning as well as Northern Health and Ministry of Environment (MOE) regulations.

At the February 18, 2016 Electoral Area Directors (EADC) meeting the following resolution was made:

*"That the Electoral Area Directors' Committee recommends to the Regional Board that staff be requested to review current zoning to determine whether specific zoning for sewage lagoons is an accepted usage within all zones and, if necessary, to report back to the Electoral Area Directors' Committee with suggested changes to all Peace River Regional District zoning to address concerns regarding sewage haulers taking domestic sewage to private lagoons."*

Staff Initials:

Dept. Head:

*Bruce Simard*  
**April 29, 2016**

CAO:

*Ch. Birk*

Page 1 of 3

This recommendation arises from problems with the current zoning definitions for Public Utility Use and Community Sewage System contained in Zoning Bylaw No. 1343, 2001, which also allow a PUBLIC UTILITY USE in any zone and specifically in the I-1 zone:

**PUBLIC UTILITY USE**

means the use of land, buildings or structures providing for the servicing of community water, COMMUNITY SEWER, drainage, electrical, radio and/or television receiving or broadcasting, telephone exchange, telecommunication relay, natural gas utility distribution, air navigational aid, solid waste disposal transfer stations, transportation, and similar services where such use is established by a municipality, the Regional District, an Improvement District or a utility company regulated by government legislation;

**COMMUNITY SEWAGE SYSTEM**

means a common system of sewerage and sewage disposal, which serves two (2) or more parcels;

This definition has been in use for many decades, but as a result of more recent court decisions in other jurisdictions, legal advice indicates that the provision in the definition ...

***“where such use is established by a municipality, the Regional District, an Improvement District or a utility company regulated by government legislation”***, is not authorized by the Local Govt Act, because zoning powers do not include the authority to zone according to ownership.

If legally challenged, we are advised that a court would likely just strike the offending provision from the definition, thus removing the intended limitation for public ownership. Since a PUBLIC UTILITY USE is permitted in any zone this would result in the ability for anyone, including private commercial interests, to undertake a PUBLIC UTILITY USE any place in the zoning area. The major concern of this happening is the potential for inappropriate locations that would result in a high degree of land use conflict.

Thus, the recommendation of EADC is being made to ensure that the zoning is updated so that the regulations are secure in the ability to manage the location of a utilities, and in particular, sewer lagoons that provide storage and treatment for off-site effluent.

At the March 10, 2016 Regional Board meeting, the following resolution was also passed in regard to Northern Health and MOE:

*“That a letter be forwarded to the Ministry of Environment and Northern Health to request that no further authorizations by delegated professionals, such as on-site waste practitioners, be issued for the hauling of domestic sewerage to private lagoons until such time as the practice can be monitored by those respective agencies, with copies to South Peace MLA Mike Bernier and North Peace MLA Pat Pimm”*

While this is intended to address the Provincial permitting for the operation of private commercial lagoons, it does not affect the location of such an activity. The authority to determine location resides in PRRD zoning powers.

**Proposed Remedy:**

The proposed zoning bylaw amendment included with this report modifies Zoning Bylaw 1343, 2001 to achieve the following objectives:

- Update definitions for utilities to more commonly used formats.
- Update definition for “community sewer” to apply only to underground infrastructure.
- Differentiate utilities between “major” and “minor” utilities.
- Specify minor utilities that are permitted in all zones.
- Prepare a new P-3 zone for major utilities.
- Include a use for “*Sewer lagoon to provide storage and treatment for off-site effluent*” that is permitted only in the new P-3 zone.
- Include a use for “*Solid waste disposal site*” that is permitted only in the new P-3 zone.

The effect of these changes will be as follows:

- Clearly identify major utility uses that will require a P-3 zone.
- Clearly identify those essential utilities that can occur in all zones.
- Existing PRRD and private activities will be grand-fathered as existing non-conforming pursuant to the Local Government Act.
- If not already pre-zoned, newly proposed uses under the P-3 zone would require a rezoning process to confirm appropriate location with public consultation.

There are three other zoning bylaws in the PRRD that have a similar problem to this. The focus at this time is on Bylaw No. 1343, 2001 due to immediate concerns in the Charlie Lake area.

As a second phase, Zoning Bylaw No.1000, 1996 should be considered for amendment and then the Dawson Creek Rural Area Zoning Bylaw No. 479, 1986 and Chetwynd Rural Area Zoning Bylaw No. 506, 1986.

All changes would eventually be consolidated in a newly updated regional zoning bylaw that is a Regional Board strategic priority for completion by the end of 2018.

**STRATEGIC PLAN RELEVANCE:**

Work will contribute to a regional zoning bylaw which is a Regional Board strategic priority for completion by the end of 2018.

**FINANCIAL CONSIDERATION(S):**

Cost public hearings

**COMMUNICATIONS CONSIDERATION(S):**

Public Hearing required for zoning amendment.

**OTHER CONSIDERATION(S):**

The potential for unmanaged proliferation of commercial sewer lagoons could result in inappropriate locations that may cause a high degree of land use conflict.

# PEACE RIVER REGIONAL DISTRICT

## Bylaw No. 2247, 2016

A bylaw to amend the "Peace River Regional District Zoning Bylaw No. 1343, 2001."

# R-3

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt "Peace River Regional District Zoning Bylaw No. 1343, 2016";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2247 (Utilities), 2016."
2. The "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended in the following manner:

a) By deleting the following definitions from Section 3:

### **PUBLIC UTILITY USE**

means the use of land, buildings or structures providing for the servicing of community water, COMMUNITY SEWER, drainage, electrical, radio and/or television receiving or broadcasting, telephone exchange, telecommunication relay, natural gas utility distribution, air navigational aid, solid waste disposal transfer stations, transportation, and similar services where such use is established by a municipality, the Regional District, an Improvement District or a utility company regulated by government legislation;

### **COMMUNITY SEWAGE SYSTEM**

means a common system of sewerage and sewage disposal, which serves two (2) or more parcels;

b) By adding the following definitions to Section 3:

### **UTILITY, MAJOR**

means the use of land, buildings or structures for one or more of the following: sewage treatment facilities (not including sewer lagoon), water treatment plants, major pump houses, water towers or tanks, drainage, electrical, radio and/or television receiving or broadcasting, telephone exchange, telecommunication relay, electrical generation stations and similar services;

### **UTILITY, MINOR**

means the use of land, buildings or structures for the unattended equipment and infrastructure necessary for the operation of one or more of the following: community water system, **COMMUNITY SEWER**, natural gas distribution, solid waste disposal transfer stations, radio or television transmission system, receiving or broadcasting, telecommunications, air navigational aid, electrical transmission and distribution, or electrical substations. This use does not include the outdoor storage of vehicles, equipment or materials, other than required for maintenance or repairs.

### **COMMUNITY SEWER**

means a common system of underground sewerage collection infrastructure which serves two (2) or more parcels;

- c) By deleting the text of Section 20(d) and replacing with the following:

**UTILITY** and **UTILITY, UNATTENDED** not including an office building or works yard

- d) By deleting the text of Section 24(a) and replacing with the following:

**UTILITY, UNATTENDED**, not including an office building or works yard;

- e) By deleting the text of Section 34 2(a) and replacing with the following:

The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER**;

- f) By deleting the text of Section 34 2(b) and replacing with the following:

The minimum parcel size is 1000 sq. metres (0.25 acre) when the parcel is connected to a **COMMUNITY SEWER**.

- g) By deleting the text of Section 34 2(b)(i) and replacing with the following:

District Lot 418, except Plan 18222, for which the minimum parcel size is 1,000 sq. metres (0.25 acres) where the parcel is connected to a **COMMUNITY SEWER** or where the parcel has a sewage system approved by the agency having jurisdiction regarding sewage disposal in the area covered by this bylaw. {BL#1829, 2008}

- h) By deleting the text of Section 34 2(d) and replacing with the following:

One **TEMPORARY ADDITIONAL DWELLING**, is permitted on a parcel 0.9 hectares (2.2 acres) and larger where there is no **COMMUNITY SEWER**;

- i) By deleting the text of Section 34 2(e) and replacing with the following:

One **TEMPORARY ADDITIONAL DWELLING**, is permitted on a parcel 0.4 hectares (1 acre) and larger when the parcel is connected to a **COMMUNITY SEWER**.

- j) By deleting the text of Section 35 2(a) and replacing with the following:

The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER**;

- k) By deleting the text of Section 35 2(b) and replacing with the following:

The minimum parcel size is 0.4 hectare (1 acre) when the parcel or parcels are connected to a **COMMUNITY SEWER**.

- l) By deleting the text of Section 35 2(d) and replacing with the following:

One **TEMPORARY ADDITIONAL DWELLING**, is permitted on a parcel 0.9 hectares (2.2 acres) and larger where there is no **COMMUNITY SEWER**;



- m) By deleting the text of Section 35 2(e) and replacing with the following:  
(e) One **TEMPORARY ADDITIONAL DWELLING**, is permitted on a parcel 0.4 hectares (1 acre) and larger when the parcel is connected to a **COMMUNITY SEWER**.
- n) By deleting the text of Section 36 2(b) and replacing with the following:  
The minimum parcel size is 0.9 hectares (2.2 acres) when the parcel is connected to a **COMMUNITY SEWER** in the area covered by North Peace Official Community Plan Bylaw No. 820, 1993;
- o) By deleting the text of Section 36 2(c) and replacing with the following:  
The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER** in the area covered by North Peace Official Community Plan Bylaw No. 820, 1993;
- p) By deleting the text of Section 41 3(a) and replacing with the following:  
The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER**;
- q) By deleting the text of Section 41 3(b) and replacing with the following:  
The minimum parcel size is 0.4 hectare (1 acre) when the parcel is connected to a **COMMUNITY SEWER**.
- r) By deleting the text of Section 42 2(a) and replacing with the following:  
The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER**;
- s) By deleting the text of Section 42 2(b) and replacing with the following:  
The minimum parcel size is 0.4 hectare (1 acre) when the parcel is connected to a **COMMUNITY SEWER**.
- t) By deleting the text of Section 43 2(a) and replacing with the following:  
The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER**;
- u) By deleting the text of Section 43 2(b) and replacing with the following:  
The minimum parcel size is 0.4 hectare (1 acre) where the parcel is connected to a **COMMUNITY SEWER**.
- v) By deleting Section 45 1(l).
- w) By deleting the text of Section 45 2(b) and replacing with the following:  
The minimum parcel size is 0.9 hectares (2.2 acres) when the parcel is connected to a **COMMUNITY SEWER**, OR a system approved by the Northern Health Authority as the agency having jurisdiction regarding sewage disposal, in the area covered by the North Peace Official Community Plan Bylaw No. 820, 1993. (BL#1567, 2005)
- x) By deleting the text of Section 49 2(b) and replacing with the following:  
(b) The minimum parcel size is 0.4 ha (1 acre) when the parcel or parcels are connected to a **COMMUNITY SEWER**. (Bylaw #1377, 2002)

y) By deleting the text of Section 52 1(l) and replacing with the following:

**UTILITY**, including an office building or works yard

z) By deleting the text of Section 52 2(a) and replacing with the following:

The minimum parcel size is 1.8 hectares (4.5 acres) where there is no **COMMUNITY SEWER**;

aa) By deleting the text of Section 52 2(b) and replacing with the following:

(b) The minimum parcel size is 1000 sq. metres (0.25 acre) when a parcel is connected to a **COMMUNITY SEWER**.

bb) By deleting the text of Section 53 2(a) and replacing with the following:

The minimum parcel size is 1.6 hectares (4.0 acres) where the parcel is not connected to a **COMMUNITY SEWER**;

cc) By deleting the text of Section 53 2(b) and replacing with the following:

The minimum parcel size is 2,000 sq. metres (0.5 acre) when a parcel is connected to a **COMMUNITY SEWER**.

dd) By adding the following section:

## **SECTION 52-A P-3 (Utilities)**

### **1. Permitted Uses**

The following **PRINCIPAL USES** and no others are permitted in a P-3 zone subject to Part IV of this bylaw and subject to Sub-Section 2 of this Section 52-A;

- (a) **UTILITY**, including an office building or works yard;
- (b) Solid waste disposal site;
- (c) Sewer lagoon to provide storage and treatment for off-site domestic effluent;
- (d) **AGRICULTURE**;

The following **ACCESSORY** uses and no others are permitted in a P-3 zone, subject to Part IV of this bylaw and Sub-Section 2 of this Section 52-A:

- (g) **ACCESSORY** building and **ACCESSORY** structure.

### **2. Regulations**

#### Minimum Parcel Size

- (a) The minimum parcel size is 1.8 hectares (4.5 acres).

#### Height

- (b) No building or structure shall exceed 15 metres (50 ft) in **HEIGHT**.

Setbacks

- (c) Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:
- (i) 7 metres (23 ft) of a FRONT PARCEL LINE;
  - (ii) 3 metres (10 ft) of an INTERIOR SIDE PARCEL LINE;
  - (iii) 5 metres (17 ft) of an EXTERIOR SIDE PARCEL LINE; or
  - (iv) 7 metres (23 ft) of a REAR PARCEL LINE.

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

Public Hearing held on the \_\_\_\_ day of \_\_\_\_\_, 2016 and notification mailed on the \_\_\_\_ day of \_\_\_\_\_, 2016.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED by the Ministry of Transportation this \_\_\_\_ day of \_\_\_\_\_, 2016

*(pursuant to section 52(3)(a) Of the Transportation Act)*

\_\_\_\_\_  
District Highways Manager

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

(Corporate Seal affixed)

( \_\_\_\_\_  
( Don McPherson, Chair  
( \_\_\_\_\_  
( \_\_\_\_\_  
( \_\_\_\_\_  
( Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of  
"PRRD Zoning Amendment Bylaw No. 2247 (Utilities),  
2016", as adopted by the Peace River Regional District Board  
on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Corporate Officer



## Peace River Regional District REPORT

**R-4**

To: Electoral Area Directors Committee Date: April 14, 2016

From: Bruce Simard, General Manager of Development Services

Subject: Regulation of Wind Farms

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### RECOMMENDATION(S):

For review, discussion, and recommendation(s) by EADC.

### BACKGROUND/RATIONALE:

At the January 14, 2016 Committee of the Whole (COW) meeting, a report proposing new zoning regulations for wind farms and consideration for preparation of a Development Approval Information bylaw for windfarms were reviewed. (see report attached). Recommendations from COW that were adopted by the Regional Board are as follows:

#### COMMERCIAL WIND ENERGY GENERATION SYSTEMS

RD/16/01/22

MOVED Director Ackerman, SECONDED Director Nichols,

That consideration of establishing a new category of zoning and a formal review process for wind farms be considered by Committee of the Whole rather than by a Wind Farm Select Committee.

CARRIED.

RD/16/01/23

MOVED Director Bumstead, SECONDED Alternate Director Ponto,

That Agricultural Land Reserve and rezoning applications received regarding wind farms be considered by the Board on a case by case basis; and, that there be no new category of zoning for wind farms created.

WITHDRAWN

RD/16/01/24

MOVED Director Johansson, SECONDED Director Rose,

That staff be directed to investigate the rules and regulations in place in other jurisdictions regarding wind farms on private lands and provide a report for the Board's consideration.

OPPOSED: Director Goodings

CARRIED.

**April 29, 2016**

Staff Initials:

Dept. Head: *Bruce Simard*

CAO:

*Ch. Birk*

Page 1 of 2

On March 24, 2016 the Board modified directions on this matter with the following resolution that would first provide EADC with an opportunity to review and consider research pertaining the regulation of wind farms

RD/16/03/31 (24)

MOVED Director Fraser, SECONDED Director Sperling,

That staff provide the Electoral Area Directors' Committee (EADC) with a report on the rules and regulations in place in other jurisdictions regarding wind farms; and further, that EADC bring the report forward for the Board's consideration at a future meeting.

CARRIED.

#### RESEARCH:

Across Canada, regulations for wind farms vary widely. Usually local governments set the standards (sometimes with guidance from the Province), and in other cases the Province is the sole authority such as in Ontario.

Examples are attached in Appendix A from the following:

BC – Regional District of Mount Waddington

BC - Regional District of Fraser Fort George

Alberta – City of Grande Prairie

Alberta – County of Grande Prairie

Alberta – Municipal District of Pincher Creek – s.53 of Land Use Bylaw

Ontario – excerpts from Environmental Protection Act Regulation 359/09 (Renewable Energy Approvals)

Ontario – Municipality of Clarington

Ontario – Township of Huron-Kinloss

Nova Scotia – County of Kings

New Brunswick – Village of Belledune

New Brunswick – Model Wind Turbine Provisions and Best Practices for New Brunswick Municipalities, Rural Communities and Unincorporated Areas (excerpts)

Manomet Centre for Conservation Sciences. Plymouth, MA. "A Guide to Drafting Wind Turbine Regulations"

STRATEGIC PLAN RELEVANCE:

FINANCIAL CONSIDERATION(S):

COMMUNICATIONS CONSIDERATION(S):

OTHER CONSIDERATION(S):

**April 29, 2016**



# Peace River Regional District REPORT

R-4

To: PRRD Committee of the Whole

Date: January 7, 2016

From: Bruce Simard, General Manager of Development Services  
Kole A. Casey, South Peace Land Use Planner

**Subject: Consideration of Commercial Wind Energy Generation Systems (CWEGS)**  
(Wind Farms within PRRD land use jurisdiction)

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## RECOMMENDATION(S):

1. That the Committee of the Whole recommend that the Regional Board establish a Wind Farm Committee comprised of rural and municipal Board members, to provide advice regarding a new category of zoning for wind farms and a formal review process.
2. That the Committee of the Whole recommend that the Regional Board refer proposed Zoning Amendment Bylaw Nos. 2224, 2225, 2226, 2228, 2015 to the Wind Farm Committee for review and, recommendations for public and stakeholder engagement.
3. That the Committee of the Whole recommend to the Regional Board that staff be directed to work with the Wind Farm Committee to prepare and review a Development Approval Information Area (DAIA) applicable to Commercial Wind Energy Generation Systems (wind farms).

## PURPOSE:

A number of ALR and rezoning applications for wind farms have been received that are within the land use jurisdiction of the PRRD and for which Prov environmental assessments are not required and, inquiries from industry indicate that many more may also come forward.

Firstly, this report is provided as a basis for the Board to consider whether or not it wishes to include CWEGS (wind farms) as a permitted use within the PRRD zoning regulations and.

Secondly, this report provides a brief outline of the "Development Approval Information" tool available for local governments to require a detailed impact review in the absence of a Prov environmental assessment.

In summary this report outlines a new category of zoning for wind farms and a formal review process (in the absence of an environmental assessment) where each application would be considered on its merit and in the context of community acceptability.

April 29, 2016

Staff Initials:

Dept. Head: *Bruce Simard* CAO: *Ch. Birk*

Page 1 of 6

## BACKGROUND/RATIONALE:

March 2015

Three ALC applications for Non-farm Use for proposals for small scale wind farms under BC Hydro's SOP (Standing Offer program) on private land were submitted to the Peace River Regional District.

- Review of these applications indicated that the proposals are consistent with the North Peace Fringe Area OCP Bylaw No. 1870, 2009 and the PRRD Rural OCP Bylaw No. 1940, 2011, however
- The PRRD Zoning Bylaw No. 1000, 1996, the PRRD Zoning Bylaw No. 1343, 2001, The Dawson Creek Rural area Zoning Bylaw No. 479, 1986 and the Chetwynd Rural Area zoning Bylaw 506, 1986 do not permit Commercial Wind Energy Generation Systems (CWECS) in any zone.
- Therefore all four zoning bylaws would need amendments to permit (CWECS)
- The ALC has since approved all three projects.

Oct 2015 – Rezoning applications

Three Applications for Development for rezoning to allow (CWECS) within the PRRD were received by the PRRD.

### Zoning Category

CWECS (wind farms) are not currently a permitted use in PRRD regulations. The three rezoning applications for a CWECS use are the initial proposals among several more that are expected from other proponents. Over the past couple years, PRRD staff have received many inquiries about the potential for wind farms (CWECS up to 15 MW) on private land. These are projects that are below the threshold for requiring a provincial environmental assessment. Proponents have been consistently advised that rezoning and public review would be required. In regard to "environmental assessment" type information the Development Services Department has required that the proponent submit a detailed project proposal using the provincial template required for such proposals on Crown land. This appears to provide a sufficiently detailed investigation of the environmental impacts for this scale of project. Additional information may be requested as warranted through the rezoning review process.

### Location Considered on Case-By-Case Basis

The Development Services Department is recommending a new A-3 zone, as a category of zoning to accommodate CWECS (see Appendix 1). This proposed new zone is built on the template of the standard A-2 zoning with the addition of CWECS as a permitted use, and the inclusion of siting regulations specific to a CWECS. The A-3 zone would only be included in the mapping upon application from a proponent and subject to a rezoning review.

### Review Process

Further to the creation of a new zone the Board may also want to consider the preparation of a Development Approval Information Area (see Appendix 2). Once an area (ie. entire OCP area) has been established in an OCP: development approval information (DAI) must be required which includes information on the anticipated impact of the proposed activity or development on the community including, without limiting this, information regarding impact on such matters as:

- (a) transportation patterns including traffic flow,
- (b) local infrastructure,
- (c) public facilities including schools and parks,
- (d) community services, and
- (e) the natural environment of the area affected.

The requirement for a DAI can be triggered by application for:

- i. Zoning amendment
- ii. Development Permit
- iii. Temporary Use Permit

April 29, 2016



In the absence of a DAIA, the requirement for development approval information would be ad-hoc and inconsistent without any clear guiding policy or expectations. (This is the current default approach being employed by demanding a detailed project proposal using a Provincial template)

Research:

- PRRD staff researched and reviewed similar Wind Farm Zoning Bylaws within British Columbia, Alberta, Ontario, and similar regulations within the United States.
- PRRD staff also reviewed and researched policies set out by the Province of British Columbia and a report for the Province of Manitoba.
- BC Local Government Act

Electoral Area Directors Committee (EADC) Initial Discussion (December 17, 2015)

At the December 11, 2015 meeting, the Board directed that the matter of a potential new zone for wind farms (CWEGS) be considered first by EADC prior to further discussion at a Committee of the Whole (COW) meeting.

EADC considered the matter on December 17, 2015 and raised the following concerns:

- Should there be height restrictions?
- Spill-over effects? – To what degree, if any, should impacts be permitted to cross property lines?
- Would there be potential for companies to force entry onto private land – similar to oil & gas activities?
- How would aesthetics be addressed, such as visual impacts?
- What would be reasonable noise thresholds?
- What is the impact on agriculture land and activities?
- Can unique site specific criteria be identified? (ie. check box system of review)

EADC could not come to any conclusions on these matters and was not sure if this list of concerns is even sufficiently complete, so the matter has been sent to COW for introduction and additional discussion before proceeding further.

Current Applications

At this time there are 4 active applications for CWEGS at various stages, which have been submitted to the PRRD: (all are currently on hold by the Board pending consideration of zoning issues)

- 3 applications for rezoning (ALR non-farm use approval has already been obtained)
- 1 application for ALR non-farm use approval

While the current applications could be considered concurrently with preparation of the new zone and possible DAIA, it is recommended to first consider options for any new regulatory scheme before considering rezoning applications so that it is clear what the Board policy will be.

**STRATEGIC PLAN RELEVANCE:** N/A

**OTHER CONSIDERATION(S):**

The consideration of permitting CWEGS (wind farms) could be more than a “rural issue”, particularly if proposals are located close to municipalities. It is also recognized that PRRD municipal members are full participants in the planning function. Two options are available to assist the Board in reviewing this complex issue:

1. Refer the matter to the Electoral Area Directors Committee to provide detailed review and advice.
2. Establish a Board committee, made up of both rural and municipal directors to provide detailed review and advice.

April 29, 2016

**FINANCIAL CONSIDERATION(S):**

Costs to be determined subject to preferred public engagement method.

**COMMUNICATIONS:**

External Agency Review:

- Draft bylaws still needs to be referred to external agencies such as municipalities and provincial agencies.
- Draft bylaws will also need legal review

Public Review:

- Holding of a public hearing can be waived pursuant to s. 890(4) of the Local Government Act, and authorize performance of public notification pursuant to s. 893 of the Local Government Act

*This is not recommended*

- Considering the implications for rural residents it is recommended that the approach to public engagement be first discussed with EADC for recommendations to the Regional Board. Staff can provide a range of options for discussion.

## APPENDIX 1

### PROPOSED NEW A-3 ZONING CATEGORY

# PEACE RIVER REGIONAL DISTRICT

## Bylaw No. 2224, 2015

A bylaw to amend the "Dawson Creek Rural Area Zoning  
Bylaw No. 479, 1986."

R-4

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River-Liard Regional District Zoning Bylaw No. 479, 1986";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2224 (CWEG-479), 2015."
2. The "Peace River-Liard Regional District Zoning Bylaw No. 479, 1986" is hereby amended in the following manner:
  - a) By adding the following definitions to Part 3 - Definitions, as follows:
    - (i) **"Commercial Wind Energy Generation System (CWEG)"**  
means an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a substation, temporary or permanent wind-monitoring tower(s), access road(s) and built to provide electricity for commercial sale and distribution.
    - (ii) **"Wind turbine"**  
means a structure designed to convert wind energy into mechanical or electrical energy and includes the wind turbine tower, rotor blades and nacelle.
  - b) By adding a new zone under Part SIX Zones A-3 "Agricultural Wind Zone" following A-2 "Large Agricultural Holding Zone – 63 ha."

### PART SIX ZONES – A-3 "Agricultural Wind Zone – 63 ha. (155 acres)

A-3                      Agricultural-Wind Zone - 63 ha (155 acres)  
Permitted Uses

6.11.1(A)              The following uses and no others are permitted in an A-3 zone except as provided for in Part 7 of this By-Law:

- (i)              agriculture, including intensive agriculture;
- (ii)              oil and gas production, processing, storage, transmission and exploration
- (ii)              wood harvesting and forestry;
- (iv)              livestock range;
- (iv)              fish and wildlife habitat;
- (iv)              watershed protection and erosion control;
- (iv)              kennel;
- (iv)              public use;
- (iv)              trapping, hunting, guiding, outfitting, guest ranch and ancillary accommodation;
- (iv)              airstrip;
- (iv)              mining, including gravel extraction and processing facilities;
- (iv)              two family dwelling;
- (iv)              single family dwelling;
- (iv)              bed and breakfast accommodations; [721, 1991]
- (iv)              home occupation;
- (iv)              home industry including storage yard;
- (iv)              accessory building.
- (iv)              Commercial wind energy generation system (CWEG).

#### Regulations

**April 29, 2016**

- (B)                      On a parcel located in an A-3 zone:

Number of Family Dwellings

- (i) not more than two single family dwellings or a two family dwelling is permitted, but not both;

Additional Dwellings

- (ii) in addition to the dwellings permitted in Section 6.11 (B)(i):
- (a) not more than one farm dwelling per quarter section (63 ha.) parcel of land is permitted in conjunction with an agricultural use;
  - (b) not more than three additional dwelling units per parcel are permitted for ancillary accommodation to trapping, hunting, guiding or guest ranch uses;

Height

- (iii) there are no height limitations in an A-3 zone;

Siting

- (iv) no single family dwelling, two family dwelling or farm dwelling shall be located within:
- (a) 7 metres of a front parcel line;
  - (b) 3 metres of an interior side parcel line
  - (c) 5 metres of an exterior side parcel line; or
  - (d) 7 metres of a rear parcel line;
- (v) no accessory building shall be located within:
- (a) 7 metres of a front parcel line;
  - (b) 3 metres of an interior side parcel line
  - (c) 5 metres of an exterior side parcel line; or
  - (d) 3 metres of a rear parcel line;

Home Occupation and Home Industry

- (vi) (a) home occupations shall be conducted entirely within a building containing a single family dwelling or a two family dwelling or within a building accessory to a single family dwelling or a two family dwelling;
- (b) home industries shall be conducted entirely within a building accessory to a single family dwelling or a two family dwelling and may include a storage yard for products and materials utilized in the home industry;
- (c) storage yards for a home industry shall be limited to a maximum of ten percent (20%) coverage of the parcel, or 1.0 hectare (2.5 acres), whichever is less;
- (d) retail sales of goods produced in the home occupation or home industry shall be permitted but shall be accessory to the principal home occupation or home industry use;

Off Street Parking and Loading

- (vii) off street parking and loading spaces shall be provided and maintained in accordance with Section 7.8 of this bylaw;

Minimal Parcel Size

- (viii) the minimum parcel size is 63 hectares (155 acres) except as noted below.
- (a) for oil and gas production, storage, transmission or exploration there is no minimum parcel size subject to the Local Services Act;
  - (b) for the remainder of a parcel zoned A-2, whereby a portion thereof has been rezoned and subdivided for an intensive agriculture use, the minimum parcel size is 40 hectares (100 acres)
  - (c) for those portions of a parcel which are situated on either side of a railway right-of-way, road right-of-way or a watercourse there is no minimum parcel size subject to the Local Services act only so far as to permit subdivision along a railway right-of-way, road right-of way or watercourse;
  - (d) for those fractional portions of a parcel that are the remainder of a quarter section ad delineated by Quarter section Boundaries, the minimum parcel size is 50 Hectares (124 acres); [581, 1988]

- (ix) the provisions of the Local Services act and regulations thereunder the Provincial regulations relating to sewage disposal, all of which enactments exist as of the date of the last publication of the notice for the Public Hearing for this by-law, are hereby incorporated by reference as requirements under this by-law in respect of subdivision approval;

Agricultural Land Reserve

- (x) refer to Section 4.6 for lands within the Agricultural Land Reserve.

Bed and Breakfast accommodation

- (xi) regulations affecting the operation of bed and breakfast accommodations are provided in Section 7.10 of this bylaw [721,1991]

Wind turbine Siting

- (g) Wind turbines shall be sited to the greater of:
  - (i) The wind turbine shall be at a distance not to exceed a maximum of 40 decibels of turbine-generated sound being received on the outside of an existing dwelling unit or at the boundary of any parcel lines with residential zoning, and;
  - (ii) A wind turbine shall be located not less than 4 times the height of the wind turbine measured from ground level to the highest point of the wind turbines rotor blade arc, from any structure that is not owned by the Land owner upon which the wind turbine is located.
  - (iii) A wind turbine shall be located not less than 10 times the height of the wind turbine measured from ground level to the highest point of the wind turbines rotor blade arc, from any public recreation facility, commercial recreation facility or public use.
  - (iv) A wind turbine shall be located so that the horizontal distance of the wind turbines rotor blade arc to any parcel line shall not be less than 7.5m (23 ft.).

Sound Modeling

- (h) The following sound modeling will apply:
  - (i) The wind turbine locations will be determined through modeling, using a methodology which satisfies the ISO 9613-2 standard.
  - (ii) The sound power level, or acoustic power radiated by the wind turbines, is to be supplied by the turbine manufacturer.
  - (iii) Modeling will utilize the wind speed at which the sound power level has become constant, typically 8 – 10 meters/sec at a height of 10 meters; otherwise 11 meters/sec is to be used.
  - (iv) Application of the sound level requirement is limited to those residences and undeveloped residential parcels in existence at the time of application to construct a wind farm.
  - (v) Worst case scenarios are to be modeled, in which each property line or existing residence is portrayed as being directly downwind from each turbine.
  - (vi) Site specific characteristics, such as topography, are to be incorporated into the model.
  - (vii) Modeling is based on assumptions which may not accurately portray the characteristics of specific sites or meteorological conditions. Questionable turbines are those for which modeling predicts a sound level that is only marginally quieter than the acceptable level.
  - (viii) A risk assessment should be conducted to determine the potential impact on project viability of unacceptable sound levels from questionable turbines.

Colour and Finish for CWAG Systems

- (i) A CWEG System shall be finished in a non-reflective matte and in a colour that minimizes the obtrusive impact of a CWEG system. No lettering or advertising shall appear on the wind turbines or blades other than the manufacturer's and/or owner's identification.

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

Public Hearing held on \_\_\_\_ day of \_\_\_\_\_, 2015 and notification mailed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lori Ackerman, Chair

\_\_\_\_\_  
Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Zoning Amendment Bylaw No. 2224 (CWEG-479), 2015", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Corporate Officer



**PEACE RIVER REGIONAL DISTRICT**  
**Bylaw No. 2225, 2015**

A bylaw to amend the "Chetwynd Rural Area Zoning  
Bylaw No. 506, 1986."

**R-4**

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River-Liard Regional District Zoning Bylaw No. 506, 1986";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2225 (CWEG-506), 2015."
2. The "Peace River-Liard Regional District Zoning Bylaw No. 506, 1986" is hereby amended in the following manner:
  - a) By adding the following definitions to Part 3 - Definitions, as follows:
    - (i) **"Commercial Wind Energy Generation System (CWEG)"**  
means an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a substation, temporary or permanent wind-monitoring tower(s), access road(s) and built to provide electricity for commercial sale and distribution.
    - (ii) **"Wind Turbine"**  
means a structure designed to convert wind energy into mechanical or electrical energy and includes the wind turbine tower, rotor blades and nacelle.
  - b) By adding a new zone under Part VI Zones A-3 "Agricultural Wind Zone" following A-2 "Large Agricultural Holding Zone – 63 ha."

**PART SIX ZONES – A-3 "Agricultural Wind Zone – 63 ha. (155 acres)**

A-3                      Agricultural-Wind Zone - 63 ha (155 acres)  
Permitted Uses

6.11.1(A)              The following uses and no others are permitted in an A-3 zone except as provided for in Part 7 of this By-Law:

- (i)              agriculture;
- (ii)             oil and gas production, processing, storage, transmission or exploration
- (c)             wood harvesting and forestry;
- (d)             livestock range;
- (e)             fish and wildlife habitat;
- (f)             watershed protection and erosion control;
- (g)             kennel;
- (h)             public use;
- (i)             trapping, hunting, guiding, outfitting, guest ranch and ancillary accommodation;
- (j)             airstrip;
- (k)             mining, including gravel extraction and processing facilities;
- (l)             two family dwelling;
- (m)             single family dwelling;
- (n)             bed and breakfast accommodations; [663, 1990]
- (o)             home occupation;
- (p)             home industry including storage yard;
- (q)             accessory building; and
- (r)             Commercial wind energy generation system (CWEG).

Regulations

- (B) On a parcel located in an A-3 zone:

Number of Family Dwellings

- (i) not more than two single family dwellings or a two family dwelling is permitted, but not both;

Additional Dwellings

- (ii) in addition to the dwellings permitted in Section 6.11 (B)(i):
- (a) not more than one farm dwelling per quarter section (63 ha.) parcel of land is permitted in conjunction with an agricultural use;
  - (b) not more than three additional dwelling units per parcel are permitted for ancillary accommodation to trapping, hunting, guiding or guest ranch uses;
  - (c) additional dwelling units are permitted in conjunction with an oil or gas production, processing, storage or transmission use.

Height

- (iii) there are no height limitations in an A-3 zone;

Siting

- (iv) no single family dwelling, two family dwelling or farm dwelling shall be located within:
- (a) 7 metres of a front parcel line;
  - (b) 3 metres of an interior side parcel line
  - (c) 5 metres of an exterior side parcel line; or
  - (d) 7 metres of a rear parcel line;
- (v) no accessory building shall be located within:
- (a) 7 metres of a front parcel line;
  - (b) 3 metres of an interior side parcel line
  - (c) 5 metres of an exterior side parcel line; or
  - (d) 3 metres of a rear parcel line;

Home Occupation and Home Industry

- (vi) (a) home occupations shall be conducted entirely within a building containing a single family dwelling or a two family dwelling or within a building accessory to a single family dwelling or a two family dwelling;
- (b) home industries shall be conducted entirely within a building accessory to a single family dwelling or a two family dwelling and may include a storage yard for products and materials utilized in the home industry;
- (c) storage yards for a home industry shall be limited to a maximum of ten percent (10%) coverage of the parcel, or 1.0 hectare (2.5 acres), whichever is less;
- (d) the combined floor area of all accessory buildings on a parcel used for the purposes of conducting a home occupation and a home industry shall not exceed 300 square metres (3200 square feet;)
- (e) retail sales of goods produced in the home occupation or home industry shall be permitted but shall be accessory to the principal home occupation or home industry use;

Off Street Parking and Loading

- (vii) off street parking and loading spaces shall be provided and maintained in accordance with Section 7.8 of this bylaw;

Minimal Parcel Size

- (viii) the minimum parcel size is 63 hectares (155 acres). This minimum parcel size shall not apply to:
- (a) a parcel used for oil and gas production, storage, transmission or exploration;
  - (b) any permitted use situate upon a parcel of land that is the remainder of a parcel that has been subdivided and rezoned to permit intensive agriculture use;
  - (c) smaller parcels permitted by Development Variance Permit;
  - (d) where a parcel is divided by a railway right-of-way, highway right-of-way, or a watercourse there is no minimum parcel size applies to the creation of a parcel subdivided along any such railway right-of-way, highway right-of-way or watercourse;
- (ix) Where a parcel to be created under Section 6.11.1 (B)(viii)(a), (c) or (d) is less than 1.8 hectare (4.5 acres), such subdivision is subject to Section 7.9;

Agricultural Land Reserve

- (x) refer to Section 4.5 for lands within the Agricultural Land Reserve.

Bed and Breakfast accommodation

- (xi) regulations affecting the operation of bed and breakfast accommodations are provided in Section 7.10 of this bylaw [663,1990]

Wind turbine Siting

- (g) Wind turbines shall be sited to the greater of:
- (i) The wind turbine shall be at a distance not to exceed a maximum of 40 decibels of turbine-generated sound being received on the outside of an existing dwelling unit or at the boundary of any parcel lines with residential zoning, and;
  - (ii) A wind turbine shall be located not less than 4 times the height of the wind turbine measured from ground level to the highest point of the wind turbines rotor blade arc, from any structure that is not owned by the Land owner upon which the wind turbine is located.
  - (iii) A wind turbine shall be located not less than 10 times the height of the wind turbine measured from ground level to the highest point of the wind turbines rotor blade arc, from any public recreation facility, commercial recreation facility or public use.
  - (iv) A wind turbine shall be located so that the horizontal distance of the wind turbines rotor blade arc to any parcel line shall not be less than 7.5m (23 ft.).

Sound Modeling

- (h) The following sound modeling will apply:
- (i) The wind turbine locations will be determined through modeling, using a methodology which satisfies the ISO 9613-2 standard.
  - (ii) The sound power level, or acoustic power radiated by the wind turbines, is to be supplied by the turbine manufacturer.
  - (iii) Modeling will utilize the wind speed at which the sound power level has become constant, typically 8 – 10 meters/sec at a height of 10 meters; otherwise 11 meters/sec is to be used.
  - (iv) Application of the sound level requirement is limited to those residences and undeveloped residential parcels in existence at the time of application to construct a wind farm.
  - (v) Worst case scenarios are to be modeled, in which each property line or existing residence is portrayed as being directly downwind from each turbine.
  - (vi) Site specific characteristics, such as topography, are to be incorporated into the model.

- (vii) Modeling is based on assumptions which may not accurately portray the characteristics of specific sites or meteorological conditions. Questionable turbines are those for which modeling predicts a sound level that is only marginally quieter than the acceptable level.
- (viii) A risk assessment should be conducted to determine the potential impact on project viability of unacceptable sound levels from questionable turbines.

Colour and Finish for CWAG Systems

- (i) A CWEG System shall be finished in a non-reflective matte and in a colour that minimizes the obtrusive impact of a CWEG system. No lettering or advertising shall appear on the wind turbines or blades other than the manufacturer's and/or owner's identification.

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

Public Hearing held on \_\_\_\_ day of \_\_\_\_\_, 2015 and notification mailed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lori Ackerman, Chair

\_\_\_\_\_  
Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Zoning Amendment Bylaw No. 2225 (CWEG-506), 2015", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Corporate Officer

**PEACE RIVER REGIONAL DISTRICT  
Bylaw No. 2226, 2015**

**R-4**

A bylaw to amend the "Peace River Regional District  
Zoning Bylaw No. 1000, 1996."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River Regional District Zoning Bylaw No. 1000, 1996";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2226 (CWEG-1000), 2015."
2. The "Peace River Regional District Zoning Bylaw No. 1000, 1996" is hereby amended in the following manner:
  - a) By adding the following definitions to Part 3 - Definitions, as follows:
    - (i) **"Commercial Wind Energy Generation System (CWEG)"**  
means an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a substation, temporary or permanent wind-monitoring tower(s), access road(s) and built to provide electricity for commercial sale and distribution.
    - (ii) **"Wind Turbine"**  
means a structure designed to convert wind energy into mechanical or electrical energy and includes the wind turbine tower, rotor blades and nacelle.
  - b) By adding a new zone under Part V Zones A-3 "Agricultural Wind Zone" following A-2 "Large Agricultural Holding Zone"

**PART VI ZONES SECTION 36-A A-3 (Agricultural-Wind Zone)**

**Permitted Uses**

1. Subject to section 26 of this by-law, the following uses and no others are permitted in an A-3 zone:
  - (a) agriculture;
  - (b) oil and gas activities;
  - (c) temporary worker camps of not more than 30 people;
  - (d) wood harvesting and forestry;
  - (e) trapping, hunting, guiding, outfitting establishments;
  - (f) guest ranch;
  - (g) airstrip;
  - (h) equestrian centre
  - (i) gymkhana grounds
  - (j) gravel extraction and processing;
  - (k) kennel;
  - (l) dwelling unit or dwelling units;
  - (m) limited agriculture;
  - (n) intensive agriculture;
  - (o) intensive livestock operations;

- Permitted accessory uses and buildings on any parcel include the following:
- (p) bed and breakfast accommodation
  - (q) home occupation or home industry;
  - (r) private aircraft landing strips
  - (s) commercial wind energy generation system (CWEG):

## **Regulations**

2. On a parcel located in an A-3 zone:

### Minimum Parcel Size

- (b) The minimum parcel size is 63 hectares (155 acres).

### Number and type of Dwelling Units

- (b) No more than two single detached family dwellings or a semi-detached dwelling shall be permitted, but not both.

### Setbacks

- (c) Except as otherwise specifically permitted in this by-law, no building or structure shall be located within:
- (i) 7 metres (23 ft.) of a front parcel line;
  - (ii) 3 metres (10 ft.) of an interior side parcel line;
  - (iii) 5 metres (17 ft.) of an exterior side parcel line; or
  - (iv) 7 metres (23 ft.) of a rear parcel line.

### Additional requirements

See Sections 13-32 of this by-law

### Wind Turbine Siting

- (f) Wind turbines shall be sited to the greater of:
- (i) The wind turbine shall be at a distance not to exceed a maximum of 40 decibels of turbine-generated sound being received on the outside of an existing dwelling unit or at the boundary of any parcel lines with residential zoning, and;
  - (ii) A wind turbine shall be located not less than 4 times the height of the wind turbine measured from ground level to the highest point of the wind turbine's rotor blade arc, from any structure that is not owned by the Land owner upon which the wind turbine is located.
  - (iii) A wind turbine shall be located not less than 10 times the height of the wind turbine measured from ground level to the highest point of the wind turbine's rotor blade arc, from any public recreational facilities, commercial recreational facility or public park.
  - (iv) A wind turbine shall be located so that the horizontal distance of the wind turbine's rotor blade arc to any parcel line shall not be less than 7.5m (23 ft.).

Sound Modeling

(g) The following sound modeling will apply:

- (i) The wind turbine locations will be determined through modeling, using a methodology which satisfies the ISO 9613-2 standard.
- (ii) The sound power level, or acoustic power radiated by the wind turbines, is to be supplied by the turbine manufacturer.
- (iii) Modeling will utilize the wind speed at which the sound power level has become constant, typically 8 – 10 meters/sec at a height of 10 meters; otherwise 11 meters/sec is to be used.
- (iv) Application of the sound level requirement is limited to those residences and undeveloped residential parcels in existence at the time of application to construct a wind farm.
- (v) Worst case scenarios are to be modeled, in which each property line or existing residence is portrayed as being directly downwind from each turbine.
- (vi) Site specific characteristics, such as topography, are to be incorporated into the model.
- (vii) Modeling is based on assumptions which may not accurately portray the characteristics of specific sites or meteorological conditions. Questionable turbines are those for which modeling predicts a sound level that is only marginally quieter than the acceptable level.
- (viii) A risk assessment should be conducted to determine the potential impact on project viability of unacceptable sound levels from questionable turbines.

Colour and Finish for CWAG Systems

- (h) A CWEG System shall be finished in a non-reflective matte and in a colour that minimizes the obtrusive impact of a CWEG system. No lettering or advertising shall appear on the wind turbines or blades other than the manufacturer's and/or owner's identification.

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

Public Hearing held on \_\_\_\_ day of \_\_\_\_\_, 2015 and notification mailed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lori Ackerman, Chair

\_\_\_\_\_  
Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Zoning Amendment Bylaw No. 2226 (CWEG-1000), 2015", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Corporate Officer



**PEACE RIVER REGIONAL DISTRICT  
Bylaw No. 2228, 2015**

**R-4**

A bylaw to amend the "Peace River Regional District  
Zoning Bylaw No. 1343, 2001."

WHEREAS, the Regional Board of the Peace River Regional District did, pursuant to the Province of British Columbia *Local Government Act*, adopt the "Peace River Regional District Zoning Bylaw No. 1343, 2015";

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting assembled, enacts as follows:

1. This by-law may be cited for all purposes as "Peace River Regional District Zoning Amendment Bylaw No. 2228 (CWEG-1343), 2015."
2. The "Peace River Regional District Zoning Bylaw No. 1343, 2001" is hereby amended in the following manner:
  - a) By adding the following definitions to Part II - Definitions, as follows:
    - (i) **"Commercial Wind Energy Generation System (CWEG)"**  
means an electrical generating facility comprised of a wind turbine and accessory facilities, including but not limited to a generator, a transformer, storage, collection and supply equipment, underground cables, a substation, temporary or permanent wind-monitoring tower(s), access road(s) and built to provide electricity for commercial sale and distribution.
    - (ii) **"Wind Turbine"**  
means a structure designed to convert wind energy into mechanical or electrical energy and includes the wind turbine tower, rotor blades and nacelle.
  - b) By adding a new zone under Part V Zones A-3 "Agricultural Wind Zone" following A-2 "Large Agricultural Holding Zone"

**PART VI ZONES SECTION 33-A A-3 (Agricultural-Wind Zone - 63 ha)**

**1. Permitted Uses**

The following PRINCIPAL USES and no others are permitted in an A-3 zone subject to Part IV of this bylaw and subject to Sub-Section 2 of this Section 33;

- (a) AGRICULTURE;
- (b) AGRICULTURE-INTENSIVE;
- (c) AGRICULTURE-DOMESTIC;
- (d) Wood harvesting and forestry;
- (e) Mining, including gravel extraction and processing;
- (f) Asphalt plant;
- (g) Oil and gas wells, PIPELINES;
- (h) PRODUCTION FACILITIES;
- (i) LAND TREATMENT FACILITY, NON-COMMERCIAL;
- (j) KENNEL;
- (k) EQUESTRIAN FACILITY;
- (l) Work camps occupied for less than six months, with less than 30 people;
- (m) Trapping, hunting, guiding, outfitting establishments;
- (n) Airstrip;

- (o) DWELLING UNITS;
- (p) COMMERCIAL WIND ENERGY GENERATION SYSTEM (CWEG):

The following ACCESSORY uses and no others are permitted in an A-2 zone, subject to Part IV of this bylaw and Sub-Section 2 of this Section 33:

- (q) ACCESSORY buildings and ACCESSORY structure;
- (r) BED AND BREAKFAST accommodation;
- (s) HOME BASED BUSINESS;
- (t) SECONDARY SUITE;
- (u) TEMPORARY ADDITIONAL DWELLING;
- (v) AGRI-TOURISM activity.

## **2. Regulations**

### Minimum Parcel Size

- (a) The minimum parcel size is 63 hectares (155 acres) except as noted below.
- (b) Exceptions to the required minimum parcel size area as follows:
  - i) subject to the Local Services Act, the minimum parcel size shall not apply where a parcel is divided by a railway, highway right-of-way or watercourse, provide the parcel is subdivided along any such railway, highway right-of-way or watercourse, and the remainder of the parcel for which a subdivision is proposed is not less than 50 hectares (124 acres);
  - ii) for subdivision along a quarter section boundary for an incomplete quarter the minimum parcel size shall be not less than 50 hectares (124 acres);

### Number and type of DWELLING UNIT(S)

- (c) One SINGLE FAMILY DWELLING is permitted on a parcel less than 3.6 hectares (9 acres) in size;
- (d) Two SINGLE FAMILY DWELLINGS or one TWO FAMILY DWELLING is permitted on a parcel 3.6 hectares (9 acres) or larger, but not both;

### Setbacks

- (e) Except as otherwise permitted in this bylaw, no building or structure shall be located within:
  - i) 7 metres (23 ft.) of a FRONT PARCEL LINE;
  - (ii) 3 metres (10 ft.) of an INTERIOR SIDE PARCEL LINE;
  - (iii) 5 metres (17 ft.) of an EXTERIOR SIDE PARCEL LINE; or
  - (iv) 7 metres (23 ft.) of a REAR PARCEL LINE.

### WIND TURBINE Siting

- (f) WIND TURBINES shall be sited to the greater of:
  - (i) The WIND TURBINE shall be at a distance not to exceed a maximum of 40 decibels of turbine-generated sound being received on the outside of an existing DWELLING UNIT or at the boundary of any PARCEL LINES with residential zoning, and;

- (ii) A WIND TURBINE shall be located not less than 4 times the height of the WIND TURBINE measured from ground level to the highest point of the wind turbines rotor blade arc, from any structure that is not owned by the Land owner upon which the WIND TURBINE is located.
- (iii) A WIND TURBINE shall be located not less than 10 times the height of the WIND TURBINE measured from ground level to the highest point of the WIND TURBINES rotor blade arc, from any PUBLIC RECREATION FACILITY, COMMERCIAL RECREATION FACILITY or PUBLIC PARK.
- (iv) A WIND TURBINE shall be located so that the horizontal distance of the WIND TURBINES rotor blade arc to any PARCEL LINE shall not be less than 7.5m (23 ft.).

Sound Modeling

(g) The following sound modeling will apply:

- (i) The wind turbine locations will be determined through modeling, using a methodology which satisfies the ISO 9613-2 standard.
- (ii) The sound power level, or acoustic power radiated by the wind turbines, is to be supplied by the turbine manufacturer.
- (iii) Modeling will utilize the wind speed at which the sound power level has become constant, typically 8 – 10 meters/sec at a height of 10 meters; otherwise 11 meters/sec is to be used.
- (iv) Application of the sound level requirement is limited to those residences and undeveloped residential parcels in existence at the time of application to construct a wind farm.
- (v) Worst case scenarios are to be modeled, in which each property line or existing residence is portrayed as being directly downwind from each turbine.
- (vi) Site specific characteristics, such as topography, are to be incorporated into the model.
- (vii) Modeling is based on assumptions which may not accurately portray the characteristics of specific sites or meteorological conditions. Questionable turbines are those for which modeling predicts a sound level that is only marginally quieter than the acceptable level.
- (viii) A risk assessment should be conducted to determine the potential impact on project viability of unacceptable sound levels from questionable turbines.

Colour and Finish for CWAG Systems

- (h) A CWEG System shall be finished in a non-reflective matte and in a colour that minimizes the obtrusive impact of a CWEG system. No lettering or advertising shall appear on the WIND TURBINES or blades other than the manufacturer's and/or owner's identification.

Asphalt Plant

- (i) Asphalt plants may operate on land zoned A-3 "Large Agricultural Holding Zone" for a continuous period of not more than eight (8) months, otherwise an application for rezoning or a temporary industrial use permit will be required.

Production Facilities

- (j) The following PRODUCTION FACILITIES are not permitted in the A-3 zone:
- i) *Battery sites and compressor stations which covers an aggregate building and/or structure floor area of greater than 450 sq. metres (4850 sq. ft.)*
  - ii) *Oil field waste management facility that requires a permit under the Waste Management Act or which covers an aggregate building and/or structure floor area of greater than 450 sq. metres (4850 sq. ft.)*

Land Treatment Facility

- (k) One LAND TREATMENT FACILITY, NON-COMMERCIAL shall not exceed an area greater than 2 hectares (5 acres) in size.

Production Facilities

- (j) The following PRODUCTION FACILITIES are not permitted in the A-3 zone:
- i) *Battery sites and compressor stations which covers an aggregate building and/or structure floor area of greater than 450 sq. metres (4850 sq. ft.)*
  - ii) *Oil field waste management facility that requires a permit under the Waste Management Act or which covers an aggregate building and/or structure floor area of greater than 450 sq. metres (4850 sq. ft.)*

Land Treatment Facility

- (k) One LAND TREATMENT FACILITY, NON-COMMERCIAL shall not exceed an area greater than 2 hectares (5 acres) in size.

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

Public Hearing held on \_\_\_\_ day of \_\_\_\_\_, 2015 and notification mailed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lori Ackerman, Chair

\_\_\_\_\_  
Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Zoning Amendment Bylaw No. 2228 (CWEG-1343), 2015", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Corporate Officer

## APPENDIX 2

### DEVELOPMENT APPROVAL INFORMATION AREA

April 29, 2016

Designation of development approval information areas or circumstances

**920.01** (1) For the purposes of section 920.1, an official community plan may do one or more of the following:

- (a) specify circumstances in which development approval information may be required under that section;
- (b) designate areas for which development approval information may be required under that section;
- (c) designate areas for which, in specified circumstances, development approval information may be required under that section.

(2) An official community plan that specifies circumstances or designates areas under subsection (1) must describe the special conditions or objectives that justify the specification or designation.

Development approval information

**920.1** (1) For the purposes of this section, "development approval information" means information on the anticipated impact of the proposed activity or development on the community including, without limiting this, information regarding impact on such matters as

- (a) transportation patterns including traffic flow,
- (b) local infrastructure,
- (c) public facilities including schools and parks,
- (d) community services, and
- (e) the natural environment of the area affected.

(2) If an official community plan includes a provision under section 920.01 (1), the local government must, by bylaw, establish procedures and policies on the process for requiring development approval information under this section and the substance of the information that may be required.

(3) If a bylaw under subsection (2) is adopted, the local government or an officer or employee authorized under subsection (4) may require an applicant for

- (a) an amendment to a zoning bylaw under section 903,
- (b) a development permit under section 920, or
- (c) a temporary use permit under section 921

to provide to the local government, at the applicant's expense, development approval information in accordance with the procedures and policies established under subsection (2) of this section.

(4) A bylaw under subsection (2) may authorize an officer or employee to require development approval information under this section.

(5) An applicant subject to a decision of an officer or employee under subsection (4) is entitled to have the local government reconsider the matter without charge.

(6) A bylaw under subsection (2) that authorizes an officer or employee to require development approval information under this section must establish procedures regarding applying for and dealing with a reconsideration under subsection (5).

(7) Development approval information is not required under this section if the proposed activity or development is a reviewable project as defined in section 1 of the *Environmental Assessment Act*.



## **COLUMBIA SHUSWAP REGIONAL DISTRICT**

### **DEVELOPMENT APPROVAL INFORMATION BYLAW NO. 644**

**THIS CONSOLIDATED BYLAW IS NOT INTENDED TO BE USED FOR LEGAL PURPOSES**

**CONSOLIDATED FOR CONVENIENCE ONLY WITH:**

**BYLAW NO 644-1**

**May 29, 2014**

**April 29, 2016**

**INFORMATION SHEETS ON THE BYLAWS WHICH WERE CONSOLIDATED  
INTO BYLAW NO. 644**

**BYLAW NO. 644-1 – Adopted April 17, 2014**

Text amendment

- Remove and replace Section 2 of Part II Application of Bylaw
- Remove and replace Section 6 of Part IV Procedure
- Insert a new Section Part VII Schedules

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BYLAW NO. 644

## A bylaw to require Development Approval Information

WHEREAS the Columbia Shuswap Regional District (CSRD) has, pursuant to Section 920.1 of the *Local Government Act*, specified in an official community plan areas and circumstances for which development approval information may be required;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

**Part I CITATION**

1. This Bylaw may be cited for all purposes as "Columbia Shuswap Regional District Development Approval Information Bylaw No. 644"

**Part II APPLICATION OF BYLAW**

2. The requirements of this Bylaw apply to:

- BL644-1
- (a) applications for zoning amendments to a bylaw of the Columbia Shuswap Regional District enacted under Section 903 of the *Local Government Act*.
  - (b) applications for a development permit; and
  - (c) applications for a temporary use permit,

where an Official Community Plan has designated an area as a Development Approval Information Area or has specified the circumstances in which development approval information is required, or both.

3. Pursuant to Section 920.1(7) of the *Local Government Act*, requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the Environmental Assessment Act of British Columbia.

**PART III DEFINITIONS**

4. In this Bylaw:

APPLICANT means the owner(s) or an agent authorized by the owner(s) to apply for a zoning amendment, development permit or temporary industrial or commercial permit, as set out in Section 2 of this Bylaw.

BOARD means the Columbia Shuswap Regional District Board of Directors.

MANAGER means the Manager of Development Services or his or her designate.

**PART IV PROCEDURE**

5. The Manager of Development Services or his or her designate is the authorized employee under Section 920.1(4) of the *Local Government Act*.

6. At the request of the Manager, an applicant must provide to the Manager a completed Preliminary Project Impact Assessment, as illustrated in Schedule 'A' and 'C', to furnish preliminary information concerning the activity or development that is subject of the application.
- BL644-1
7. Based on the information provided under Section 6, the Manager:
- (a) may determine that the development is one to which the development approval information requirements of this Bylaw apply;
  - (b) is authorized to require the applicant to provide, at the applicant's expense, all or part of the information as specified in Part V – Preliminary Project Impact Assessment of this Bylaw and with any applicable provisions of the Official Community Plan; and
  - (c) is authorized to require the applicant to submit the proposal to a public information meeting where the application is considered by the Manager to have a significant impact on the surrounding community and/or region.

## **PART V PRELIMINARY PROJECT IMPACT ASSESSMENT**

8. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Manager may require information specific to:
- (a) affected public infrastructure and community services such as water supply and sewage disposal systems, fire protection systems, solid waste disposal, storm water systems and recycling facilities, or alternatively, if applicable, the on-site means of providing a water supply and means of sewage collection and disposal;
  - (b) groundwater quantity and quality, surface drainage waters generated by the proposed development, and the options for collection, storage and disbursement of such drainage;
  - (c) the natural environment of the area affected such as adjacent aquatic areas, vegetation, soils and erosion, geotechnical characteristics and stability, topographic features, ecosystems and biological diversity, fish and wildlife, fish and wildlife habitat, areas of environmental sensitivity, and any rare or endangered plant or animal species;
  - (d) public facilities and public amenities such as schools, parks, health care services, and access to public waterfront;
  - (e) agricultural reserve lands and uses in the vicinity of the development and the impact these uses and the proposed development may have on each other;
  - (f) transportation patterns such as traffic flow and parking, transportation services and mobility, transportation alternatives such as pedestrian and cycling facilities, trails, greenways, and handicapped accessibility, and road and roadside standards;
  - (g) aesthetic values such as visual character, integration with public areas and with the natural environment, artificial lighting, noise, and odour;
  - (h) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater.
9. In addition to any matter listed in Section 8, the applicant may include in the Preliminary Project Impact Assessment any matter on which the applicant considers information ought to be provided to the Manager, to permit a full understanding of the impact of the proposed activity or development on the community affected.
10. The Manager may require the Preliminary Project Impact Assessment to address any particular information requirements that are identified in or arise from any applicable policy or

guidelines in an Official Community Plan and, in all cases, must address any particular information requirements for such an application in any CSRD bylaw.

11. The Manager may require the Preliminary Project Impact Assessment to contain an evaluation of the potential and likely impacts of the proposed activity or development, including any cumulative effects when combined with other projects, in terms of their significance and the extent to which and how they might be mitigated; making recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided, all in accordance with generally accepted impact assessment methodology.
12. The Preliminary Project Impact Assessment must specify that the impact information will be prepared by a person having appropriate professional expertise, with information specifying the identity, qualification and experience of the person who the applicant proposes to engage to prepare the information.
13. The Manager will indicate to the applicant if:
  - (a) the Preliminary Project Impact Assessment submitted by the applicant is acceptable;
  - (b) the Preliminary Project Impact Assessment submitted by the applicant must include additional information as specified by the Manager;
  - (c) the person or persons proposed by the applicant to prepare the impact information are not acceptable and another person or persons must be proposed;
  - (d) the Preliminary Project Impact Assessment is unacceptable and must be amended and resubmitted by the applicant or appealed to the Board under Part VII; or
  - (e) additional time is required to complete the review of the Preliminary Project Impact Assessment.
14. Upon receipt of notice accepting the Preliminary Project Impact Assessment, the applicant must, at the applicant's expense, prepare the impact information in accordance with the accepted Preliminary Project Impact Assessment and provide it to the Manager.
15. If deemed necessary by the Manager, the applicant must, with respect to every matter within the scope of this bylaw and in accordance with generally accepted surveying and drafting technique and methodology:
  - (a) provide a BCLS certified, properly scaled site plan referenced to the UTM Zone 11 Nad 83 projection system and equivalent to professional drafting quality, in both hard copy and standard GIS and/or CAD digital format, showing the following (wherever applicable) and any additional information which may reasonably be expected to have an appreciable effect:
    - (i) name, address, phone number and e-mail of client and consultant;
    - (ii) legal data including property lines and legal description;
    - (iii) scale, date, north arrow;
    - (iv) dimensions and location of existing and proposed buildings and impermeable surfaces;
    - (v) any easements or rights-of-way;
    - (vii) top of bank and elevation of natural boundary for all watercourses and wetlands;
    - (viii) boundary of any applicable setbacks from watercourses;
    - (ix) outline of any restrictive covenant areas;

- (x) building setbacks as per CSRD Zoning, Floodplain Bylaws;
    - (xi) sewage disposal works;
    - (xii) contours at 1 metre intervals; and
    - (xiii) where applicable, existing trees showing drip-lines (note: the drip-line is the area directly located under the outer circumference of the tree branches) for trees on adjacent properties that extend into the property in question.
  - (b) identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact.
16. If the Manager is not satisfied that the impact information provided by the applicant is sufficient to comply with the Preliminary Project Impact Assessment, then the Manager may, to the extent that is reasonable, require the applicant to provide at the applicant's expense, further information to comply with the Preliminary Project Impact Assessment.

## **PART VI RECONSIDERATION PROCEDURE**

17. An applicant may request reconsideration by the Board of a requirement or decision of the Manager under this bylaw by completing a Request for Reconsideration Form, as illustrated in Schedule 'B', within 30 days of the date on which the requirement or decision is mailed, faxed, e-mailed or handed to the applicant.
18. The Request for Reconsideration Form must be filled out and delivered to the CSRD and must set out the grounds on which the applicant considers the requirement or decision is inappropriate and what, if any, requirement or decision the applicant considers the Manager ought to substitute.
19. Upon receipt of the completed Request for Reconsideration Form, the date and time of the meeting at which the reconsideration will occur will be set as the next regular Board meeting, scheduled 10 or more business days from the date on which the request for reconsideration was delivered to the CSRD.
20. The applicant's signature on the Request for Reconsideration Form, under Section 18 of this Bylaw, will acknowledge notification of the date and location of the meeting at which the reconsideration will be heard.
21. At a regular board meeting, the Board may consider any presentations made by the applicant and may either confirm the requirement or decision or substitute its own requirement or decision.



**PART VII      SCHEDULES**

22.      The following schedules attached hereto form part of this bylaw:

- BL644-1      .1      Schedule 'A', Preliminary Project Impact Assessment;  
                 .2      Schedule 'B', Request for Reconsideration Form; and  
                 .3      Schedule 'C', FireSmart Assessment."

# Preliminary Project Impact Assessment

☐

Rezoning

☐

Development Permit(s)

FILE:

DATE:

☐

Temporary Use Permit

\_\_\_\_\_  
Month/Day/Year

Development Services Department  
**R-4** Columbia Regional District  
781 Marine Park Drive NE Box 978  
Salmon Arm BC V1E 4P1  
t. 250.832.8194 / 1.888.248.2773  
f. 250.832.3375  
w. www.csrdd.bc.ca

This preliminary assessment is required to assist the Development Services Department in assessing applications for potential community and site impact. You may be requested to supply more formal and complete information concerning the impact of your proposal before your application can be processed. Generally (but not limited to), applications will be reviewed for their impact on the following:

- (a) affected public infrastructure and community services such as water supply and sewage disposal systems, fire protection systems, solid waste disposal, storm water systems and recycling facilities, or alternatively, if applicable, the on-site means of providing a water supply and means of sewage collection and disposal;
- (b) groundwater quantity and quality, surface drainage waters generated by the proposed development, and the options for collection, storage and disbursement of such drainage;
- (c) the natural environment of the area affected such as adjacent aquatic areas, vegetation, soils and erosion, geotechnical characteristics and stability, topographic features, ecosystems and biological diversity, fish and wildlife, fish and wildlife habitat, areas of environmental sensitivity, and any rare or endangered plant or animal species;
- (d) public facilities and public amenities such as schools, parks, health care services, and access to public waterfront;
- (e) agricultural reserve lands and uses in the vicinity of the development and the impact these uses and the proposed development may have on each other;
- (f) transportation patterns such as traffic flow and parking, transportation services and mobility, transportation alternatives such as pedestrian and cycling facilities, trails, greenways, and handicapped accessibility, and road and roadside standards;
- (g) aesthetic values such as visual character, integration with public areas and with the natural environment, artificial lighting, noise, and odour;
- (h) cultural heritage resources including resources of historical, archaeological, paleontological or architectural significance whether on land or underwater.

**Please provide a description of your proposed project and how you will address any site and community impacts on a separate sheet and submit with the completed checklist and any supporting documents.**

At a minimum, you must supply the following information as part of the description of your proposed project (where applicable):

- 1. Name, address, phone number and e-mail of registered owner(s) and agent, if applicable.
- 2. Site plan showing:
  - a. legal data including property lines and legal description;
  - b. scale, date, north arrow;
  - c. metric dimensions and location of existing and proposed buildings and impermeable surfaces;
  - d. any easements or rights-of-way;
  - e. natural boundary for all watercourses and wetlands and applicable setbacks;
  - f. outline of any restrictive covenant areas, existing or proposed;
  - g. building setbacks as per CSRDD Zoning and Floodplain bylaws, including floodplain elevation;
  - h. sewage disposal works;
  - i. any existing buildings or structures;
  - j. parcel coverage;
  - k. phases and timeframes, if proposal is for a multi-phase project.
- 3. If the project involves surveying, please provide a BCLS certified, properly scaled site plan referenced to the UTM Zone 11 NAD 83 projection system and equivalent to professional drafting quality, in both hard copy and standard GIS and/or CAD digital format. *NOTE: You may be required to provide this information following review of your Preliminary Project Impact Assessment.*

**Registered owner(s) of the property:****R-4**

Name(s):	Mailing Address:	Tel:	Email:

**Agent:**

Name:	Letter of agent authorization? <input type="checkbox"/>
Mailing Address:	
Tel:	
Email:	

**Property Civic Address:**


**Property Legal Description:**

PID:			
Lot(s):	Section:	Township:	Range:
Plan:		Block:	

Following submission of your Preliminary Project Impact Assessment, staff will review the information and inform you whether the Preliminary Project Impact Assessment submitted:

- (a) is acceptable;
- (b) must include additional information as specified;
- (c) must be amended because the qualifications of the professional proposed to prepare the impact information are not appropriate for the information requested;
- (d) is unacceptable and must be amended and resubmitted or appealed to the CSRD Board of Directors within 30 days of receipt of the decision (see Request for Reconsideration - Schedule 'B').

If the proposal is deemed to have a significant impact on the surrounding community and/or region, you may be required to submit the proposal to a public information meeting.

CHECKLIST	YES	NO
1. Does the project have multiple phases? If yes, please attach the description of the phases and timeframes on a separate page.		
2. Does your property contain or have a boundary with a watercourse?		
3. Does the project involve works within 30 m (98.4 ft) of any watercourse?		
4. Does the project involve works within 100 m (328.1 ft) of a Lake?		
5. Does the project involve works on slopes of 30% or greater?		
6. Does the development have the potential to increase the need for public services or infrastructure, such as schools, roads, fire protection, solid waste facilities, transportation, hospitals, parks, etc.?		
7. Will your proposal require an amendment or variance of a CSRD bylaw or Plan? If yes, please attach the description on a separate page.		
8. Will the proposed use cause any public nuisance such as noise, odours, light/glare or dust?		
9. Are there any restrictive covenants on the proposed site?		
10. Will the proposal generate appreciable additional vehicular traffic, have a substantial effect on existing transportation systems, increase parking demands, or increase hazards for pedestrians or cyclists?		
11. Is substantial creation, upgrading or extension of utilities (sewer, water, storm drainage, etc.) required?		
12. Will the proposal impact upon parks, natural areas, beaches and waterfront access, or outdoor activities?		
13. Does the proposal have any potential to alter an archaeological site?		
14. Will any excavation, removal or addition of soil (including gravel) be required within a development permit area?		
15. To your knowledge, have any industrial or commercial uses occurred on the property which may have contributed to site contamination? If yes, please complete the Site Profile forms.		
16. Does the project involve any works on the foreshore or water structures, such as docks, buoys, marinas, etc.?		
17. Will the proposal be accompanied by any professional studies, reports, plans, etc.? If so, please provide a list that includes the professional designations of all persons involved.		
18. Are there any other major impacts you foresee your project having on the site and/or community?		
19. Does the project involve the removal, alteration, disruption, or destruction of vegetation involving more than 30% of the parcel?		
20. Have you completed and attached Schedule 'C' FireSmart Assessment?		
21. Is your FireSmart Assessment score "High" (30-35 points) or "Extreme" (>35 points)?		

By signing below, the person completing this form attests that the information provided above and attached is true and correct based on the person's current knowledge as of the date completed. Any material falsehood or any omission of a material fact made by the applicant/owner with respect to this application may result in an issued permit becoming null and void.

Signature:	Date:
Print name:	

**DISCLAIMER:** Information collected in accordance with CSRD Development Approval Information Bylaw No. 644, including all information submitted as part of a rezoning, development permit or temporary use permit application is intended for the use of CSRD staff and shall not be construed by third parties as indications, confirmations or guarantees of the existence or non-existence of site or community impacts.

# Request for Reconsideration

☐

Rezoning

☐

Development Permit(s)

FILE:

DATE:

☐

Temporary Use Permit

Month/Day/Year

Development Services Department  
**R-4**  
**Columbia Shuswap Regional District**  
781 Marine Park Drive NE Box 978  
Salmon Arm BC V1E 4P1  
t. 250.832.8194 / 1.888.248.2773  
f. 250.832.3375  
w. www.csrdd.bc.ca

An applicant may request reconsideration by the CSRDD Board of Directors of a development approval information requirement or decision of the Manager of Development Services or his or her designate.

To proceed with a request for reconsideration, the applicant must complete and return this form within 30 days of the date on which the requirement or decision was mailed, faxed, e-mailed or handed to the applicant. The date and time of the meeting on which the reconsideration will occur will be set as the next regular Board meeting scheduled 10 or more business days from the date on which the request for reconsideration is delivered.

I hereby make application to the Columbia Shuswap Regional District Board of Directors under Bylaw No. 644 for a reconsideration of a decision made by the Manager of Development (or his or her designate) in relation to development approval information requested to support my application.

**On a separate sheet of paper, please set out the grounds on which you consider the requirement or decision inappropriate and what, if any, requirement or decision you regard as an appropriate substitute.**

Registered owner(s) of the property:

Owner Name(s):	
Mailing Address:	
Tel:	Fax:
Email:	

If applicant is not property owner:

Agent Name(s):	
Mailing Address:	
Tel:	Fax:
Email:	

Property Civic Address:


Property Legal Description:

PID:	
Lot(s):	Section:
Plan:	Township:
Block:	Range:

By signing below, I acknowledge that I have been notified of the date and location of the CSRDD Board of Directors meeting at which the reconsideration will be heard.

Signature:	Date:
------------	-------

# FireSmart Assessment

☐

Rezoning

☐

Development Permit(s)

☐

Temporary Use Permit

FILE:

DATE:

Month/Day/Year

Development Department  
**R-4**  
Columbia Shuswap Regional District  
781 Marine Park Drive NE Box 978  
Salmon Arm BC V1E 4P1  
t. 250.832.8194 / 1.888.248.2773  
f. 250.832.3375  
w. www.csr.d.bc.ca

FireSmart Assessment	Characteristics of Material	Point Rating	Your Score
What kind of roofing material do you have?	Asphalt shingles, metal, clay tile or ULC rated shakes	0	
	Unrated wooden shakes	30	
How clean is your roof?	No needles, leaves or other combustible materials	0	
	A scattering of needles and leaves	2	
	Clogged gutters and extensive leaf litter	3	
What is the exterior of your home built of?	Non-combustible material stucco, metal siding, brick	0	
	Logs or heavy timbers	1	
	Wood, vinyl siding or wood shakes	6	
Are your eaves and vents closed up and screened?	Closed eaves and vents with 3 mm wire mesh	0	
	Closed eaves and vents with no mesh	1	
	Open eaves, open vents	6	
Have you screened in your balcony, deck or porch?	All decks, balconies and porches are screened or sheathed in with fire resistant material	0	
	All decks, balconies and porches are screened or sheathed with combustible material	2	
	Decks, balconies and porches are not screened or sheathed in	6	
How fire resistant are your windows and doors?	Tempered glass in all doors/windows	0	
	Double pane glass: <ul style="list-style-type: none"> <li>• small/Medium</li> <li>• large</li> </ul>	1 2	
	Single pane glass: <ul style="list-style-type: none"> <li>• small/Medium</li> <li>• large</li> </ul>	2 4	
Where is your woodpile located?	More than 10 m from any building	0	
	Less than 10 m from any building	6	
Is your home set back from the edge of a slope?	Building is located on the bottom or lower portion of a hill	0	
	Building located on the mid to upper portion or crest of a hill	6	



What type of forest surrounds your home, and how far away is it?	Deciduous trees (poplar, birch) within 10 m of buildings	0	
	Deciduous trees 10 – 30 m from buildings	0	
	Mixed wood (poplar, birch, spruce, or pine) within 10 m of the buildings	30	
	Mixed wood 10 – 30 m from buildings	10	
	Conifers (spruce, pine or fir) within 10 m of buildings <ul style="list-style-type: none"> <li>• separated</li> <li>• continuous</li> </ul>	30 30	
	Conifers (spruce, pine, or fir) within 10 – 30 m of buildings <ul style="list-style-type: none"> <li>• separated</li> <li>• continuous</li> </ul>	10 30	
What kind of vegetation grows in the zone around your buildings?	Well watered lawn or non-combustible landscaping material	0	
	Uncut wild grass or shrubs <ul style="list-style-type: none"> <li>• within 10 m of buildings</li> <li>• within 10 – 30 m of buildings</li> </ul>	30 5	
	Dead and down woody material within 10 m of buildings <ul style="list-style-type: none"> <li>• scattered</li> <li>• abundant</li> </ul>	30 30	
	Dead and down woody material within 10 – 30 m of buildings <ul style="list-style-type: none"> <li>• scattered</li> <li>• abundant</li> </ul>	5 30	
Are there abundant underbrush and ladder fuels in the surrounding forest?	None within 10 – 30 m	0	
	Scattered <ul style="list-style-type: none"> <li>• within 10 – 30 m of buildings</li> </ul>	5	
	Abundant <ul style="list-style-type: none"> <li>• within 10 – 30 m of buildings</li> </ul>	10	
The Wildfire Hazard Level for your home is :		<b>Total Score</b>	
<b>Low &lt; 21 points</b>	<b>Moderate 21 - 29 points</b>	<b>High 30 - 35 points</b>	<b>Extreme &gt;35 points</b>
The checklist above is from the BC Edition of the Home Owners FireSmart Manual. FireSmart is a registered trademark of Partners in Protection Association.			



**REGIONAL DISTRICT OF MOUNT WADDINGTON  
BYLAW NO. 700**

**R-4 A**

**A BYLAW TO AMEND THE REGIONAL DISTRICT OF MOUNT WADDINGTON  
INTERIM ZONING BYLAW NO. 21, 1972**

**WHEREAS**, the Board of the Regional District of Mount Waddington has adopted Bylaw No. 21, a bylaw to Provide interim regulations over the use of land, buildings and structures within the Regional District of Mount Waddington, in accordance with Part 26 of the *Local Government Act*;

**AND WHEREAS**, the Board of the Regional District of Mount Waddington deems it desirable to amend Bylaw No. 21;

**NOW THEREFORE**, the Board of the Regional District of Mount Waddington, in open meeting assembled, hereby enacts as follows:

Amend Bylaw No. 21 by:

1. Adding the following definitions to Section 1.3.0:

**BLADE:** *An element of a wind energy generator rotor that acts as an airfoil, extracting kinetic energy directly from the wind.*

**BLADE CLEARANCE:** *the distance from grade to the bottom of a horizontal axis rotor blades arc.*

**HORIZONTAL AXIS ROTOR:** *A wind energy conversion system, typical of conventional or traditional windmills.*

**HYDRO ELECTRIC ENERGY GENERATION SYSTEM (HEG):** *is one or more structures designed to convert water wind energy into mechanical or electrical energy, including dams or water diversions, penstock, turbine or other generator, tailrace, transformer stations, transmission lines and accessory buildings.*

**NATURAL BOUNDARY:** *means the visible high-water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation. as well as in respect to the nature of the soil itself.*

**TOTAL HEIGHT:** *The height from grade to the highest vertical extension of a WEG. In the case of a WEG with a horizontal axis rotor, total height includes the distance from grade to the top of the highest point of the rotor blades arc.*

**TOWER:** *The structure that supports the rotor above grade.*

**VERTICAL AXIS ROTOR:** *A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.*

**WATERCOURSE:** *means any natural or man-made depression with bed 0.6 metres or more below the natural elevation of surrounding land;*

- (a) *serving to give direction to a current of water at least six months of the year according to records kept by the province of British Columbia; or*
- (b) *having a drainage area of two square kilometres or more.*

**WIND ENERGY GENERATION SYSTEM (WEG):** *A wind energy conversion system is one or more structures designed to convert wind energy into mechanical or electrical energy, including towers, generators, transformer stations, transmission lines and accessory buildings.*

**2. Add the following Permitted Uses to Schedule A, Rural Zone (A-1), Section A.1.0:**

**R-4**

*"Commercial Hydro Electric Energy Generation Systems (HEG) and related buildings and structures and accessory uses.*

*Commercial Wind Energy Generation Systems (WEG) and related buildings, structures and accessory uses."*

**3. Add the following Minimum Site Area specifications to Schedule A, Rural Zone (A-1), Section A.1.1:**

*The minimum site area for Hydro Electric Generating Systems required is 1000 square metres. Where an HEG is located on crown land, the area of land leased for long term use for HEG development, excluding transmission corridors, shall not exceed 1 hectare per 5 mw of generation capacity.*

*Where a Wind Energy Generating System is located on crown land, the area of land leased for long term use for WEG development, excluding transmission corridors, shall not exceed 1 hectare per 1 mw of generation capacity."*

**4. Add the following Section to Schedule A, Rural Zone (A-1):**

**"A.1.4 This section is only applicable for Hydro Electric Generating (HEG) Systems and/or Wind Energy Generating (WEG) Systems:**

**i) WEG AND HEG SYSTEM APPLICATIONS:**

*RDMW may approve HEG/WEG zone amendment applications on a site specific, case-by-case basis having regard for:*

- (a) information provided in the application,*
- (b) proximity to other land uses in the immediate area,*
- (c) consideration of the cumulative social, economic, environmental and other resource use effects of all HEGS approved or proposed in the immediate area, or watershed,*
- (d) information received from the circulation of the application and the public."*

**ii) APPROVALS:**

*All WEG/HEG development proponents shall complete and provide to the Regional District of Mount Waddington copies of reports and/or approvals, as appropriate, from the following:*

- Land and Water BC*
- Water Land and Air Protection BC*
- BC Ministry of Forests*
- BC Environmental Assessment Office*
- BC Utilities Commission*
- BC Hydro*
- Transport Canada*
- BC Transmission Corporation*

*In addition, all HEG development proponents shall complete and provide to the Regional District of Mount Waddington copies of reports and/or approvals, as appropriate, from:*

- Fisheries and Oceans Canada*

*In addition, all HEG development proponents shall complete and provide to the Regional District of Mount Waddington copies of reports and/or approvals, as appropriate, from:*

- Canadian Coast Guard*

**iii) SETBACKS FOR HEG SYSTEMS:**

- (a) No building or structure, except a fence, shall be located within 7.5 metres of a parcel or lease boundary line;*
- (b) No building or structure, except tailrace channels which return water to the creek, shall be located within 15 metres of the natural boundary of a watercourse;*





**REGIONAL DISTRICT  
of Fraser-Fort George**

**BYLAW NO. 2448**

**R-4**

**B**

**A BYLAW TO AMEND REGIONAL DISTRICT OF FRASER-FORT GEORGE ZONING BYLAW NO. 833, 1986**

**WHEREAS** the Regional Board of the Regional District of Fraser-Fort George, has, by bylaw, adopted Regional District of Fraser-Fort George Zoning Bylaw No. 833;

**AND WHEREAS** the Regional Board intends to amend aforesaid Bylaw No. 833 by passage of this bylaw, having due regard to the requirements of the *Local Government Act*;

**NOW THEREFORE** the Board of Directors of the Regional District of Fraser-Fort George, in open meeting assembled, enacts as follows:

1. Regional District of Fraser-Fort George Zoning Bylaw No. 833 is hereby amended at Schedule 'A' Section 4.0 DEFINITIONS by the addition of the following definitions:

"4.50 WINDMILL means the complete set of equipment designed to generate electrical or mechanical power from wind and can be either a primary or secondary source of energy. Sale of credit of excess electricity to the utility grid is permitted as an ACCESSORY USE.

4.51 WINDMILL-FREE STANDING means a windmill on its own supporting structure which is based upon the ground, and may include guy-wires.

4.52 WINDMILL-ROOF TOP means a windmill which is set or based on the roof of a residence or accessory building."

2. Zoning Bylaw No. 833 is further amended at Schedule 'A' Section 5.0 SETBACKS AND HEIGHT with the addition of the following:

"5.6 Section 5.1, 5.2 and 5.4 shall not apply to WINDMILLS. Setbacks and heights for WINDMILLS shall be as specified in Section 6.10."

3. Zoning Bylaw No. 833 is further amended at Schedule 'A' Section 6.0 PERMITTED USES-GENERAL with the addition of the following:

"6.2 h) WINDMILLS, subject to Section 6.10"

and

**April 29, 2016**



B

## "6.10 WINDMILL USES:

## a) HEIGHTS

- i) No part of a WINDMILL shall be greater than 30 m (98.4 feet) from the ground, measured vertically along the axis of the WINDMILL.
- ii) The bottom of the rotor, impeller structure, or vanes of a WINDMILL-FREE STANDING shall be no less than 6 m (20 feet) from the ground, measured vertically along the axis of the WINDMILL.
- iii) No part of a WINDMILL-ROOF TOP shall be higher than 4.5 m (14.8 feet) above the highest roofline of the house or ACCESSORY building on which the WINDMILL-ROOFTOP is located.

## b) SETBACKS

No WINDMILL shall be located closer to a SIDE, REAR, FRONT LOT LINE or Lakeshore, than 1.5 times the height of the WINDMILL.

## c) AREA

- i) On LOTS that are 8.0 ha (20 acres) or less, only one WINDMILL-FREE STANDING is permitted.
- ii) On LOTS greater than 8.0 ha (20 acres), more than one WINDMILL-FREE STANDING is permitted, based on a maximum of one WINDMILL-FREE STANDING per 8.0 ha (20 acres) of area.
- iii) Minimum spacing between each WINDMILL-FREE STANDING on a single LOT shall be 100 m (328 feet)."

4. This bylaw may be cited for all purposes as "Zoning Bylaw No. 833, Amendment Bylaw No. 2448, 2008".

READ A FIRST TIME ON THE 17<sup>TH</sup> DAY OF APRIL, 2008

READ A SECOND TIME ON THE 17<sup>TH</sup> DAY OF APRIL, 2008

A PUBLIC HEARING IN RESPECT OF THIS BYLAW WAS HELD ON THE 15<sup>TH</sup> DAY OF MAY, 2008

READ A THIRD TIME ON THE 15<sup>TH</sup> DAY OF MAY, 2008

APPROVAL PURSUANT TO THE *TRANSPORTATION ACT* RECEIVED ON THE 3<sup>RD</sup> DAY OF JUNE, 2008

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 19<sup>TH</sup> DAY OF JUNE, 2008

*C. Art Kaelin*

Chair

*Thomas Vah*

General Manager of Corporate Services

April 29, 2016



59.3 Notwithstanding Section 59.1 and Section 59.2, screening and abutting yard requirements shall not apply to a development permit application for a site in the IG District if the site was districted as such prior to the abutting property being districted low density residential.

## Section 59A Wind Energy Conversion System (WECS)

### 59A.1 Purpose

The purpose of this section is to establish standards for the siting and operation of Wind Energy Conversion System (WECS) in the City of Grande Prairie.

### 59A.2 Definitions

- (a) "BLADE" means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind;
- (b) "BLADE CLEARANCE" means in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc;
- (c) "DECOMMISSIONING" means the final closing down of a development or project or the point at which it has reached the end of its operational life and the process by which the site is restored to an agreed use or condition;
- (d) "GUY WIRE" means a cable or wire used to support a tower;
- (e) "HORIZONTAL AXIS ROTOR" means a WECS where the rotor is mounted on an axis horizontal to the earth's surface;
- (f) "KILOWATT" is a measure of power for electrical current (1kW=1000watts);
- (g) "OVERSPEED CONTROLS" is the means of controlling the rotor in high winds thus preventing excessive rotor speed;
- (h) "NAMEPLATE CAPACITY" means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine;
- (i) "NACELLE" means the frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather;
- (j) "ROTOR'S ARC" means the largest circumferential path traveled by the wind turbine's rotor blade;
- (k) "SEPARATION DISTANCE" means the distance from centre of the base of the wind turbine tower to any specified building, structure, road or natural feature;
- (l) "UTILITIES" means the components of a water, sewage, storm water, cable television, electrical, power, natural gas or telecommunications systems;
- (m) "VERTICAL AXIS ROTOR" means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface;
- (n) "WETLAND" means land having water at, near, or above the land surface, or which is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained hydric soils, hydrophytic vegetation, and various kinds of biological activity that are adapted to the wet environment;
- (o) "WIND TURBINE" means a structure that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the wind turbine tower, rotor blades and nacelle;
- (p) "WIND TURBINE TOTAL HEIGHT" means the height from grade to the highest vertical extension of a wind turbine at the top of the rotor's arc;

- (q) "WIND TURBINE SETBACK" means the distance measured from the base of the wind turbine tower to property lines; and
- (r) "WIND TURBINE TOWER" the freestanding structure or a structure attached to guy wires that serve to support other parts of the wind turbine.

#### 59A.3 Wind Energy Conversion Systems Approval

- (a) Only one WECS shall be approved per titled parcel;
- (b) Upon application, the municipality shall notify residents and businesses that are adjacent to the property line or within 60m (197 ft) of the property line.

#### 59A.4 Application for Wind Energy Conversion System Development Permit

Every application for a WECS development permit shall be accompanied by the following documents:

- (a) Turbine manufacturer's specification including scale drawings of turbine showing total height, tower height, blade diameter, blade clearance, colour, the manufacturer's nameplate rated output capacity, over speed controls, and blade and ice throw information;
- (b) Canadian Safety Association (CSA) certification approval;
- (c) Professional engineer's design and approval of the wind turbine base and tower. Upon completion of installation of the wind turbine tower and base the applicant shall provide the Development Authority with written certification from a qualified professional engineer that the wind turbine tower and base have been constructed and installed in accordance with the engineered design;
- (d) A site plan for location of turbine in relation to lot lines and adjacent buildings; and
- (e) Other information that may be required by the Development Authority.

#### 59A.5 Site Specific Requirements for Wind Energy Conversion System Development Permit

Analysis of impact of the wind turbine on bird nesting sites, and bird and bat migration following the sequential process outlined below:

- (a) A literature review by a certified biologist to assess wildlife habitat and if deemed necessary by the biologist a field survey to identify potential concerns. If concerns exist, then step two and three are required;
- (b) Songbird/bat surveys if identified (through habitat assessment) as an area of higher potential for migration or nesting;
- (c) Consideration of Alberta Sustainable Resources Development publication, "Wildlife Guidelines for Alberta Wind Energy Projects".

#### 59A.6 Wind Energy Conversion System Requirements

- (a) The WECS shall be painted or finished in a non-reflective colour;
- (b) The wind turbines including towers shall not be artificially lighted except as required by Nav Canada;
- (c) There shall be no signs, advertisements or objects attached to or added to the turbine including tower except for the manufacturer's or installer's identification and appropriate warning signs;



- (d) Any climbing apparatus shall be a minimum of 3.5m (11.5 ft) above grade; and
- (e) Minimum clearance from grade to bottom of the blade is 8m (26 ft).

#### 59A.7 Wind Energy Conversion Systems Setbacks

- (a) The wind turbine shall not be within a radius measuring 200m (656 ft) or three times the total height of the wind turbine from a neighbouring residential dwelling, whichever is greater;
- (b) A wind turbine shall not be constructed within 100m (328 ft) of any permanent or temporary wetland;
- (c) In the case of overhead power or utility lines, the setback will be determined in consultation with appropriate utility companies;

#### 59A.8 Wind Energy Conversion System and Total Height

- (a) See Section 88.4 (g), 89.4 (g) and 90.4 (e) for the maximum height of WECS in their respective district; <sup>30m</sup> <sub>35m</sub> <sub>35m</sub> → Industrial Districts
- (b) Height will also be subject to setback requirements and the height restrictions of the Airport Vicinity Protection Area.

#### 59A.9 Wind Energy Conversion Systems and Decommissioning

The owner shall remove the WECS from the lot following six consecutive months of inactivity.

59A.10 Notwithstanding the above regulations, applicants are responsible for complying with all applicable federal, provincial and municipal laws, ordinances, rules, regulations, bylaw and codes. The City has no responsibility whatsoever to determine what other legislation applies, nor to ensure that the development complies with such legislation. Applicable legislation may include but is not necessarily limited to:

- (a) Notification to Nav Canada (completion of the Land Use Submission Form);
- (b) Notification to Transport Canada (completion of the Obstruction Clearance Form) for WECS with a total height taller than 30m (98 ft);
- (c) Approval from Alberta Transportation for wind turbines located within 300m (984 ft) of a numbered highway or 800m (2625 ft) of an intersection of a numbered highway with another public road (completion of the "Roadside Development Application for Development near a Primary Highway");
- (d) Compliance with Alberta Utilities Commission (AUC)'s Rule 12 entitled Noise Control;
- (e) Notification to Department of National Defence and Natural Resource Canada regarding potential radio, telecommunication, radar and seismoacoustic interference. The City recommends following the Radio Advisory Board of Canada (RABC) and Canadian Wind Energy Association (CanWEA) publication, "Technical Information and Coordination Process Between Wind Turbines and Radiocommunication and Radar Systems". This documents sets out a voluntary process to evaluate consultation zones for disclosed radio communication and radar systems. It also identifies organization that must be consulted with during the planning and development of a WECS project. While CanWEA has stated that there is no electromagnetic interference for small turbines; the City recommends that proponents of wind turbines with a nameplate capacity of 20 kW or greater consult with stakeholders to ensure a WECS does cause unacceptable interference thereby leading to costly changes or delays at a later process.

City Council shall review this section after two year or after the installation of three wind turbines.

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**SECTION 4: AGRICULTURAL (AG) DISTRICT**

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**1. PURPOSE**

This district is intended to cover the majority of land in the municipality in order to recognize agriculture as the predominant land use in the County.

**2. USES**

No person shall use any lot or erect or use any building or structure for any purpose except one or more of the following.

**Permitted Uses**

- (a) Agricultural Operations

**Discretionary Uses**

- (a) Abandoned Farmsteads  
(b) Abattoir  
(c) Accessory Buildings, Structures, or Uses  
(d) Aggregate Facility, Temporary  
(e) Aggregate Stockpiling, Temporary  
(f) Agricultural Industry  
(g) Agricultural Pursuit, Minor  
(h) Airport  
(i) Anhydrous Ammonia Storage  
(j) Asphalt Plant, Portable  
(k) Auction Mart (Auctioneering Services)  
(l) Bed and Breakfast Facility  
(m) Clustered Farm Dwellings  
(n) Communication Tower  
(o) Country Store  
(p) Day Care Facility  
(q) Dugouts  
(r) Electricity Production  
(s) Explosives Storage and Distribution  
(t) Farmsteads  
(u) Farm Buildings  
(v) Garage

## **SECTION 4: AGRICULTURAL (AG) DISTRICT**

- (w) Grain Elevator
- (x) Greenhouse, Farm
- (y) Handicraft Business
- (z) Home Occupation, Agricultural
- (aa) Home Occupation, Minor
- (bb) Institutional Uses
- (cc) Kennel
- (dd) Landfill Operation
- (ee) Manufactured Home
- (ff) Market Garden
- (gg) Modular Home
- (hh) Park
- (ii) Petroleum Facility
- (jj) Public Use
- (kk) Research Facility
- (ll) Sanitary Landfill Site
- (mm) Sewage Lagoon and Sewage/Wastewater Treatment Facilities
- (nn) Sign
- (oo) Single Detached Dwelling Unit
- (pp) Sod Farm
- (qq) Stripping of Topsoil
- (rr) Tannery
- (ss) Utilities
- (tt) Veterinary Clinic
- (uu) Water Treatment Facility

### **3. DISTRICT REQUIREMENTS**

In addition to the General Land Use Provisions contained in Section 3, the following regulations shall apply to development in this district.

#### **Farmsteads**

Minimum Lot Area:	2 ha (5 acres)
Maximum Lot Area:	6 ha (15 acres)
Minimum Side Yard:	30 metres
Minimum Rear Yard:	30 metres
Minimum Front Yard:	30 metres

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## **SECTION 4: AGRICULTURAL (AG) DISTRICT**

All Other Uses except Public and Institutional Uses, Accessory Buildings and Structures, and Farm Buildings

Minimum Lot Area:	58 ha
Maximum Lot Area:	At the discretion of the Development Authority
Maximum Lot Density:	At the discretion of the Development Authority
Minimum Front Yard:	30 metres
Minimum Side Yard:	30 metres
Minimum Rear yard:	30 metres

### **4. SPECIAL REQUIREMENT: PUBLIC USES AND INSTITUTIONAL USES**

District requirements for parks, and public and institutional uses, including public sewage and water treatment facilities, public landfill sites, and other similar public uses, shall be at the discretion of the Development Authority.

### **5. SPECIAL REQUIREMENT: CROWN LAND**

Proposed development on Crown land needing a development permit may require authorization or lease arrangements from the appropriate provincial department before issuance of a development permit is considered by the County of Grande Prairie No. 1.

### **6. SPECIAL REQUIREMENT: ACCESSORY BUILDINGS AND STRUCTURES AND FARM BUILDINGS**

All accessory buildings and structures and farm buildings shall be set back a minimum distance of 30 m (100 feet) from the front lot line and 15 m (50 feet) from all other lot lines.

### **7. SPECIAL REQUIREMENT: CLUSTERED FARM DWELLINGS**

Clustered farm dwellings may be allowed, provided that the Development Authority is satisfied that provision has been made for water supply, sewage disposal, and power to serve all of the dwelling units. The Development Authority may also limit the number of units, and place restrictions on the building size and construction.



## **SECTION 4: AGRICULTURAL (AG) DISTRICT**

### **8. SPECIAL REQUIREMENTS: FARMSTEADS, ABANDONED FARMSTEADS AND FRAGMENTED PARCELS**

On any parcel created for farmsteads, abandoned farmsteads or fragmented parcels, minor agricultural pursuits may be allowed, subject to the provisions of Section 5 of the bylaw.

### **9. SPECIAL REQUIREMENTS: AGRICULTURAL INDUSTRIES**

Agricultural industrial uses are subordinate to the predominant use of the land for agricultural production. The subdivision of land for small-scale industrial uses shall not be allowed. Industrial uses requiring separate title to a property shall be rezoned to an appropriate industrial district prior to subdivision.

### **10. SPECIAL REQUIREMENT: MAXIMUM PARCEL DENSITY**

The maximum number of parcels that will be allowed to be subdivided from a quarter section without rezoning shall be one (1) plus the balance of the quarter section for any or all of the following reasons: farmsteads, abandoned farmsteads, and fragmented parcels. Parcels created for a public use or an institutional use will be exempted from the density calculation. Those parcels subdivided in accordance with this special requirement may later be appropriately zoned by the County as part of regular reviews and updates of the Land Use Bylaw.

### **11. SPECIAL REQUIREMENTS: HOME OCCUPATION-AGRICULTURAL**

A home occupation-agricultural shall comply with the following:

- (a) The workplace may be used by no more than two non-resident employees,
- (b) There shall be no generation of vehicular traffic or parking in excess of that which is, in the opinion of the Development Officer, characteristic of the Agricultural district in which it is located,
- (c) Outdoor storage is at the discretion of the Development Officer,
- (d) No more than 3 commercial vehicles to be used in conjunction with the home occupation shall be parked or maintained on the site,
- (e) Any interior or exterior alterations or additions to accommodate the home occupation may be allowed at the discretion of the Development Officer.

**SECTION 53 WIND ENERGY CONVERSION SYSTEMS (WECS)****DEFINITIONS**

The following definitions apply to this part:

53.1 **Blade**

An element of a WECS rotor which acts as a single airfoil, thereby extracting kinetic energy directly from the wind.

53.2 **Blade Clearance**

In reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor's arc.

53.3 **Commencement of Construction**

For the purposes of this section, commencement of a development shall be defined as the moment any excavation has begun.

53.4 **Horizontal Axis Rotor**

A wind energy conversion system where the rotor is mounted on an axis horizontal to the earth's surface.

53.5 **Rotor's Arc**

The largest circumferential path travelled by a WECS' blade.

53.6 **Shadow or flicker**

The repetitive moving shadows or reflection cast by the rotor blades as they cut through the sun or sunlight.

53.7 **Total Height**

The height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

53.8 **Towers**

The structure which supports the rotor above grade.

53.9 **Vertical Axis Rotor**

A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.

53.10 **Wind farm or Project**

A power plant consisting of a group of wind turbines and related facilities connected to the same substation or metering point used for the production of electric power. The wind farm boundary is defined by all titled parcels participating in the project.

### 53.11 Wind Energy Conversion System (WECS)

A wind energy conversion system is a structure designed to convert wind energy into mechanical or electrical energy. For the purposes of this bylaw, WECS are categorized as follows:

**Category 1 WECS:** WECS in this category may be a permitted or a discretionary use dependant on the applicable land use district, and where allowed by an Area Structure Plan. The WECS total height shall be 15 m (49.2 ft.) or less. Only one WECS shall be approved per titled parcel. (see 53.12-53.14)

**Category 2 WECS:** WECS in this category shall be a discretionary use in all applicable land use districts and where allowed by an Area Structure Plan. The WECS total height shall be greater than 15 m (49.2 ft.) and less than 35 m (114.8 ft.). Only one WECS shall be approved per titled parcel. (see 53.12-53.14)

**Category 3 WECS:** WECS in this category shall be designated to the Wind Farm Industrial land use district. A Category 3 WECS is defined by either:

- a single WECS with a total height of 35 m (114.8 ft.) or greater,
- or where the applicant proposes a wind farm with more than one WECS of any height per titled parcel.

### APPLICATION REQUIREMENTS FOR CATEGORY 1 and 2 WECS

53.12 Applications for Category 1 and 2 WECS shall be accompanied by:

- (a) the manufacturer's information on power generation and the tower;
- (b) appropriate letter of approval from Transport Canada and NAV Canada for WECS Category 2;
- (c) shadow and flicker, and noise data which shall be considered for approval according to section 16.17 of this bylaw;
- (d) an analysis for noise to any property line;
- (e) scaled drawings of foundation and tower showing compliance with CSA standards and be certified by a professional engineer;
- (f) an accurate site plan showing and labeling the information including the exact location of the turbine (tower and rotor arc) including setbacks and building locations;
- (g) unless otherwise required by the MPC, a category 1 and 2 WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the MPC;
- (h) no advertising shall appear on the tower or blades;
- (i) other information that may be required by the Development Authority.

53.13 The MPC may require a public meeting prior to consideration of the permit.

### SETBACKS FOR CATEGORY 1 and 2 WECS

53.14 The tower base of the Category 1 and 2 WECS shall be located no less than two times the total height of the WECS from the property line.



APPLICATIONS FOR CATEGORY 3 WECS

- 53.15 A WECS application shall be submitted for each titled parcel.
- 53.16 The MPC may approve a WECS application on a case-by-case basis subject to Part III – Development Permits Section 16.
- 53.17 Prior to a decision being made, the MPC shall hold a public meeting in order to solicit the views of the public in regard to the application for a Category 3 WECS development.
- 53.18 The applicant shall forward to the M.D. of Pincher Creek copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.
- 53.19 A Category 3 WECS development permit shall have a maximum five (5) year development time line as outlined in subsections (a), (b) and (c) below.
- (a) Commencement of construction shall occur within two (2) years of the issuance of the development permit. A time extension as described in (c) or a timeline suspension as described in (d) must be applied for prior to the expiration of the two (2) year commencement of construction period;
  - (b) Construction shall be completed within two (2) years of commencement of construction. The one (1) year time extension described in (c) may be granted by MPC provided it was not previously granted under subsection (a). A time extension as described in (c) or a timeline suspension as described in (d) must be applied for prior to the expiration of the two (2) year construction period;
  - (c) A time extension considered by MPC in (a) and (b) may be approved for a single one (1) year term and the applicant must provide reasons why the extension is necessary;
  - (d) The MPC may consider suspending the five (5) year timeline described above in cases where a development hardship is proven to the satisfaction of MPC. The MPC shall specify the duration of any timeline suspension as part of the approval.
  - (e) The development permit shall expire if the suspension period in (d) is not granted and any period described in (a), (b) (c) or (d) lapses,
- 53.20 In balancing existing land uses and the development of Category 3 WECS, the MPC may require developers to minimize impacts:
- within 1.6 km (1.0 miles) of a Provincially controlled highway;
  - within 3.2 km (2.0 miles) of the boundary of a Provincially or Federally designated parks;
  - along ridge lines;
  - within 2 km (1.2 miles) of a developed Group Country Residential land use designation or Hamlet, Town or Village boundary.

APPLICATION REQUIREMENTS FOR CATEGORY 3 WECS

- 53.21 All development applications for a Category 3 WECS shall be accompanied by:
- (a) an accurate site plan showing and labeling the information including the exact location of each existing and proposed wind turbine (tower and rotor arc) including setbacks as defined in Section 53.24-28 (also to be provided in chart form), all

associated substations, collection and transmission system on or abutting the subject lot or parcel, and contours of the land and access roads for the complete wind farm;

- (b) an accurate plan showing the titled parcels and location of WECS within each application;
- (c) a digital database listing exact location and base elevation of each wind turbine in a format acceptable to the M.D. (NAD 83 Geographic Coordinates, decimal degrees only);
- (d) a visual representation depicting the wind farm from:
  - no further than 5 km (3.1-miles) away;
  - each accessible residence within 2 km (1.2 miles) of the wind farm boundaries;
  - any significant sites as determined by MPC.

Visual representation shall include:

- scale elevations,
- photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape, and
- photographs and/or digital information modeled on ideal visual conditions;
- (e) the turbine specifications indicating:
  - the WECS maximum rated output in kilowatts;
  - safety features and sound characteristics;
  - type of tower;
  - dimensions of tower and rotor
- (f) the following analyses:
  1. the potential for noise at the following:
    - the site of the tower,
    - the boundary of the development,
    - at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;
  2. the potential for shadow or flicker at the following:
    - the boundary of the development,
    - at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;
- (g) a report regarding any public information meetings or other process conducted by the developer;
- (h) any impacts to the local road system including required approaches from public roads having regard to Municipal District of Pincher Creek standard;
- (i) post-construction reclamation plan;
- (j) decommissioning plans.

53.22 Prior to making a decision on a development application for a WECS, the developer shall provide copies of appropriate reports, comments and requests for approvals from the following:

- Transport Canada
- NAV Canada
- Alberta Culture and Community Spirit
- Alberta Environment
- Alberta Transportation
- Alberta Sustainable Resource Development
- Alberta Tourism, Parks, and Recreation
- Alberta Electric System Operator (AESO)
- M.D. of Pincher Creek No. 9 Utility Permit
- STARS

#### REFERRALS FOR CATEGORY 3 WECS

53.23 Prior to making a decision on a development application for a WECS, the MPC shall refer and consider the input from the following:

- an adjacent jurisdiction if its boundaries are located within 2 km (1.2 miles) of the proposed wind farm project boundary;
- municipal district landowners within a 2 km (1.2 miles) of the wind farm project boundary; and
- other relevant regulatory authorities and agencies.

#### SETBACKS for CATEGORY 3 WECS

53.24 The minimum setbacks related to undeveloped or developed municipal roadways measured from the tower base shall be the total height (as defined in this section) plus ten (10) percent.

53.25 The minimum setback related to an Alberta Highway right-of-way shall be determined by Alberta Transportation.

53.26 At no time shall the modeled sound level of a WECS at the wind farm boundary exceed 45dBA unless:

- (a) an easement, as approved by the Municipal Planning Commission, is agreed to by the affected land owner and registered on the affected title, or
- (b) the affected landowner is the crown or an agent of the crown, excluding statutory roads or road plans, and will be asked for comment under a different clause in this bylaw.

53.27 Where adjacent properties (inside the wind farm boundary) are located without a road allowance separation, the setback from the property line shall be 7.5m (24.6 ft.) from outside of the rotor arc.

- 53.28 Where adjacent properties (outside the wind farm boundary) are located without a road allowance separation, the setback to the property line measured from the tower base shall be no less than the total height (as defined in this section) plus ten (10) percent unless a caveat is registered on title, in which case a waiver may be granted.
- 53.29 Where, in the opinion of the MPC, the setbacks referred to in Section 53.24 through 53.28 are not sufficient to reduce the impact of a WECS, the Development Authority may increase the required setback.

#### MINIMUM BLADE CLEARANCE FOR CATEGORY 3 WECS

- 53.30 The minimum vertical blade clearance from grade shall be 7.5 m (24.6 ft.) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

#### TOWER ACCESS AND SAFETY FOR CATEGORY 3 WECS

- 53.31 To ensure public safety, the approval authority may require that:
- (a) a security fence with a lockable gate shall surround a WECS tower not less than 1.8 m (5.9 ft.) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;
  - (b) no ladder or permanent tower access device shall be located less than 3.7 m (12.1 ft.) from grade;
  - (c) a locked device shall be installed on the tower to preclude access to the top of the tower;
  - (d) all of the above be provided or such additional safety mechanisms or procedures be provided as the MPC considers reasonable and appropriate;
  - (e) the use of tubular towers, with locked door access, will preclude the above requirements.

#### DISTRIBUTION LINES FOR CATEGORY 3 WECS

- 53.32 All collector lines (less than 69 Kv), within the wind farm boundary will be underground except where the MPC approves overhead installations.

#### COLOUR AND FINISH FOR CATEGORY 3 WECS

- 53.33 Unless otherwise required by the MPC, a WECS shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the MPC.
- 53.34 No advertising shall appear on the towers or blades. On other parts of the WECS, the only lettering will be the manufacturer's and/or owner's identification.

#### REPOWERING FOR CATEGORY 3 WECS

- 53.35 Should a developer propose alteration, retooling or repowering of an existing wind farm where the equipment has changed from the original approval, the developer shall apply for a new development permit.

- 53.36 Should a developer propose infill development (adding new wind turbines) within an existing wind farm, the developer shall apply for a new development permit.
- 53.37 A repowering project as described in 53.35 or 53.36 shall require a redesignation to the Wind Farm Industrial district (WFI).

#### DECOMMISSIONING FOR CATEGORY 3 WECS

- 53.38 Should a WECS discontinue producing power for two years, the WECS operator shall provide a status report to MPC. A review of the status report may result in a request for the WECS to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the designated officer in accordance with the provisions of the Municipal Government Act.

### **SECTION 54 SHIPPING CONTAINERS**

#### REGULATIONS

- 54.1 Shipping containers shall only be allowed in land use districts where listed as a Discretionary Use within Part VIII Districts. Shipping containers are prohibited in all other districts.
- 54.2 There shall be a legal primary use on the property where it is proposed to be located.
- 54.3 Only three (3) shipping containers shall be allowed per lot.
- 54.4 The square footage of the cargo container when added to the square footage of principal and accessory buildings on the property does not exceed the maximum site coverage as defined by the district.
- 54.5 Shipping containers shall be stacked no more than two (2) containers high.
- 54.6 As a condition of the Application for Development Permit, the Municipal Planning Commission may require any shipping container to be screened from view or landscaped to make the site aesthetically pleasing.
- 54.7 All shipping containers must be painted to match the color(s) of the principal building or to the satisfaction of the Development Authority.
- 54.8 All shipping containers must be located in the rear or side yards only, with a side yard setback of 3.0 m (10 feet) and a rear yard setback of 6.1 m (20 feet).
- 54.9 The Municipal Planning Commission may issue a temporary permit for the placement of any shipping container, where listed as a discretionary use in a land use district, with all or some of the above noted requirements being applied to these temporary shipping containers. Approvals for temporary permits shall be valid for one year from the date of Application.



# EXCERPTS

## ONTARIO REGULATION 359/09

made under the

## ENVIRONMENTAL PROTECTION ACT

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## RENEWABLE ENERGY APPROVALS UNDER PART V.0.1 OF THE ACT

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April 29, 2016



(2) In this Regulation, a reference to a Class 1, 2 or 3 solar facility is a reference to a solar facility of that class.

(3) For the purposes of this Regulation, two or more solar facilities that each meet the criteria set out for the same class of solar facility in subsection (1) shall be deemed to be a single solar facility in accordance with the following rules if the facilities are to function together as an integrated or aggregated system for generating electricity:

1. Two or more Class 1 solar facilities that have a combined name plate capacity of less than or equal to 10 kW are deemed to be a single Class 1 solar facility.
2. Two or more Class 1 solar facilities that have a combined name plate capacity of greater than 10 kW and whose solar photovoltaic collector panels or devices are not mounted on a roof or wall of a building are deemed to be a single Class 3 solar facility.
3. Two or more Class 3 solar facilities are deemed to be a single Class 3 solar facility.

TABLE

Item	Column 1	Column 2	Column 3
	Class of solar facility	Location of solar photovoltaic collector panels or devices	Name plate capacity of solar facility (expressed in kW)
1.	Class 1	At any location.	≤ 10
2.	Class 2	Mounted on the roof or wall of a building.	> 10
3.	Class 3	At any a location other than mounted on the roof or wall of a building.	> 10

#### Thermal treatment facilities

5. (1) A thermal treatment facility is a thermal treatment facility of a class set out in Column 1 of the Table to this section if,

- (a) the generating unit of the facility is at a location set out opposite the class in Column 2 of the Table; and
- (b) the biomass that is thermally treated to generate electricity at the facility meets the description set out opposite the class in Column 3 of the Table.

(2) In this Regulation, a reference to a Class 1, 2 or 3 thermal treatment facility is a reference to a thermal treatment facility of that class.

TABLE

Item	Column 1	Column 2	Column 3
	Class of thermal treatment facility	Location of generating unit	Description of biomass
1.	Class 1	At any location.	Biomass consisting solely of woodwaste.
2.	Class 2	At a farm operation.	Any type of biomass, other than biomass consisting solely of woodwaste.
3.	Class 3	At any location other than at a farm operation.	Any type of biomass, other than biomass consisting solely of woodwaste.

#### Wind facilities

6. (1) A wind facility is a wind facility of a class set out in Column 1 of the Table to this section if,

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- (a) the wind turbines that form part of the facility are at a location set out opposite the class in Column 2 of the Table;
- (b) the facility has a name plate capacity that meets the criteria set out opposite the class in Column 3 of the Table;
- and
- (c) the greatest sound power level of any wind turbine that forms part of the facility meets the criteria set out in Column 4 of the Table.

(2) In this Regulation, a reference to a Class 1, 2, 3, 4 or 5 wind facility is a reference to a wind facility of that class.

(3) For the purposes of this Regulation, two or more wind facilities that each meet the criteria set out for the same class of wind facility in subsection (1) shall be deemed to be a single wind facility in accordance with the following rules if the facilities are to function together as an integrated or aggregated system for generating electricity:

1. Two or more Class 1 wind facilities that have a combined name plate capacity of greater than 3 kW are deemed to be,
  - i. a Class 2 wind facility, if the combined name plate capacity is less than 50 kW, or
  - ii. a Class 3 wind facility, if the combined name plate capacity is greater than or equal to 50 kW.
2. Two or more Class 2 wind facilities are deemed to be a single Class 2 wind facility.
3. Two or more Class 3 wind facilities are deemed to be a single Class 3 wind facility.
4. Two or more Class 4 wind facilities are be deemed to be a single Class 4 wind facility.
5. Two or more Class 5 wind facilities are deemed to be a single Class 5 wind facility.

**TABLE**

Item	Column 1	Column 2	Column 3	Column 4
	Class of wind facility	Location of wind turbines	Name plate capacity of the facility (expressed in kW)	Greatest sound power level (expressed in dBA)
1.	Class 1	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	$\leq 3$	Any.
2.	Class 2	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	$> 3$ and $< 50$	Any.
3.	Class 3	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	$\geq 50$	$< 102$

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4.	Class 4	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	$\geq 50$	$\geq 102$
5.	Class 5	At a location where one or more parts of a wind turbine is located in direct contact with surface water other than in a wetland.	Any.	Any.

## PART III

### APPLICATION OF THE ACT TO RENEWABLE ENERGY PROJECTS

#### Exemption, standby generator

7. (1) Section 9 of the Act does not apply in respect of the construction, alteration, replacement, use or operation of a standby generator that uses a fossil fuel to generate electricity at a renewable energy generation facility, if the standby generator is only operated in any of the following circumstances:

1. The standby generator is only operated for the purposes of testing or maintenance of the standby generator or the start up or shut down of the facility, and,
  - i. the standby generator has not operated for more than 60 hours in the past 12 months for those purposes, and
  - ii. the standby generator is operated only on weekdays between the hours of 7 a.m. and 7 p.m for those purposes.
2. The standby generator is only operated due to,
  - i. a serious risk to the health or safety of a person,
  - ii. a serious risk of harm to the natural environment, plant life or animal life, or
  - iii. a serious risk of injury or damage to property.

(2) This section does not apply in respect of a standby generator mentioned in subsection (1) if a certificate of approval was issued under section 9 of the Act in respect of the standby generator on a day before the day this section comes into force.

#### Exemptions, subs. 47.3 (1) of the Act

8. Subsection 47.3 (1) of the Act does not apply to a person who is engaging in a renewable energy project in respect of,
- (a) a Class 1 or 2 solar facility; or
  - (b) a Class 1 wind facility.

#### Exemptions, s. 47.3 of the Act

9. (1) Section 47.3 of the Act does not apply to a person who is engaging in a renewable energy project if any of the following circumstances apply:

1. On a day before the day Part V.0.1 of the Act comes into force, all of the approvals, permits and other instruments mentioned in subsection 47.3 (1) of the Act that are required to construct, install, operate or use the renewable energy generation facility have been obtained.
2. No approvals, permits or other instruments mentioned in paragraph 1 were required to construct, install, operate or

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would be required under subsection 27 (1) of the Act in respect of a Class 2 anaerobic digestion facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location.

(2) The financial assurance estimate mentioned in subsection (1) shall be prepared in accordance with the methodology in the Financial Assurance Guideline.

### **Class 3 anaerobic digestion facilities**

**50.** (1) No person shall construct, install or expand a Class 3 anaerobic digestion facility unless the facility is,

(a) designed to be equipped with,

(i) an anaerobic digester that has a gas storage cover with a design permeability of less than 500 cm<sup>3</sup>/m<sup>2</sup>/day/bar, and

(ii) a high efficiency flare system; or

(b) designed to minimize the discharge of odour to at least the same extent as if the facility had the characteristics set out in clause (a).

(2) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of a Class 3 anaerobic digestion facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location.

(3) The financial assurance estimate mentioned in subsection (2) shall be prepared in accordance with the methodology in the Financial Assurance Guideline.

## **THERMAL TREATMENT FACILITIES**

### **Class 2 thermal treatment facilities**

**51.** (1) No person shall construct, install or expand a Class 2 thermal treatment facility unless,

(a) all biomass storage areas of the facility are located at a distance of at least 250 metres from the nearest odour receptor; and

(b) the generating unit of the facility is located at a distance of at least 250 metres from the nearest odour receptor.

(2) Clause (1) (a) does not apply if, as part of an application for the issue of a renewable energy approval in respect of a Class 2 thermal treatment facility, the applicant submits an odour study report prepared in accordance with Table 1.

(3) Clause (1) (b) does not apply if, as part of an application for the issue of a renewable energy approval in respect of a Class 2 thermal treatment facility, the applicant submits the following reports prepared in accordance with Table 1:

1. Emission summary and dispersion modelling report.

2. Noise study report.

### **Class 2 and 3 thermal treatment facilities**

**52.** (1) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of waste at a Class 2 or Class 3 thermal treatment facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location.

(2) The financial assurance estimate mentioned in subsection (1) shall be prepared in accordance with the methodology in the Financial Assurance Guideline.

## **WIND FACILITIES**

**April 29, 2016**

**Class 3, 4 and 5 wind facilities**

**53.** (1) No person shall construct, install or expand a wind turbine that is to form part of a Class 3, 4 or 5 wind facility unless,

- (a) the distance between the base of the wind turbine and any public road rights of way or railway rights of way is equivalent to, at a minimum, the length of any blades of the wind turbine, plus 10 metres; and
- (b) the distance between the base of the wind turbine and all boundaries of the parcel of land on which the wind turbine is constructed, installed or expanded is equivalent to, at a minimum, the height of the wind turbine, excluding the length of any blades.

(2) Clause (1) (b) does not apply in respect of a boundary of the parcel of land on which the wind turbine is constructed, installed or expanded if the abutting parcel of land on that boundary is,

- (a) owned by the person who proposes to engage in the renewable energy project in respect of the wind turbine; or
- (b) owned by a person who has entered into an agreement with the person mentioned in clause (a) to permit the wind turbine to be located closer than the distance specified in clause (1) (b).

(3) Clause (1) (b) does not apply if,

- (a) the distance between the base of the wind turbine and all boundaries of the parcel of land on which it is constructed, installed or expanded is equivalent to, at a minimum, the length of any blades plus 10 metres; and
- (b) as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of the construction, installation or expansion of the wind turbine, the person who is constructing, installing or expanding the wind turbine submits a written assessment,
  - (i) demonstrating that the proposed location of the wind turbine will not result in adverse impacts on nearby business, infrastructure, properties or land use activities, and
  - (ii) describing any preventative measures that are required to be implemented to address the possibility of any adverse impacts mentioned in subclause (i).

**Specified wind turbines, prohibition and requirements**

**54.** (1) No person shall construct, install or expand a wind turbine that meets the following criteria unless the base of the wind turbine is located at a distance of at least 550 metres from the nearest noise receptor:

- 1. The wind turbine has a name plate capacity of greater than or equal to 50 kW.
- 2. The wind turbine is not located in direct contact with surface water other than in a wetland.
- 3. The wind turbine has a sound power level that is greater than or equal to 102 dBA.

(2) Subsection (1) does not apply in respect of a wind turbine that is constructed, installed or expanded as part of a Class 4 or 5 wind facility if, as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of the facility, the person who proposes to construct, install or expand the wind turbine, submits,

- (a) results of measurements or calculations showing that the lowest hourly ambient sound level at a noise receptor is greater than 40 dBA due to road traffic for wind speeds less than or equal to 4 metres per second, obtained in accordance with the publication of the Ministry of the Environment entitled NPC-206 "Sound Levels due to Road Traffic", dated October 1995, as amended from time to time and available from the Ministry; and
- (b) a report prepared in accordance with the publication of the Ministry of the Environment entitled "Noise Guidelines for Wind farms", dated October 2008, as amended from time to time and available from the Ministry, including a demonstration that the proposed facility will not exceed the lowest hourly ambient sound level measured or calculated under clause (a).

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(3) If the issue of a renewable energy approval or a certificate of approval is required in respect of the construction, installation or expansion of one or more wind turbines mentioned in subsection (1) in a circumstance described in subsection (4), the person who is constructing, installing or expanding a wind turbine shall submit, as part of the application for the issue of the renewable energy approval or certificate of approval, a report prepared in accordance with the publication of the Ministry of the Environment entitled "Noise Guidelines for Wind farms", dated October 2008, as amended from time to time and available from the Ministry.

(4) Subsection (3) applies if,

- (a) one or more of the wind turbines has a sound power level greater than 107 dBA;
- (b) the application is in respect of one or more wind turbines that are to form part of a renewable energy generation facility consisting of 26 or more wind turbines, any of which has a sound power level greater than or equal to 102 dBA and less than 107 dBA; or
- (c) the application is in respect of a renewable energy generation facility that would, once constructed, installed or expanded, result in 26 or more wind turbines located within a three kilometre radius of any noise receptor.

(5) For the purposes of clause (4) (c), the number of wind turbines within a three kilometre radius of a noise receptor shall be calculated by determining the sum of,

- (a) the wind turbines with a sound power level equal to or greater than 102 dBA that the person proposes to construct, install or expand as part of the facility;
- (b) any wind turbines with a sound power level equal to or greater than 102 dBA that have already been constructed or installed;
- (c) any wind turbines with a sound power level equal to or greater than 102 dBA that have not yet been constructed or installed but in respect of which a renewable energy approval or certificate of approval has been issued by the Director; and
- (d) any wind turbines with a sound power level equal to or greater than 102 dBA that have been proposed to be constructed or installed and,
  - (i) in respect of which notice of the proposal for the issue of a renewable energy approval or certificate of approval has been posted on the environmental registry established under section 5 of the *Environmental Bill of Rights*, 1993, and
  - (ii) the Director has not refused or approved the proposal.

#### **Wind turbines, requirements re location**

**55.** (1) This section applies to a person who applies for the issue of a renewable energy approval or a certificate of approval in respect of a wind facility consisting of a wind turbine mentioned in subsection 54 (1) if, at the time of the application, within a three kilometre radius of a noise receptor of the facility,

- (a) the person proposes to construct or install more than one wind turbine with a sound power level equal to or greater than 102 dBA as part of the same renewable energy generation facility;
- (b) a wind turbine with a sound power level equal to or greater than 102 dBA has been constructed or installed;
- (c) the construction or installation of a wind turbine with a sound power level equal to or greater than 102 dBA has not yet been completed but a renewable energy approval or certificate of approval has been issued by the Director in respect of it; or
- (d) a wind turbine with a sound power level equal to or greater than 102 dBA has been proposed to be constructed or installed and,

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(i) notice of the proposal for the issue of a renewable energy approval or a certificate of approval in respect of the facility has been posted on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, and

(ii) the Director has not refused or approved the proposal.

(2) Subject to subsection (3), no person shall construct, install or expand a wind turbine mentioned in subsection 54 (1) except in accordance with the following rules if, within a three kilometre radius of a noise receptor, the sum of the wind turbines at the proposed facility and the number of wind turbines mentioned in clauses (1) (b), (c) and (d) equals a number set out in Column 1 of the Table to this section:

1. If the sound power level of the wind turbines at the proposed facility corresponds to the sound power level set out in Column 2 of the Table opposite the number of wind turbines, the total distance from the wind turbine to its nearest noise receptor shall be, at a minimum, the distance set out in Column 3 opposite the sound power level.

2. For the purposes of this section, if the proposed facility is to consist of different models of wind turbines with varying sound power levels, the greatest sound power level of a wind turbine at the proposed facility shall be deemed to be the sound power level of every wind turbine at the facility.

(3) Subsection (2) does not apply if, as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of a wind facility that consists of a wind turbine mentioned in subsection 54 (1), the person who is constructing, installing or expanding the facility submits a report prepared in accordance with the publication of the Ministry of the Environment entitled "Noise Guidelines for Wind farms", dated October 2008, as amended from time to time and available from the Ministry.

**TABLE**

Item	Column 1	Column 2	Column 3
	Number of wind turbines calculated in accordance with subsection (2)	Sound power level of wind turbine (expressed in dBA)	Total distance from wind turbine to nearest noise receptor of the wind turbine (expressed in metres)
1.	1-5	102	550
		103 – 104	600
		105	850
		106 – 107	950
2.	6-10	102	650
		103 – 104	700
		105	1000
		106 – 107	1200
3.	11-25	102	750
		103 – 104	850
		105	1250
		106 – 107	1500

## PART VI POWERS AND DUTIES OF DIRECTOR

April 29, 2016

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## 5.12 TEMPORARY LIVING QUARTERS

5.12.1 A *mobile home*, a recreational motor vehicle, recreational trailer or an *existing dwelling* may be used as temporary living quarters for a period not to exceed six months while a permitted *dwelling* is under construction on the same *lot*, provided that:

- a. the owner of the *lot* enters into an agreement with the Municipality agreeing to remove the temporary living quarters from the *lot* immediately after the expiration of the six month period or with the occupation of the new *dwelling*, whichever occurs first;
- b. the *mobile home*, recreational motor vehicle or recreational trailer is located on the *lot* in compliance with the yard setbacks of the zone in which it is located; and
- c. the temporary living quarters are serviced with adequate sanitary sewer and water services approved by the appropriate *public authority*.

## 5.13 USE OF MOBILE HOMES, RECREATIONAL MOTOR VEHICLES AND RECREATIONAL TRAILERS AS DWELLINGS

5.13.1 The *use* of a *mobile home*, a recreational motor vehicle or a recreational trailer as a *dwelling* is prohibited in all zones except as otherwise specified in this By-law.

5.13.2 A mobile home park and a *campground* are prohibited in all zones except as otherwise specified in this By-law.

## 5.14 WAYSIDE PITS AND QUARRIES

5.14.1 A *wayside pit* or a *wayside quarry* is permitted for a maximum of 18 months, with possible extension, in any zone except an Environmental Protection (EP) Zone, Rural Settlement (RS1) Zone and a Natural Core (NC) Zone provided that the proposed use is not located within:

- a. a minimum of 30 metres from any land zoned EP ; and
- b. a minimum of 30 metres from any residential lot.

## 5.15 WIND TURBINES

5.15.1 For the purposes of this By-law:

- a. **Wind turbine** shall mean an energy conversion system, which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base, and pad transformer, if any.

5.15.2 A maximum of one *wind turbine* is permitted on a *lot* in all zones as *accessory* to a permitted *use*.

## 5.15.3 Regulations

a. Lot Area

Lot area	4000 m <sup>2</sup> = 0.4h <sub>1</sub> 1 acre
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b. Yard Setbacks<sup>(1)</sup>

Front yard	15 m
Exterior side yard	15 m
Interior side yard	15 m
Rear yard	15 m

- (1) All yard setbacks are measured from the outermost tip or part of the *wind turbine*, which includes the blade.

c. Blade Clearance

Above finished grade	6 m
Above accessory buildings and structures and farm buildings	4.5 m to the highest point of each roofline

d. Height Requirements

- i) Maximum height shall be 91.4 m to the highest extension of any blade.

The Corporation of the Township of Huron-Kinloss

Southern  
Ontario

→ within  
Bruce County



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## BY-LAW

2010-97

### BEING A BY-LAW TO ADOPT A WIND TURBINE DEVELOPMENT POLICY FOR THE TOWNSHIP OF HURON-KINLOSS

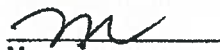
**WHEREAS** the Council of the Corporation of the Township of Huron-Kinloss deems it expedient to establish policies;

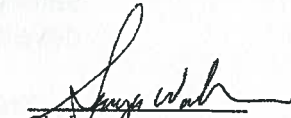
**AND WHEREAS** the Municipal Act S.O. 2001, c25, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

**NOW THEREFORE** the Council of the Township of Huron-Kinloss enacts as follows:

- 1.0 The Corporation of the Township of Huron-Kinloss hereby adopts a Wind Turbine Development Policy contained in the attached Schedule "A" to this by-law.
- 2.0 This By-Law shall come into full force and effect upon its final passage.
- 3.0 This By-law may be cited as the "Wind Turbine Development Policy By-Law".

**READ a FIRST, SECOND and THIRD time and FINALLY** passed this 20<sup>th</sup> day of September, 2010.

  
Mayor

  
Clerk

April 29, 2016



The Corporation of the Township of Huron-Kinloss

**Policies & Procedures Manual**

Section: 5.0 General

Policy: Wind Turbine Development

By-Law: 2010 - 97

Date: September 2010

Pages: 1 of 3

Revision:

**Coverage:** This policy will govern all development under the jurisdiction of the Township of Huron-Kinloss.

**Policy Statement:** The Township of Huron Kinloss shall protect the public and municipal infrastructure from the impact of the development of Wind Generation Systems.

**Contents:** 1. Definitions

Commercial Wind Generation Systems (CWGS): means one or more Wind Generating Systems (WGS) that singly or collectively produce more than a total of 40 kilowatts (kW) based on 'nameplate rating capacity' and are connected to the provincial grid.

Wind Generation System (WGS): means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

Wind Generation System Accessory Facilities: means those facilities, equipment, machinery, and other devices necessary to the proper operation and maintenance of a wind energy conversion system, including access roads, collector and feeder lines, and substations.

2. Responsibility of the Developer

That the Developer enters into an agreement with the Township of Huron-Kinloss to satisfy all the requirements, financial and otherwise, of the Township concerning the development.

3. The Agreement

That agreement shall include but not be limited to the following clauses. This is a general description and more or less detail and requirements maybe included in the final agreement.

Construction Part - which shall include all requirements prior to commencing



**Schedule 'A' to By-law 2010-97**

construction.

**Haul Routes** – which shall include details on haul routes which shall be approved by the municipality.

**Private Access Roads** – shall include locations.

**Electrical Distribution System** – shall address any electrical distribution system required as part of the development. All collection and distribution lines shall be underground.

**Tree Preservation** – shall include address a tree replacement plan.

**Grading** – shall address municipal requirements.

**Lights** – shall address municipal requirements.

**Municipal Road Use** – shall address all requirements for utilizing municipal roads.

**Operation & Maintenance** – shall address requirements for the safe operation and maintenance of the development including emergency response plans.

**Decommission** – shall include a plan for decommissioning and securities acceptable to the municipality.

**Community Development Contribution** – shall include a negotiated payment to the municipality to be used for community betterment projects as determined by the municipality.

**Costs** – any costs incurred by the municipality with respect to the development shall be borne by the developer. The Developer shall deposit an amount of \$5000 with the Township.

**General Provisions** – shall include all other requirements.

**Insurance** – shall include any requirements the municipality may require.

**Liability** – shall save harmless the municipality and its representatives from all actions, causes of actions, suits, claims, costs, interest and demands whatsoever which may arise either directly or indirectly by reason of the agreement.

**Security** – shall include all securities as may be required but will include and not be limited to construction, maintenance, and decommissioning.

**4. Site Guidelines**

Council will evaluate the suitability of the location and land use compatibility of proposed commercial wind generating systems and require the following:

Commercial Wind Generation Systems are permitted in Rural Areas and may be permitted in Agricultural Areas where they can be located on land of lower agricultural capability or ensure the continued use of prime agricultural land for farm use and minimize the loss of production farm land.

The Township of Huron-Kinloss has established the following General Provisions for Wind Generation Systems:

**Site Provisions:**

	Feature	Provision
1	'CWGS' Minimum Setback to: Urban Area Boundary as defined in the Township of Huron Kinloss Official Plan	2000 meters (6600 ft.)
2	'WGS' minimum setback to: Residential uses or structures designated for human habitation.	1000 meters (3300 ft.)(1)
3	'WGS' Minimum setback to: County or Provincial road or highway	1.25 times the 'Total WGS Height' from the right-of-way line
4	'WGS' Minimum setback to: Front Yard or Exterior Side Yard	'Total WGS Height' minus the untraveled portion of the municipal right-of-way
5	'WGS' Minimum setback to: Interior Side Yard or Rear Yard of Non-participating Properties	1.0 times the 'Total WGS Height'
6	'WGS' Minimum setback to: Interior Side Yard or Rear Yard of participating Properties	Length of turbine blade
7	Minimum setback for 'Wind Generation System Accessory Facilities' (buildings and structures only)	10 meters (33 ft.) from all lot lines or in accordance with the setback provisions for buildings/structures adjacent to a Provincial or County road, whichever is greater
8	Maximum 'Total WGS Height'	120.0 meters (393.7 ft.)
9	Signs/Advertising/Logos	No advertising sign or logo on any 'WGS'; no more than 2 project identification signs not to exceed 1.49 square meters (16 sq.ft.) in area or 2.44 meters (8 ft.) in height.

**Note 1.** Setback to residential structures may be greater if the structure lies within the line of prevailing winds or multiple 'WGS'. Dampening software may be required on 'WGS' to mitigate noise issues.

**Note 2.** 'Total WGS Height' is measured from average grade to the uppermost extension of any blade, or maximum height reached by any part of the turbine whichever is greater.

**5. Miscellaneous**

- All wiring between Wind Turbines and Wind Energy Facility substations shall be underground



- structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased.
- 1.150.2 **Agricultural Use** means the utilizing of land, buildings or structures to raise crops or animals or fowl and includes the harboring or keeping of livestock regardless of its stage of development.
- 1.150.3 **Change in Use** means any alteration in the use made of the whole or any part of a parcel of land, a building or a structure and includes, in the case of a Livestock Operation, a change from one type of livestock to another.
- 1.150.4 **Non-Conforming Use** means a use defined as such according to the *Nova Scotia Municipal Government Act*.
- 1.150.5 **Obnoxious Use** means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration or by the emission of gas, radiation, fumes, dust, oil, or objectionable odor, or by reason of unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.
- 1.151 **Warehouse** means a building where wares or goods are stored but shall not include a retail store.
- 1.152 **Water Quality Objective** means the official minimum acceptable trophic state of lake water expressed as a unit concentration of Chlorophyll a and representing the mean value over the ice-free season in a given year.
- 1.153 **Water Supply Facilities** means buildings, structures or facilities necessary for providing municipal water services.
- 1.154 **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including ground water, within the jurisdiction of the Province, whether it contains water or not.
- 1.155 **Wildlife Rescue and Rehabilitation Centre** means a building or structure (including outdoor pens/cages) in which facilities are provided for the treatment and rehabilitation of injured, sick, displaced or orphaned native wildlife with the goal of returning a healthy animal back to the wild. Treatment shall not include permanent boarding facilities for native wildlife.
- 1.156 **Wind Turbine** means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The turbine comprises the tower, rotor blades (either vertical or horizontal) and nacelle.

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- 1.156.1 **Blade Clearance** means the distance between the bottom tip of the rotor blade and the ground.
- 1.156.2 **Climbing Apparatus** means the ladder located on the turbine tower used for climbing and maintaining the turbine.
- 1.156.3 **Decommissioning** means the final closing down of a wind generation development or project or the point at which an individual wind turbine or grouping of turbines have reached the end of their operational life and the process by which the site is restored to an agreed use or condition.
- 1.156.4 **Kilowatt (kW)** means a measure of power for electrical current (1kW = 1,000 watts).
- 1.156.5 **Large-scale Wind Turbine** means a wind turbine that has a rated output capacity greater than 100 kilowatts.
- 1.156.6 **Nacelle** means the frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.
- 1.156.7 **Rotor Blade** means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind.
- 1.156.8 **Small-scale Wind Turbine** means a wind turbine that has a maximum rated output capacity of no greater than 100 kilowatts.
- 1.156.9 **Wind Monitoring (Meteorological) Tower** means a tower used for supporting wind monitoring equipment to assess the wind resource at a predetermined height above the ground.
- 1.156.10 **Wind Turbine Height** means the height from grade to the highest vertical extension of a wind turbine which often occurs at the top of the arc of the rotor blade.
- 1.156.11 **Wind Turbine Tower** means a freestanding structure or a structure attached to guy wires that serves to support other parts of the wind turbine.
- 1.157 **Yard**
- 1.157.1 **Yard** means an open, uncovered space on a lot appurtenant to a building and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.
- 1.157.2 **Flankage Yard** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of any building.

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10.1.5.13 The proposed development is not located within an area designated as a Tourist Destination Area.

10.1.5.14 Proposals for tourist commercial uses for lodging, food services and ancillary uses which:

- a. include more than 5 tourist cabins, or more than 10 guest rooms in an inn, lodge or resort, with total floor space exceeding 5000 square feet;
- b. include a restaurant that caters to the general public;
- c. do not fulfill the other requirements as specified in 10.1.5.4 to 10.1.5.13 above;

shall be considered by Development Agreement only.

### III. Provisions for Tourist Commercial Uses Permitted by Development Agreement

Tourist commercial facilities for lodging, food services and ancillary uses shall be permitted by Development Agreement where such development is not permitted as of right provided that:

10.1.5.15 The proposed development satisfies the policies pertaining to tourist commercial facilities for lodging, food services and ancillary uses as provided for in the Municipal Planning Strategy, Section 4.4.8.

#### 10.1.6 Siting of Large-Scale Wind Turbines

10.1.6.1 One or more Large-Scale Wind Turbines shall be permitted in an A1, F1, R6 or S1 Zone, except on properties within the Grand Pré and Area Plan boundary, subject to the following:

- a. the blade clearance shall be a minimum of 25 feet;
- b. the minimum separation distance between wind turbines shall be equal to or exceed the height of the tallest turbine;
- c. the wind turbine(s) shall be setback a minimum of one (1) times the turbine height from rear, front and side lot lines, public rights-of-way and coastlines;

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- d. where a lot located immediately adjacent to and abutting a lot where a large-scale wind turbine is to be erected will be used for wind turbine development and the turbines on both properties are part of the same proposal, the setback requirement (contained in Section 10.1.6 c.) from the shared property line shall be reduced to zero;
- e. the wind turbine(s) shall be located a minimum of 2300 feet (700 m) from any dwelling on a neighbouring property. This separation distance does not apply to a dwelling on the same property on which the large-scale wind turbine is installed or a dwelling on a neighbouring property containing a wind turbine that is part of the same proposal;
- f. notwithstanding 10.1.6.1 e. above, where a dwelling is constructed within the required separation distance of a large-scale wind turbine development, the wind turbine development may expand. The required separation distance for any expansion shall be equal to or greater than the separation distance between the initial wind turbine development and the dwelling;
- g. a development permit may be issued for one or more large-scale wind turbines to be located on a lot which does not front on a public street provided proof of access can be demonstrated;
- h. the wind turbine shall be finished in a non-reflective matte and in an unobtrusive colour;
- i. the only artificial lighting permitted on the wind turbine is lighting that is required by federal or provincial regulation;
- j. no signage shall be permitted on the wind turbine except that of the manufacturer's identification;
- k. the owner(s) of the land on which the wind turbines are located shall notify the Municipality of Kings County within one (1) year of wind turbine inactivity and shall remove the wind turbines and associated infrastructure within two (2) years of wind turbine inactivity.

10.1.6.2 Upon application for a development permit for a large-scale wind turbine, the developer shall submit the following documentation:

- a. the project definition including installed turbine(s) capacity, targeted long term production levels, scale elevations or photos of wind turbines showing total height, tower height, rotor diameter and colour;
- b. a site plan showing all buildings, roads, boundaries, natural features and alterations of site;
- c. wind turbine manufacturer's specifications and professional engineer's design and approval of turbine base(s);
- d. copies of all documentation required for *Canadian Environmental Assessment Act* and *Nova Scotia Environment Act* and regulations, if applicable;
- e. evidence of notification to and approval from Department of National Defence, Nav Canada, Transport Canada or other applicable agencies regarding potential radio, telecommunications and radar interference, if applicable;
- f. an emergency response plans for site safety;
- g. a decommissioning and reclamation plan; and
- h. any other information the Development Officer deems necessary to determine whether the development conforms to this Bylaw.

**10.1.7 Siting of Wind Monitoring (Meteorological) Tower**

10.1.7.1 One or more Wind Monitoring (Meteorological) Towers shall be permitted in M2, M3, M4, M5, M6, M7, A1, F1, S1, S2, CS, R6, R7, R8, O2 Zones subject to the following criteria:

- a. A minimum separation distance between towers shall be equal to or exceed the height of the tallest tower.
- b. The setback shall be, at minimum, equal to the tower's total height from rear, front and side lot lines, public parking lots and public rights-of-way.

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- c. For properties that abut an A1, F1, or O1 zone, the rear and side setback in common with the A1, F1, or O1 zone may be reduced by 50% if the wind monitoring tower is no closer than the total height of the tower from all structures on the neighbouring property.
- d. Any climbing apparatus shall be a minimum of 10 feet above grade.
- e. The wind monitoring tower shall not be located within a radius measuring 300 feet or 3 times the overall height of the tower from a residential dwelling on a neighbouring property, whichever is greater.
- f. In addition to the application for a development permit, the following items are required:
  - Provide the manufacturer's information including: type of tower and total height;
  - Provide a site plan showing the location of the wind monitoring tower(s) in relation to lot lines, dwelling on property and distance from adjacent dwellings;
  - Submit any necessary authorisation documents from Transport Canada and NavCan;
  - Submit an Environmental Impact Assessment (only for sites located all or in part in an O2 Zone); and
  - Submit tower and base designs certified by an engineer licensed to practice in Nova Scotia, and applicable letters of undertaking.
- g. There shall be no signs or advertisements attached to or added to the tower(s).
- h. The owner(s) of the land on which the wind monitoring tower is located shall notify the Municipality of Kings County within one (1) year of removing the wind monitoring tower.

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designed to be transported.

**"SIGN, PROJECTING" OR "PROJECTING SIGN"** means a sign that is wholly or partly dependent upon a building for support and which projects more than 30 centimetres from such building.

**"SIGN, READOGRAPH" OR "READOGRAPH SIGN"** means a sign greater than 1.0 square metre and less than 3.7 square metres in area, permanently affixed to the ground or in a solid base, composed of changeable letters which is designed or constructed to convey a temporary message and which is designed or constructed so that the message conveyed on the readograph may be changed manually through the use of attachable characters, panels or other means.

**"SITE PLAN"** means a scale drawing showing uses, buildings and structures existing and proposed for a parcel of land, including such details as parking areas, access and egress points, landscaped areas, building areas, setbacks from lot lines, building heights, floor areas, densities, septic tank and tile fields, utility lines, surface drainage on the lot and toward surrounding areas, etc.

**"SMALL BUSINESS"** means a commercial activity conducted in a building with a ground floor area less than 200 square metres and used for a maximum two of the following uses: convenience store, restaurant, public garage, service station, gas bar, clerical activity, bed and breakfast, boutique, retail store, bakery, book store, hardware store or car sales lot.

**"SMALL WIND ENERGY SYSTEM OR SWES"** means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power. For the purpose of this by-law, the total height of a SWES shall mean the distance measured from the ground level to the blade extended at its highest point.

**"STABLE"** means a building, or portion thereof, used for the feeding and housing of one horse or more.

**"STABLE, PRIVATE" OR "PRIVATE STABLE"** means an accessory building or portion thereof, designed or used for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire, sale or other commercial purposes.

**"STOREY"** means that part of a building between the surface of one floor and the ceiling above. However, a basement or a cellar does not count as a storey except that any portion of a building partly below the ground shall be deemed a storey if its ceiling is four (4) feet above finished grade.

**"STOREY, ONE-HALF" OR "ONE-HALF (½) STOREY"** means the portion of a

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- (2) Notwithstanding Paragraph (1) (c), semi trailers and freight containers may be used as an accessory structure for storage purposes only but their number shall not exceed the following:
- (i) in a Mixed Zone (MX Zone), one (1) semi trailer or freight container,
  - (ii) in a Rural Zone (RU Zone), one (1) semi trailers or freight containers, and
  - (iii) in an Industrial Zone (IND Zone), 25 semi trailers or freight containers.
- (3) Except in an Industrial Zone (IND Zone), any inoperative vehicle, and detached parts thereof, without a valid motor vehicle licence plate shall only be parked or stored:
- (a) inside a completely enclosed building, or
  - (b) in such manner that it is not visible from the street and from neighbouring properties.

#### **Section 59:**

This section is intentionally left blank.

#### **Section 60: Greenhouses on a Residential Lot**

- (1) Subject to Subsection (2), a greenhouse used as an accessory structure to a dwelling may be developed on a residential lot.
- (2) A greenhouse mentioned in Subsection (1)
  - (a) may not exceed a height of 4 metres,
  - (b) shall not have a gross floor area of more than 55 square metres, and
  - (c) shall not be used for the production of horticulture products intended for commercial sale.
- (3) A maximum of one (1) greenhouse is permitted on a lot.

#### **Section 61:**

This section is intentionally left blank.

#### **Section 62: Small Wind Energy Systems**

- (1) ZONES: Small Wind Energy Systems (SWES) may only be developed in an Industrial Zone (IND Zone) and in a Rural Zone (RU Zone).

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- (2) ACCESSORY: Small Wind Energy System shall only be permitted as an accessory structure to a main use existing on the same property.
- (3) NUMBER: A maximum of one (1) SWES is permitted per property.
- (4) VISUAL APPEARANCE: SWES shall:
  - (a) be painted a non-reflective, non-obtrusive color,
  - (b) be artificially lighted to the extent required by Transport Canada and NAV Canada, and
  - (c) not be used for displaying any advertising except for reasonable identification of the manufacturer of the installation.
- (5) LOT AREA: No SWES shall be developed on a lot having an area less than 6,000 square metres.
- (6) HEIGHT: The height of the overall structure shall not exceed
  - (a) 12 metres in the case where the lot contains between 6,000 and 15,000 square metres,
  - (b) 15 metres in the case where the lot contains between 15,001 and 25,000 square metres, and
  - (c) 20 metres in the case where the lot exceeds 25,000 square metres.
- (7) SET-BACK: No SWES shall be developed less than:  
↳ 2.5 ha = 6 acres
  - (a) 150 metres of a dwelling existing at the time of the development, unless such dwelling is occupied by the owner of the SWES,
  - (b) Two times the total height of the structure from any side or rear lot line,
  - (c) 30 metres from any public street, and
  - (d) 30 metres from any public utility lines or structure, unless otherwise approved in writing by the utility company.
- (8) MINIMUM GROUND CLEARANCE: The blade of any wind turbine shall, at its lowest point, have ground clearance of no less than 10 metres.
- (9) NOISE: Small Wind Energy System shall not exceed 45 dBA, as measured at any point situated along the property lines.
- (10) In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standards set in Subsection (9), the

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applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour.

- (11) **SIGNAL INTERFERENCE:** No SWES shall cause any interference with electromagnetic communications, such as radio, telephone or television signals.
- (12) **ENGINEERING:** The construction plans of the overall structure, including the tower, the base and the footings, shall be approved and stamped by a licensed professional engineer.
- (13) **APPROVED WIND TURBINES:** Wind turbine must have been approved by a national standard association such as CSA or NRC. The installation shall conform to the Provincial Electrical Code of New Brunswick.
- (14) **WIRING:** All wiring between the wind turbine and the receptor or substation shall be underground.
- (15) **SAFETY:** Wind turbine towers shall not be climbable up to 3 metres above ground level. All access doors to electrical equipment shall be lockable.

### **Provisions about Signs and Signage**

#### **Section 63: Signs**

##### **63.1: General Provisions for Signs**

- (1) Other than
  - (a) a traffic control device as defined by the Motor Vehicle Act,
  - (b) a legal or judicial notice, or
  - (c) a store window sign advertising goods for sale therein

the use of land, building or structure for the placing, erecting or displaying of a sign is prohibited except in compliance with the provisions contained in this By-law.

- (2) It is prohibited to use any land, building or structure for the purpose of placing, erecting, altering, enlarging, relocating or displaying a sign without first obtaining a permit in accordance with the provisions of this By-law.

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## REPORT

***Model Wind Turbine  
Provisions and Best Practices for  
New Brunswick Municipalities,  
Rural Communities  
and Unincorporated Areas***

Department of Energy



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## EXECUTIVE SUMMARY

Wind energy development has been generally accepted as an important social, environmental, and economic opportunity. It is one of the key technologies being advanced to aid in the global climate change battle and to reduce dependence on non-renewable energy sources. There is currently a call for more clarity of legislation in this area both from communities where this technology is being implemented and from developers that are making the large investments. There is strong support for the advancement of wind power projects in many New Brunswick communities and a corresponding need among local governments for guidance in regulating these projects. This report is a resource tool to assist these local governments in the regulation of wind energy developments within their jurisdictions and within the authorities that have been granted to them by the province. The information compiled in this report is based on peer reviewed scientific research, where available, and shows the broad range of regulatory approaches that are available for consideration by local regulators. The challenge in regulating these developments lies in obtaining a balance between encouraging development, maintaining public welfare and safety, and avoiding any negative environmental or socioeconomic effects.

The Planning District Commissions in New Brunswick formed a working committee in early 2008 to research and develop model wind zoning provisions for New Brunswick. Several staff members of the working committee assisted Jacques Whitford in the production of this report. It was agreed that New Brunswick local governments would be best served by the creation of one guidance document which reflects responses to the issues that the Commissions have addressed, as well as incorporates best practices from other jurisdictions. The report was also circulated to the provincial departments of Environment, Transportation, Local Government, Natural Resources, and Public Safety for their input and comment. It was outside the scope of this project to consult with the public or local governments in the province directly. However, it is hoped that the release of this document will be useful to all New Brunswick local governments and feedback in the form of questions or comments is encouraged.

The recommended approach in this report is to recognize that a balance of factors need to be considered in regulation of wind turbines and their associated infrastructure, appreciating that over time adjustment may be required as knowledge, practice and experience grows and as these technologies evolve. This document is designed to be flexible, allowing for modifications in the future as more local experience is gained or as amendments are made to the local authority available to the local government.

It is recommended that proactive community consultation occur, among residents, staff and council, prior to the adoption of specific by-laws by a local government to establish effective and locally appropriate approaches to the regulation of wind development. Further, this consultative and participatory approach should be extended to specific developments, sites, and opportunities that may be proposed for the community. The economic, social and environmental effects associated with a specific wind development also need to be considered, not in isolation, but in relation to local and broader impacts associated with conventional New Brunswick energy sources. It is recognized that since wind development can represent an opportunity for both economic and environmental improvement, the implementation of regulations should take place as quickly as feasible. Local governments must balance the need to protect residents and their communities, the desire for flexibility from the industry, and the general desire to increase renewable energy alternatives.

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The review of municipal plans and by-laws herein provides context as to how others have approached these issues. However, zoning provision and by-law decisions will, in many respects, need to be contextual in consideration of the unique characteristics of each local government – its communities, governance structure, land use patterns, geography and topography, wind potential, commitment to renewable energy alternatives, and resident's readiness or attitudes towards the developments.

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## 1.0 INTRODUCTION

Wind energy development has been generally accepted by the public as an important social, environmental, and economic opportunity, an important technology to deploy in the carbon constrained era associated with global climate change. There is currently a call for more clarity of legislation in this area both from communities and developers. It is recognized that since wind development represents an important opportunity, some would say necessity, for both economic and environmental improvement, the implementation of regulations is needed as rapidly as feasible.

The New Brunswick government has advocated the development of renewable energy sources in *Our Action Plan to be Self-sufficient in New Brunswick*, through renewable portfolio standards and through investments in such alternatives as biomass and tidal, with a current emphasis on wind power due to the relative maturity of the technologies. The Province has recently proposed amendments to the *Municipalities Act* to encourage such developments in and by local governments.

There is strong support for the advancement of wind power projects in many New Brunswick communities and a corresponding need for guidance in regulating these projects geared towards municipalities. The primary public issues raised surrounding wind farm developments include:

- Noise (audible and infrasound);
- Environmental effects to birds and bats;
- Property values;
- Effects on agricultural and forestry practices;
- Visual effects (visual landscape and lighting);
- Setback distances;
- Interference with telecommunications; and
- Shadow flicker, ice throw and other health and safety concerns.

There is an ever increasing need at the local government level for well researched guidance that will allow them to develop local zoning provisions that are based on best practices. A range of information is needed to allow consideration of the balance among encouraging development, maintaining public welfare and safety, and avoiding or mitigating any negative environmental effects. This report serves as such a resource for local governments of New Brunswick for use in creating provisions for the regulation of wind energy developments within their jurisdiction. This report is presented in Nine Chapters. In Chapter 1, the study context and methodology are outlined. Background information including summaries of the status of wind power development internationally followed by Canadian progress and New Brunswick's current position as well as emerging issues are provided in Chapter 2. A summary of issues of concern regarding wind generation documented in surveyed literature is provided in Chapter 3. The current regulatory environment for wind energy projects on a federal and provincial level is summarized briefly in Chapter 4. A variety of municipal regulatory approaches in several Canadian provinces and internationally are also presented in Chapter 4 and common and unique approaches and best practices are highlighted and contrasted. Land Use approaches and options for New Brunswick are presented in Chapter 5 and overall conclusions are summarized in Chapter 6. A closure statement is provided in Chapter 7 and references used in the creation of this

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## APPENDIX C

### Model Zoning Provisions

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## INTRODUCTION

This Model Zoning Provisions for Wind Energy is part of the document entitled ‘Model Wind Turbine Provisions and Best Practices for New Brunswick Municipalities, Rural Communities and Unincorporated Areas’. The full document will be referred to as the ‘Report’, and the Model Provisions for Wind Energy will be referred to as this ‘Model Provisions’ in the explanatory notes contained in this document.

Zoning regulations can be structured in different ways and differ from community to community. These Model Provisions are written to follow in a typical Zoning By-law structure, but are not meant to provide municipalities with direction on the overall structure of their own Zoning By-law. The primary purpose of this document is to identify components of a Zoning By-law that can be used to regulate wind turbines. Provisions have been set out to illustrate the wide variety of options available under the New Brunswick Community Planning Act.

It is noted that some communities within New Brunswick land use is governed by a Rural Plan. Although communities using this planning tool do not typically have a stand-alone Zoning By-law, there can be zoning provisions contained within the Plan. Sections of the document which would NOT apply to a Rural Plan have been noted.

The Model Provisions provide examples and options to assist communities to develop provisions that suit the needs of the specific municipality or rural community. Each municipality or rural community will make its own decisions on which option(s) to choose. Explanatory comments are provided, where appropriate, immediately after each option. The comments also highlight areas where there may be ongoing questions surrounding interpretation or implementation of particular provisions, which may require further clarification or assessment in the New Brunswick context.

## SECTION 1 DEFINITIONS

The following definitions were taken from a number of sources and provide a fairly broad range of examples. It may not be necessary to include all of the definitions. The Zoning By-law should only define terms that are used in the text of the Zoning By-law. Some examples of potential conflicts in existing by-laws relating to wind turbines are italicized below.

**“array”** means two or more wind turbines that are physically interconnected;

**“blade”** means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind;

**“blade clearance”** means in reference to a horizontal axis rotor, the distance from grade to the bottom of the rotor’s arc;

**“decommission”** means the final closing down of a development or project or the point at which it has reached the end of its operational life and the process by which the site is restored to an agreed use or condition;

**“guy wire”** means a cable or wire used to support a tower;

**“habitable dwelling”** means structures designed to accommodate people including residential, commercial, institutional, industrial and recreational buildings, but not including accessory structures such as sheds and storage areas;

**“height”** means the vertical distance of a building or structure between the finished grade and highest point of the building exclusive of any accessory roof construction such as a chimney, steeple or antenna.

The above is an example of a definition for height that can be found in an existing Zoning By-law. When integrating provisions for wind turbines, it is important to examine existing definitions for consistency. Typically, wind turbine height is defined by the height from grade to the highest vertical extension of a wind turbine at the top of the rotor’s arc. This would fall outside of this existing definition. When writing provisions, a new definition for wind turbine height would need to be included, or the existing height definitions would need to be adjusted accordingly. A definition for wind turbine height has been included in this list of definitions for reference.

**“horizontal axis rotor”** means a wind energy conversion system, typical of conventional or traditional wind turbines;

**“kilowatt or (kW)”** means a measure of power for electrical current;

**“Large scale wind turbine or LWT”** means a wind turbine which has a power generation capacity of greater than \_\_\_\_.

There is great variation in how turbines are classified according to nameplate capacity. Municipalities have chosen either no classification, two classifications (large and small) or several classifications (for example, large, medium, small and mini) based on different criteria. For further information on this topic please refer to Section 1.2 the Report. The Planning District Commission’s Wind Energy Working Committee (PDCWC) has suggested that a nameplate capacity of 100kW and over is an appropriate range for large turbines.

**“mini wind turbine or MWT”** means a wind turbine which has power generation capacity of no greater than \_\_\_\_.

As noted above, there are a variety of types of wind turbine classifications. A definition for mini wind turbines has been included, in addition to large and small turbines, as there is increasing awareness of alternatives to traditional power generation, and municipalities may need to field requests from community members for power generation. For further information on this topic please refer to Section 1.2 the Report. The PDCWC has suggested that a nameplate capacity of up to 10 kW is an appropriate range for mini turbines.

**“nacelle”** means the frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather;

**“nameplate capacity”** means the manufacturer’s maximum rated output of the electrical generator found in the nacelle of the wind turbine;

**“receptor”** means any form of housing, dwelling, institutional use, and any type of use not typically exposed to sound levels greater than \_\_\_\_\_. For the purposes of this definition, a receptor also includes any yards within a radius of \_\_\_\_\_ m around any main building occupied for such uses.

Noise is a controversial issue and there are drawbacks to both the decibel limit approach and the separation distance approach. The literature review has shown 35 to 55 dBA 5 to 10 dBA above the current background noise levels regulation (whichever is greater) as being viable options. Research shows that the lower values are more conservative guidelines, but ones that will limit challenges resulting from noise emissions. For further explanation, refer to sections 3.2.7, 5.3.8 and 6.2.7 of the Report.

**“rotor’s arc”** means the largest circumferential path traveled by the wind turbine’s rotor blade.

**“rotor clearance”** means the distance between the bottom tip of the blade at its lowest possible extension and the ground;

**“remediation”** means the process to return a site to as close to its original natural state as possible;

**“separation distance”** means the distance measured from centre of the base of the wind turbine tower to any specified building, structure, road or natural feature.

**“wind turbine setback”** means the distance measured from the base of the wind turbine tower to property lines;

**“shadow flicker”** means a condition that occurs when the sun is low on the horizon and the blades pass between the sun and an observer creating a flickering;

**“small scale wind turbine or SWT”** means a wind turbine which has a power generation capacity of not less than \_\_\_\_\_ and no greater than \_\_\_\_\_;

Please refer to comments on large scale wind turbines and mini wind turbines above. For further information on this topic please refer to Section 1.2 the Report. The PDCWC has suggested that a nameplate capacity of 10kW to 100kW is an appropriate range for turbines falling into this category.

**“utilities”** means the components of a water, sewage, storm water, cable television, electrical, power, natural gas or telecommunications system.

The above is an example of a definition for utilities that can be found in a typical existing Zoning By-law. Wind turbines can be considered a component of the electrical and/or power system. Therefore, it is important to consider how utilities are enabled in a Zoning By-law. Municipalities and rural communities may wish to explicitly preclude wind turbines from being considered as a component of a utility, or they may wish to include wind turbines within the definition. Further comments on this can be found in the Model Provisions under Section 3.2.

**“vertical axis rotor”** means a wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth’s surface;

**“watercourse”** means a lake, river, stream, ocean or other body of water;

**“wetland”** means land commonly referred to as a marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions; as defined in the New Brunswick Clean Water Act, “wetland” means land that (a) either periodically or permanently, has a water table at, near or above the land’s surface or that is saturated with water, and

(b) sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions.

**“wind energy conversion system”** means equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion system may consist of one or more wind turbines;

**“wind farm”** means an array of large scale wind turbines;

There is great variation in how wind farms are classified both according to the number of turbines on a site and to the overall power generation capacity of the turbines. Usually the term wind farm refers to an array of large scale commercial wind turbines, however, a municipality may choose to include an array of SWT in the definition of “wind farm”. The wind turbines on a wind farm would usually be connected to the transmission or a local distribution grid. For further information on this topic please refer to Section 1.2 of the Report.

**“wind monitoring or meteorological tower”** means a tower used for supporting an anemometre, wind vane and other equipment to assess the wind resource at a predetermined height above the ground;

**“wind turbine”** means a structure that produces power by capturing the kinetic energy in surface winds created by the sun and converting it into energy in the form of electricity and includes the wind turbine tower, rotor blades and nacelle;

**“wind turbine height”** means the height from grade to the highest vertical extension of a wind turbine at the top of the rotor’s arc;

**“wind turbine tower”** means a freestanding structure or a structure attached to guy wires that serves to support other parts of the wind turbine.



## SECTION 2 GENERAL PROVISIONS

This section typically encompasses provisions that apply to overall land use within the municipality's jurisdiction. Some municipalities and rural communities may choose to regulate wind turbines within this section, and examples of possible provisions are included. Further, examples of standard clauses that may be found in a municipality's existing By-law that could potentially provide conflict have been highlighted and are italicized.

### 2.1 Development Permits

Some New Brunswick Zoning By-laws contain Development Permit provisions. Zoning By-laws which include these provisions generally outline administrative requirements for Development Permits. For example, most state that a Development Permit must be obtained prior to undertaking development, and that it must conform to all provisions in the By-law. Some Zoning By-laws go further, indicating the length of time that a permit is valid for, uses that do not require development permits, or the fee structure associated with a development permit. It is also important to note that some municipalities and rural communities may require the development permit as part of the building permit. Municipalities and rural communities can use Development Permit provisions to regulate wind turbine development. Further explanation is offered below.

#### 2.1.1 Administration

- a) No person shall undertake a development nor shall a development permit be issued unless the proposed development conforms to all provisions of this By-law.
- b) Any development permit shall be valid for a period of one (1) year from the date of issue or, in the case of a permitted development that has begun, until the development is completed or is discontinued for a period of 6 (six) months and any permit may be reissued upon request, subject to review by the Development Officer.
- c) Where any development permit is issued, such permit may include permission of any single development, or of more than one development, or of any or all elements related to any development, provided that such are specified by the permit and provided also that no development permit shall pertain to more than one (1) lot.
- d) Notwithstanding 3.1.1, no development permit shall be required for the following:
  - i. any wind turbine permitted according to Section \_\_\_\_ of this By-law.

If desired, municipalities and rural communities could include provisions to exclude a wind turbine or certain types of turbines subject to other sections in the By-law. For example, the above clause allows

for a provision that a development permit is not required for a mini wind turbine, but that other provisions of the by-law must be met before development proceeds. The PDCWC has recommended that Development Permits be required for Wind Turbine development applications.

### **2.1.2 Application for Development Permit**

Development Permits for wind turbines could be managed in two ways. Wind turbine developers could be expected to meet the general development permit requirements (these provisions would apply generally to all applications for development within a given municipality) or specific development permit requirements could be created for wind turbines. These provisions are not mutually exclusive, and could be used in conjunction with one another depending on how the By-law is structured.

a) Every application for a development permit shall be accompanied by a sketch or plan, in duplicate, drawn to an appropriate scale and showing:

- i. the shape and dimensions of the lot to be used;
- ii. the size, shape, bulk, location and use of existing and proposed buildings, equipment, structures, access roads, right of ways, and utilities;
- iii. the distance from the lot boundaries and size of every building or structure proposed to be constructed, already constructed, or partly constructed, on the lot;
- iv. the distance from every building or structure proposed to be constructed on the lot to every habitable dwelling on abutting lots;
- v. the proposed location and dimension of any parking space, loading space, driveway, and landscaped area;
- vi. the location of fences, signs, buffers and retaining walls;
- vii. the location of any natural features, watercourse(s) and wetland areas and the location of any existing or proposed building or structure in relation to the natural features, watercourse or wetland;
- viii. any other information the Development Officer (or Building Inspector) deems necessary to determine whether or not the proposed development conforms to the requirements of this By-law or codes.

### **2.1.3 Application for Wind Turbine Development Permit**

a) In addition to the requirements outlined in Section 3.1.2, applications for a development permit for a wind turbine or wind farm shall be accompanied by:

- i. Project definition including the manufacturer's nameplate capacity for each installed turbine, targeted long term production levels, scale elevations or photos of turbines showing total height, tower height, rotor diameter, rotor clearance, and colour;
- ii. Site plans showing proposed site alterations, the proposed grade and surface drainage pattern, and estimate of the flow of surface water or stormwater drained outside the property;
- iii. Turbine manufacturer's specifications and professional engineer's design and approval of turbine base;
- iv. Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid;
- v. Analysis of visual impact including the cumulative impact of other wind turbines and impact of overhead transmission lines, mitigation measures for shadow or reflection of light onto adjacent sensitive land uses;

Deciding whether something is visually intrusive is more difficult to quantify than most other impacts where quantitative measurements can be compared to specific guidelines or requirements. Municipalities and rural communities may only want to include this requirement for large turbines or wind farms, or they may consider it necessary to review the impact for each application. Analysis of visual impacts is an emerging area. For this reason municipalities and rural communities will benefit from reviewing information on how the wind turbine(s) and associated structures might impact local residents. For further explanation, refer to sections 3.2.10, 3.2.15, 5.3.5, 5.3.13, 6.2.4, 6.2.11 of the Report.

- vi. Analysis of noise impact including a map indicating all lands and sensitive receptors impacted by the \_\_\_\_\_dBA emission level (or \_\_\_\_\_dBA above background, whichever is greater) emission level (or other noise level specified in by-laws) and estimated noise levels at property lines and receptors;

Noise is a controversial issue and there are drawbacks to both the decibel limit approach and the separation distance approach. The literature review has shown ranges from 35 to 55 dBA or 5 to 10 dBA above the current background noise levels regulation as being viable options. Research shows that the lower values are conservative guidelines, but ones that will limit challenges resulting from noise emissions. For further explanation, refer to section 3.2.7, 5.3.8 and 6.2.7 of the Report.

- vii. Analysis of impact of the wind turbine(s) on bird nesting sites, bird migration areas and bat migration areas.

The impacts of wind turbines on bird and bat mortality can be significantly reduced if projects are planned carefully and mitigation strategies are implemented. An initial site evaluation and an assessment of local knowledge can provide the basis to predict the effects a wind energy

development might have on resident and migratory bird and bat species in the area. For more information refer to section 5.3.14 and 6.2.10 of the Report.

- viii. Impacts to the local road system including required approaches from public roads;
- ix. Copies of documentation required (obstruction clearance form) from Transport Canada for turbines taller than 30 metres and Nav Canada for turbines within 10 km of an airport or taller than 30.5 metres outside the 10 km range;

For further explanation of requirements of Transport Canada and Nav Canada concerning aviation safety refer to sections 3.2.1, 4.6 and 5.1 of the Report.

- x. Copies of all documentation required for Canadian Environmental Assessment Act and New Brunswick Environmental Impact Assessment Regulations if applicable;

This refers to federal and provincial requirements for environmental impact assessments (EIA). An EIA may be required by the federal government if a federal body, money, land or regulatory authority is required. An EIA by the provincial government will be required if the wind turbine(s) produces 3 megawatts or more of energy.

- xi. Evidence of notification to DND, Nav Canada, Natural Resources Canada regarding potential radio, telecommunications, radar and seismoacoustic interference if applicable;

For further explanation of the issues related to potential interference of wind turbines with these systems refer to sections 3.2.12, 5.1, 5.3.9 and 6.2.8 in the Report.

- xii. Emergency response plans for site safety; and
- xiii. Decommissioning and reclamation plan.

Items 3.1.3 a. xi and xii help to ensure the municipality that the applicant has considered emergency response such as a fuel leak, blade throw or turbine collapse as well as the expected life of the turbine(s) and how it will be decommissioned. It is important to recognize that the municipality does not have the authority to require a decommissioning plan to be carried out. If the project is subject to a provincial EIA (i.e. 3 MW or greater) a decommissioning plan is likely to be part of the approval issued by the provincial government. The provincial government, in this context, does have the authority to enforce compliance with the decommissioning plan as it is laid out in the provincial approval.

The list of information requirements in section 3.1 of the Model Provisions reflect a broad range of items that should be considered when placing a wind turbine. This is an extensive list of requirements, and municipalities and rural communities may not feel it is necessary to include all items. Municipalities and rural communities may also want to consider requesting a range of items, depending on what type

of turbine is being applied for, be it mini, small or large. Further examples of possible requirements according to wind turbine type are provided below in Section 3.6 of the Model Provisions.

In New Brunswick, applications for wind turbine developments over 3 MW require registration for an environmental impact assessment (Note: there are other possible triggers as well). In preparing an EIA Registration, wind developers are also expected to provide information with respect to: Siting considerations; Physical components and dimensions of the project; Descriptions of the existing environment (habitat, wind statistics); Summary of potential environment effects (anticipated bird and bat mortality, anticipated noise, expected visual influence, potential ground water influences, potential for impacts on human health and public safety); and Summary of proposed mitigation and follow-up monitoring. For further information see Section 5.1 of the Report.

Municipalities and rural communities may not have the resources at hand to properly evaluate visual, noise pressure or shadow flicker impacts/studies. Those municipalities and rural communities will need to work to develop resources, identify resources for hire, or coordinate with other levels of government in order to overcome these gaps. Municipalities and rural communities may choose to rely on provincial/federal approval processes for larger projects and the analysis required for the more complex impacts associated with large scale wind turbine developments.

## **2.2 Frontage on a Street**

*No development permit shall be issued except where the lot or parcel of land intended to be used, or upon which the building or structure it to be erected, abuts and fronts on a public street or road except where specifically provided for within this By-law.*

This is a clause taken from an existing Zoning By-law. Wind turbines or farms are often developed in remote areas of a municipality. In these areas the lot fabric is rural in nature and existing lots do not always abut a public street. While it is important that wind turbine/farms have road access agreements in place, the requirement for direct frontage can be limiting, particularly in rural areas given the existing lot fabric. Municipalities and rural communities may want to revisit these types of clauses to ensure that greater flexibility is enabled for wind turbine development. It is noted that under the NB Provincial Subdivision regulations, and the CPA, Planning Advisory Committees and Planning Commissions have the ability to vary this requirement.

## **2.3 Height Standards**

*The height restrictions of this By-law shall not apply to a silo, chimney, church tower, drying elevator, mining elevator shaft, communication antennae, water storage facility, or **wind turbine**.*

This is a standard height clause that can be found in the General Provisions of many municipal Zoning By-laws. If a municipality is developing specific height restrictions for wind turbines, clauses directly referencing wind turbines or windmills need to be revisited. Examples of possible approaches are included below:

- The height standards of this Plan shall not apply to a silo, chimney, church tower, drying elevator, mining elevator shaft, communication antennae, water storage facility, or wind turbine **except where specifically regulated in this By-law.**
- The height standards of this Plan shall not apply to a silo, chimney, church tower, drying elevator, mining elevator shaft, communication antennae, water storage facility, ~~or wind turbine.~~

## 2.4 Multiple Uses

*In any zone, where any land or building is used for more than one use, all provisions of the by-law relating to each use shall be satisfied, except as otherwise provided.*

This is an example taken from an existing NB Zoning By-law. If a municipality is considering regulating wind turbines, they may also wish to give consideration to how they enable multiple land uses at the site. For example, in 3.4 above, the municipality has made provision for multiple uses. However, some municipalities and rural communities restrict multiple uses, or limit them to accessory uses. Depending on whether a wind turbine is classified as a use (accessory use, zone enabled use), municipalities and rural communities may wish to give consideration to multiple use clauses to ensure they are enabling, if that is their intention.

## 2.5 Utility Uses

*Public and private utilities installations such as water, wastewater, storm drainage, natural gas lines, treatment facilities, lift stations, pumping stations, power lines, telephone lines and cable lines are permitted in any zone provided:*

- i. that such use is necessary or essential; and*
- ii. that such installations are made compatible with the surrounding properties to the satisfaction of the Development Officer.*

This is an example taken from an existing NB Zoning By-Law. As discussed in Section 2 of the Model Provisions, wind turbines may fall under the definition of a utility. In many by-laws utilities are enabled in a wide-variety of zones. Some municipalities and rural communities may wish to consider wind turbines as a utility in order to create a wide-reaching policy. However, if a municipality is creating restrictions around wind turbine development, provisions for utilities should be visited to ensure there is no conflict. A municipality may wish to exclude wind turbines from the definition in this case.

## 2.6 Wind Turbines

Municipalities and rural communities may wish to enable wind turbines generally, subject to specific



requirements depending on the type of wind turbine. This approach allows municipalities and rural communities to regulate wind turbines, while not working the specific requirements into each specific set of zoning requirements. If a municipality wants to enable wind turbines as a permitted use, the PDCWC has suggested that this may be one of the most straightforward amendments.

### 2.6.1 Application for Mini/Small Wind Turbine Development Permit

The following is a list of proposed requirement for the location and installation of MWT and SWT. For the purposes of this section, it can be assumed that small and mini can be used interchangeably. While the list of requirements is the same, it may be appropriate that different numerical values be applied, depending on the type of turbine. For example, municipalities and rural communities may want to require a greater separation distance for SWT turbines over MWT. Municipalities and rural communities may want to further differentiate between MWT and SWT within their regulations by including separate requirements for each type of turbine

- a) Every application for a development permit for a small wind turbine shall be accompanied by the following documents:
  - i. Turbine manufacturer's specification including plans and photos of turbines showing wind turbine height, blade diameter, rotor clearance, and colour, and the manufacturer's nameplate rated output capacity;
  - ii. Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid;
  - iii. Canadian Standards Association (CSA) approval and proof of conformity with the Provincial Electrical Code of New Brunswick;
  - iv. Professional engineer's design and approval of the wind turbine base and tower; and
  - v. Copies of documentation required for Transport Canada and NAV Canada.

### 2.6.2 Mini/Small Scale Wind Turbine Requirements

- a) A small wind turbine shall only be permitted in the following zone(s) \_\_\_\_\_.

Where a Zoning By-law exists with multiple zones the municipality will have to consider which zones are appropriate for wind turbines. Some zones may be appropriate for MWT or SWT but not for LWT or wind farms.

- b) The total height of a small wind turbine shall not exceed \_\_\_\_\_ metres.

Total turbine height varies according to wind turbine models and to changing technology. Height restrictions can be related to visual impacts and safety. Further municipalities may not wish to restrict height if using a separation distance or setback formula that is based on numeric value times the height of the turbine. For further information refer to Section 5.3.6 and 6.2.5 of the Report. Each municipality or rural community must determine which zones will permit mini wind turbine.

A municipality may also chose to include a requirement to maintain a separation distance between the wind turbine and the nearest habitable dwelling. This provision should not be necessary where separation distances are provided to address noise, as in item 3.6.2 g) below. For further explanation on this topic refer to sections 5.3.8 and 5.3.11 of the Report.

Other considerations for mini and small turbines that may be addressed in a by-law include whether or not to allow these turbines to be mounted on or attached to other structures, whether or not to limit the number of turbines on a single lot, and whether to include setbacks from specific zones.

- c) The rotor clearance of any small wind turbine shall not be less than \_\_\_\_ metres;

The rotor clearance is a safety issue and recommendations for clearance start at 8 m. For further information refer to section 5.3.4 of the Report.

- d) A small wind turbine shall be setback no less than \_\_\_\_ times the total height from the property line:

Setbacks and separation distances for mini turbines based on safety issues have not been clearly documented. If noise regulations are met, the major considerations of this separation are related to physical safety: blade throw, ice throw, structural failure, etc. Municipalities and rural communities need to check the manufacturer's recommendations for safety practices related to siting and installation of the specific wind turbine model. For further information refer to sections 5.3.4, 5.3.11, 6.2.3 and 6.2.10 of the Report.

Please note that setbacks from property lines can be a limiting clause, particularly when there are multiple properties that form part of the same wind turbine array. For a potential resolution to this, please refer to section 3.6.2 n) of the Model Wind Provisions.

- e) A small wind turbine shall be setback no less than \_\_\_\_ times the total height from:

Refer to explanation 3.6.2 b) and d) in the Model Provisions and Section 5.3.11 of the Report. Setbacks from public roads can be a limiting clause, particularly in rural areas. There are different classifications of roads, and some have minimal public use. If a municipality creates setbacks from all roads, without delineating different classes of road, it could inhibit wind turbine development. Care should be taken with definitions for these road setbacks if they are applied.

- i. any existing public highway, road, or street;
  - ii. any future public street that is reserved on a subdivision plan approved under the Community Planning Act, or any proposed highway, or road;
  - iii. any proposed highway or road on a rural plan or a municipal plan enacted under the Community Planning Act;
  - iv. any public trail (cycling, walking, ATV, snowmobile, cross-country skiing, etc);
- f) A small wind turbine shall be setback no less than \_\_\_\_ from any watercourse, water body, or wetland.

This provision is in addition to any requirements of the Watercourse and Wetland Alteration Regulation under the Clean Water Act. A 30 m separation distance from a watercourse or wetland is generally recommended to protect the aquatic ecosystem from damage and contamination.

- g) The mean value of sound pressure level from a wind turbine shall not exceed \_\_\_\_ dBA or \_\_\_\_ dBA above the background noise levels (whichever is greater) at the nearest receptor.

Noise is a controversial issue and there are drawbacks to both the decibel limit approach and the separation distance approach. The literature review has shown 35 to 55 dBA or 5 to 10 dBA above the current background noise levels regulations are viable options depending on the setting. Research shows that the low values are conservative guidelines, but ones that will limit challenges resulting from noise emissions. For further explanation, refer to section 3.2.7, 5.3.8 and 6.2.7 of the Report.

- h) Any climbing apparatus associated with the wind turbine shall be a minimum of \_\_\_\_\_metres above grade.

This provision relates to safety and a suggested value is 3.5 m. For further information refer to section 5.3.4 in the Report.

- i) Any guy wires associated with a wind turbine must be clearly visible to a height of \_\_\_\_\_metres above the guy wire anchor lines.

A greater number of guy wires create an increased hazard for bird, bat, small plane, or human collisions. Essential guy wires need to be clearly visible to a recommended height of 2 m to help reduce the risk. For further explanation, refer to section 5.3.4 of the Report.

- j) All structures associated with the wind turbine, including guy wire anchors shall be setback no less than 3 m from the property line.

- k) All outdoor storage associated with a wind turbine facility shall be screened from view from adjacent properties and roads or highways.

This provision relates to reducing visual impacts. For further information refer to section 5.3.13 of the Report.

- l) Small wind turbines shall be painted or finished in a non-reflective and non-obtrusive colour; be artificially lighted to the extent required by Transport Canada and NAV Canada, and

This provision relates to ensuring aviation safety and reducing visual impacts. For further information refer to sections 5.3.4 and 5.3.13 of the Report.

- m) The owner of a small wind turbine that has been inactive for more than \_\_\_\_\_consecutive months shall remove the wind turbine within \_\_\_\_\_days from the date of notification.

Each municipality and community is responsible for setting its own timeframe for decommissioning. A possible timeframe is if a Mini Wind or a Small Wind Turbine has been inactive for more than twelve consecutive months it shall be removed within 60 days from the date of notification.

- n) The setback requirements from a property line shall be waived where the adjoining property will be used for wind turbine development and the turbines on both properties will be connected to the same array.

This provision is intended to ensure that wind turbine development on adjoining properties is not hindered by property line setbacks. A municipality may wish to consider obtaining some form of assurance from the property owners to ensure that the wind turbine development occurs.

### 2.6.3 Application for Large Scale Wind Turbine Development Permit

- a) Every application for a development permit for a large-scale wind turbine shall be accompanied by the following documents:
- i. A site map shall be prepared for each property intended for the development of a large-scale wind turbine at a scale not less than \_\_\_\_\_. In addition, a site plan shall be prepared for the entire region covered by the wind farm at a scale not less than \_\_\_\_\_. The site plan shall indicate the location of each individual wind turbine plus all associated secondary and accessory buildings, structures, and infrastructure;
  - ii. Turbine manufacturer's specification including plans and photos of turbines showing wind turbine height, blade diameter and colour, manufacturer's nameplate rated output capacity, Canadian Standards Association (CSA) approval and proof of conformity with the Provincial Electrical Code of New Brunswick;
  - iii. Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid;
  - iv. Professional engineer's design and approval of the wind turbine base and tower;
  - v. In the case of a wind farm, a visual impact study approved by a professional engineer, architect, or planner showing the visual impacts of each individual wind turbine and the cumulative visual impacts of the entire wind farm on receptors, attractions and establishments, etc. This impact study shall contain detailed computer and photographic simulations, drawings and map with all proposed wind turbines, substations, transmissions lines, and accessory buildings and structures;

See section 3.1.3 a) iv) of the Model Provisions.

- vi. A shadow flicker impact study approved by a professional engineer, architect, or planner including diagrams, maps, and computer simulations showing the shadow flicker

projection for a calendar year and the mitigation measures proposed, in relation to affected properties, receptors, roads, and sensitive areas;

Shadow flicker is the visual impact that results when the sun passes behind the blades of a wind turbine and casts a shadow which then flickers as the blades rotate. Shadow flicker is dependent on the weather conditions (sun is shining or not), geographical position, topography, the time of day and the time of year. This is an emerging concern so regulation is developing. There are several options suggested to both mitigate the impacts of shadow flicker and to reduce the exposure of residents to its impact. For further explanation, refer to sections 5.3.5 and 6.2.4 of the Report.

- vii. A pre-construction background noise survey approved by a professional noise consultant with measurements representative measurements at nearby receptors within \_\_ kilometres of the proposed development. The background noise levels shall be conducted in accordance with internationally recognized standards and include seasonal and daytime variations;

See Section 3.6.2 g) of the Model Provisions. The NBENV requires a noise assessment under EIA where residents are within 1 km.

- viii. A noise impact study approved by a professional noise consultant that includes:
  - i. a description and maps of the noise produced by each wind turbine, including the range of noise levels expected and the tonal and frequency characteristics expected;
  - ii. a description and map showing the potential noise impacts, including estimates of all expected noise levels at receptors within \_\_ km of the turbines during construction and operation of the wind turbines;
  - iii. a description of the projects proposed noise control features, including specific measures proposed to mitigate noise impacts from sensitive receptors to a level of insignificance.

See Section 3.6.2 g) of the Model Provisions. The NBENV requires a noise assessment under EIA where residents are within 1 km.

- ix. Copies of documentation required for Transport Canada and NAV Canada;



- x. Certificates of Determination, Approval to construct and/or Approval to operate issued by the Minister of Environment, as required;
- xi. Emergency Protection Plan (EPP) submitted to the province and the municipality or planning commission, as required; and
- xii. A document showing a timeline set prior to the construction phase of the project with a starting and ending date when the construction project will be completed.

#### 2.6.4 Large Scale Wind Turbine Requirements

- a) A large-scale wind turbine (LWT) shall only be permitted in the following zone(s)

Where a Zoning By-Law exists with multiple zones the municipality will have to consider which zones are appropriate for wind turbines. Some zones may be appropriate for MWT or SWT but not for LWT or wind farms.

- b) An LWT shall only be permitted where there is evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid;
- c) The total height of a large-scale wind turbine shall not exceed\_\_\_\_\_ metres.

Total turbine height varies according to wind turbine models and to changing technology. Considerations for height restrictions relate to visual impacts, safety and how the height affects separations distances if using a formula that is based on numeric value times the height of the turbine. Many municipalities and rural communities do not restrict height for large scale turbines. If safety separation guidelines are met through other provisions, then visual impact may be a factor in restricting height. A typical large scale wind turbine currently in use in Canada would be between 100 and 120 metres. For further information refer to sections 2.1, 5.3.6, 6.2.5 of the Report.

- d) The rotor clearance of any large wind turbine shall not be less than\_\_\_\_\_ metres;

See Section 3.6.2 c) of the Model Provisions.

- e) A large wind turbine shall be setback no less than \_\_\_\_\_ times the total height from the property line:

Setbacks from property lines may not be required, depending on what other setback or separation distance requirements a municipality has chosen to implement. It is important to recognize that this setback is not intended to address noise and visual effects on habitable dwellings, and instead is implemented to address safety issues such as ice and blade throw. A recommendation for a large turbine setback is 2 to 3 times the total turbine height. Due to lot sizes this may restrict the development of large wind turbines so municipalities will need to balance the rights to protect future land uses of adjoining properties with facilitating development of wind energy in their municipality based on local context.

Where a larger setback is selected, a provision to allow the setback to be waived where adjoining property owners are in agreement may be necessary, see 3.6.4 r) below.

For further information refer to sections 5.3.4, 5.3.11, 6.2.3 and 6.2.10 of the Report.

- f) The minimum separation distance for a large wind turbine from a habitable dwelling located on the same property is \_\_\_\_\_ times the total turbine height.

This provision is intended to protect the dwelling and its occupants from damage or injury due to blade throw, ice throw, tower collapse, etc. Not all municipalities require separation distances for dwellings on the same site but leave it for the property owner to address. A separation distance of 1.5 total turbine height is a suggested guideline. For further information refer to sections 5.3.4, 5.3.11, 6.2.3 and 6.2.10 of the Report.

- g) A large wind turbine shall be setback no less than \_\_\_\_\_ times the total height from:

See Section 3.6.2 e) of the Model Provisions.

- i. any existing public highway, road, or street;
  - ii. any future public street that is reserved on a subdivision plan approved under the Community Planning Act, or any proposed highway, or road;
  - iii. street that is proposed on a rural plan or a municipal plan enacted under the Community Planning Act;
  - iv. any public trail (cycling, walking, ATV, snowmobile, cross-country skiing, etc);
- h) A large wind turbine shall be setback no less than \_\_\_\_\_ from any watercourse, water body, or wetland.

See Section 3.6.2 f) of the Model Provisions.

- i) The mean value of sound pressure level from a wind turbine shall not exceed \_\_\_\_ dBA or \_\_\_\_ dBA above the background noise levels (whichever is greater) at the nearest receptor.

See Section 3.6.2 g) of the Model Provisions.

- j) No accessory buildings or structures associated with a wind turbine project shall be less than \_\_\_\_ metres from any property lines
- k) Any climbing apparatus associated with the wind turbine shall be a minimum of \_\_\_\_ metres above grade.

See Section 3.6.2 h) of the Model Provisions.

- l) A wind turbine tower shall not contain any commercial advertising. The hub or nacelle may display only the manufacturer's name or logo. Site signs shall be limited to those which identify the wind power facility, locate access points and provide safety information.

This provision relates to reducing visual impacts. For further information refer to section 5.3.13 in the Report.

- m) All wiring and power lines between each individual wind turbine and the substation or grid shall be underground.

This provision relates to reducing visual impacts and reduces the potential for bird/bat mortality. For further information refer to section 5.3.14, 5.4.1 and 6.2.10 in the Report.

- n) All outdoor storage associated with a wind turbine facility shall be screened from view from adjacent properties and roads or highways.

The provisions in this section and the following two sections, relate to reducing visual impacts. For further information refer to section 5.3.13 in the Report.

- o) The design of the accessory buildings and structures shall, to the extent reasonably possible, use material, colours, textures, screening, and landscaping that will blend with the wind farm to the natural setting and the existing environment.
- p) Large scale wind turbines shall;

- i. be painted or finished in a non-reflective and non-obtrusive colour; and
  - ii. be artificially lighted to the extent required by Transport Canada and NAV Canada.
- q) The owner of a large wind turbine that has been inactive for more than \_\_\_\_ consecutive months shall remove the wind turbine within \_\_\_\_ days from the date of notification.
- r) The setback requirements from a property line shall be waived where the adjoining property will be used for wind turbine development and the turbines on both properties will be connected to the same array.

This provision is intended to ensure that wind turbine development on adjoining properties is not hindered by property line setbacks. A municipality may wish to consider obtaining some form of assurance from the property owners to ensure that the wind turbine development occurs.

The list of information requirements in section 3.6.1-3.6.4 of the Model Provisions reflects a broad range of items that should be considered when placing a wind turbine. This is an extensive list of requirements. Municipalities may not feel it is necessary to include all items or there may be additional items that they feel are important in their context.

In New Brunswick, applications for wind turbine or wind farm developments over 3 MW require registration for an environmental impact assessment (Note: there are other possible triggers as well). In preparing an EIA Registration wind developers are also expected to provide information with respect to: Siting considerations; Physical components and dimensions of the project; Descriptions of the existing environment (habitat, wind statistics); Summary of potential environment effects (anticipated bird and bat mortality, anticipated noise, expected visual influence, potential ground water influences, potential for impacts on human health and public safety); and Summary of proposed mitigation and follow-up monitoring. For further information see Section 5.1 of the Report.

Municipalities may not have the resources at hand to properly evaluate visual, noise pressure or shadow flicker impacts/studies. These municipalities may wish:

- to develop these resources internally;
- to identify such resources for hire; or
- to coordinate with other levels of government

to overcome these gaps. Municipalities (particularly those with limited resources) may choose to rely on provincial/federal approval processes for larger projects and the analysis required for the more complex impacts associated with large scale wind turbine developments. To that end, this process might be appropriate for a wind turbine or array of turbines that produce greater than 200

kW but less than 3000 kW (3 MW) of energy, recognizing that the EIA process for projects that exceed 3 MW capacity.

## SECTION 3: ZONING PROVISIONS

### 3.1 Permitted Use

- a) No development shall be permitted nor shall any land, building or structure be used on a lot within the \_\_\_\_\_ zone for any purpose other than one or more of the following main uses:
- i. A wind turbine.

A municipality may choose to enable wind turbines in particular zones. Each municipality will have to consider which zones are appropriate for wind turbines. Some zones may be appropriate for MWT or SWT but not for LWT or wind farms. A list of possible requirements for wind turbines can be found in section 3.6.2 and 3.6.4 of the Model Wind Provisions.

### 3.2 Conditional Use

- a) Notwithstanding 4. 1. a), the use of any land, building or structure for one or more of the following main uses shall be a particular purpose which the Planning Advisory Committee/Commission may impose terms and conditions, and may prohibit the use where compliance with the terms and conditions imposed cannot reasonably be expected:
- i. A wind turbine.

Under the Community Planning Act, each municipality has the ability to enable uses that are subject to Terms and Conditions as required by the Planning Commission or Planning Advisory Committee. Each municipality will have to consider which zones are appropriate for wind turbines. Some zones may be appropriate for MWT and SWT as a permitted use, but LWT or wind farms subject to terms and conditions. It is important to note that some municipalities identify Conditional Uses as a regulatory requirement under General Provisions, while others may identify under specific zones. For further discussion on Conditional Uses, see section 6.0 of the Report.

### 3.2 Re-Zoning

- a) Standards or requirements for all wind turbine development in the \_\_\_\_\_Zone shall be established pursuant to an agreement approved by Council under Section 39 of the *Community Planning Act*.

Some municipalities may wish to enable wind turbines in a particular zone or zones, but require that they be guided by an agreement subject to Council approval under Section 39 of the *Community Planning Act*. A rezoning may be further enhanced by adding a Development Agreement under Section 101 if endorsed by the developer. Further discussion on this option can be found in section 6.0 of the Report.

In the above regulation, '\_\_\_\_\_Zone' could be replaced by 'any Zone', and used under General Provisions.

It is important to note that Section 101 of the Community Planning Act does not apply to Rural Communities.

A wind energy project that produces 3 MW or more of energy will trigger the provincial Environmental Impact Assessment Regulations. If this is the case, extensive information will be collected and assessed during the EIA process. A local government will be able to participate in this process as a stakeholder to minimize any duplication of effort. Therefore, the process described in 4.2 might be appropriate for a wind turbine or array of turbines that produce greater than 200 kW but less than 3000 kW (3 MW) of energy.

### 3.3 Integrated Development Zone

#### 4.3.1 Integrated Development Zone Permitted Uses

- a) No development shall be undertaken nor shall any land, building or structure be used on any lot within any ID (Integrated Development) Zone except where Council has approved the development of a specific proposal pursuant to Section 38 of the *Community Planning Act*.

#### 4.3.2 Integrated Development Zone Requirements

- a) Standards or requirements for development in any ID (Integrated Development) Zone shall be established pursuant to an agreement approved by Council pursuant to Section 39 and/or 101 of the *Community Planning Act*.

Some municipalities may wish to enable wind turbines as an Integrated Development Zone, and further require that they are subject to Section 39 of the *Community Planning Act*. Further discussion on this option can be found in section 6.0 of the Report.

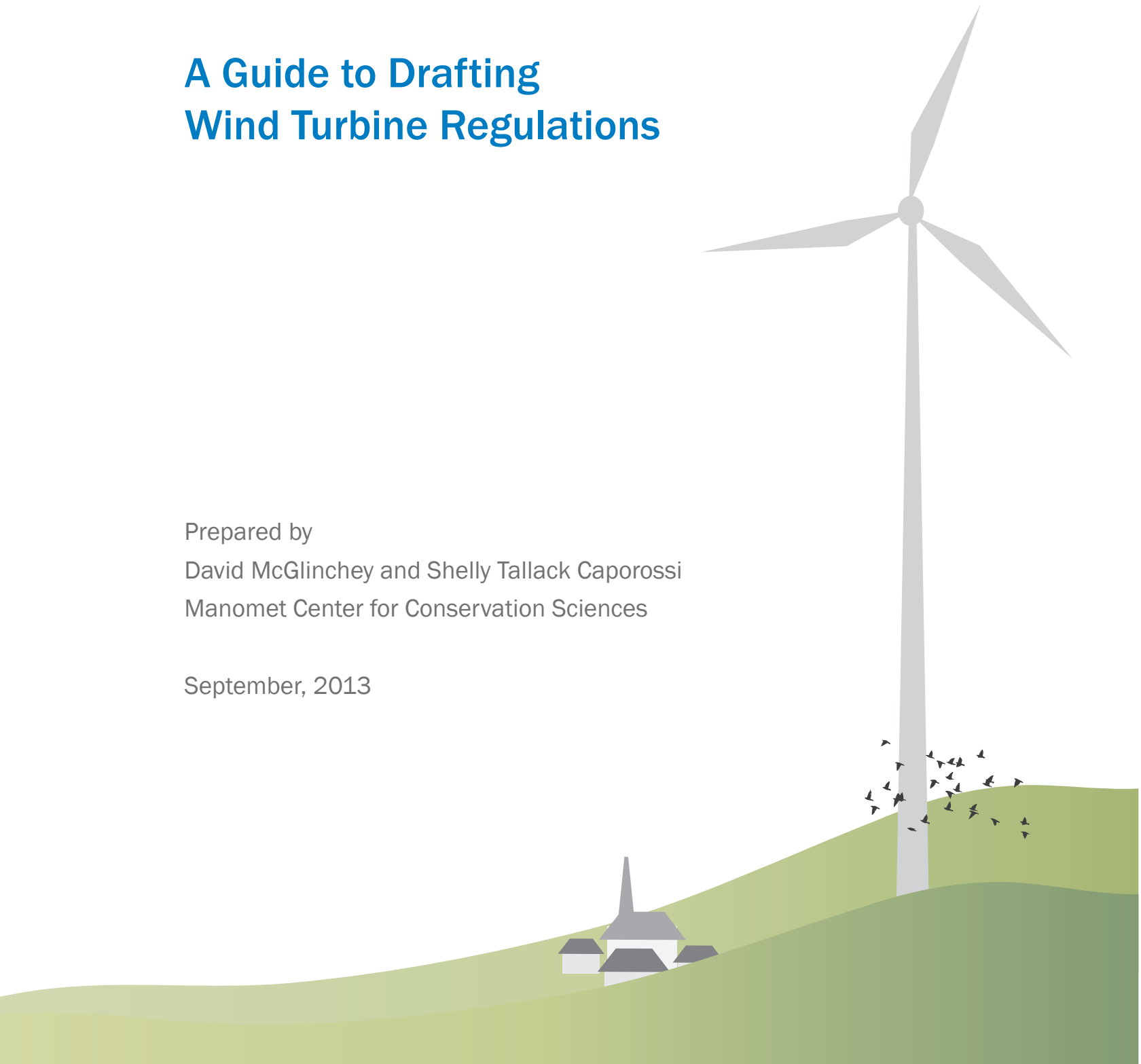


# A Guide to Drafting Wind Turbine Regulations

Prepared by

David McGlinchey and Shelly Tallack Caporossi  
Manomet Center for Conservation Sciences

September, 2013



April 29, 2016



**MANOMET**  
Center for Conservation Sciences

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Funding to support this work was gratefully received from the Dorr Foundation, Portsmouth, New Hampshire.

## Executive Summary

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This guide is intended as a resource for community level planners who face the task of drafting or revising land-based wind turbine regulations for their municipality. It was developed after Manomet Center staff worked with town planning officials and committees who expressed frustration at the daunting task of drafting wind turbine regulation language.

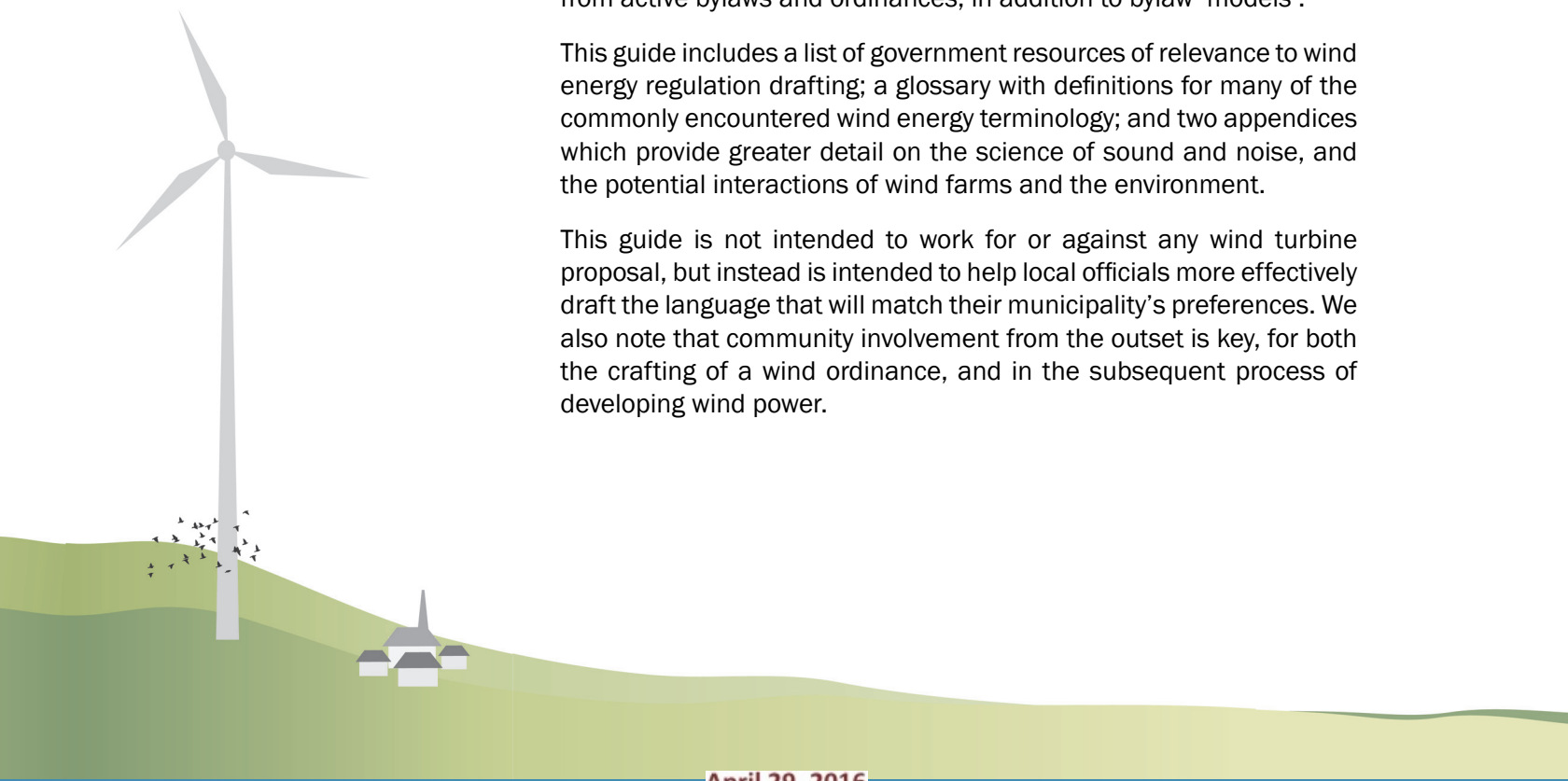
The most important lesson learned from the process is the need for incorporating clear and specific language to avoid confusion and to minimize the potential for loose interpretation of the regulation's intent.

This guide focuses on what Manomet perceives to be the most common issues of concern when municipalities attempt to develop land-based wind turbine regulations for their community, specifically: sound, shadow-flicker, setbacks, height, lighting, scenic impacts, signage and advertising, planning for decommission, and wildlife impacts.

To demonstrate how different levels of regulatory restriction can be achieved on each issue, this guide presents examples of language from active bylaws and ordinances, in addition to bylaw 'models'.

This guide includes a list of government resources of relevance to wind energy regulation drafting; a glossary with definitions for many of the commonly encountered wind energy terminology; and two appendices which provide greater detail on the science of sound and noise, and the potential interactions of wind farms and the environment.

This guide is not intended to work for or against any wind turbine proposal, but instead is intended to help local officials more effectively draft the language that will match their municipality's preferences. We also note that community involvement from the outset is key, for both the crafting of a wind ordinance, and in the subsequent process of developing wind power.



April 29, 2016

## How to use this Guide

This guide is intended as a resource for local officials who face the task of drafting or revising land-based wind turbine regulations for their municipality.

It should be noted that every municipality is different and thus, specific wind development issues will vary from location to location. As such, this guide is not exhaustive or prescriptive, but it does highlight key wind development issues and provides suggestions for addressing each of these.

This guide should not be mistaken for professional legal advice, but it does provide examples of regulatory language that can be inserted into a wind turbine law to achieve different objectives on a specific issue.

This guide is not intended to work for or against any wind turbine proposal, but instead is intended to help local officials more effectively implement their municipality's preferences.

This guide advocates for community involvement from the outset, for both crafting a wind bylaw and during subsequent local wind power development processes. Any potentially controversial planning process works better and will receive most support from the community when all relevant parties are included early in the process. Bylaw drafters are encouraged to engage the community leaders who should be involved in this process and solicit their opinions.

A glossary has been included to provide definitions for many of the commonly encountered terminology when addressing land-based wind farms.

Appendices have also been prepared, which offer detail on the science of sound and noise (Appendix A) and the potential interactions of wind farms and the environment (Appendix B).



Wind 1 and Wind 2: the two 1.65 MW town-owned wind turbines built in Falmouth, MA. Photo credit: Mark Wilson.

## Legal approaches

The barriers to wind energy development in the United States are more cultural, regulatory, economic or political obstacles than questions about wind quality or engineering feasibility.

This Guide was produced in direct response to municipal-level land use officials who told Manomet staff that drafting wind turbine regulations was a complex challenge that represented a significant departure from their usual planning projects.

We reviewed a variety of approaches to regulating the siting of wind turbines in order to develop a handbook of options for wind turbine bylaw drafters.

### By right or by special permit

Municipalities have a preference for regulating wind turbines through **special permits** rather than allowing them to be developed **by right**. ‘By right’ refers to a use permit that requires compliance with existing regulations, but does not require special permission. In contrast, a special permit enables a community to review the location, site development or conduct of wind turbine developments, since these can give rise to conflicts with bordering properties; these special permits are not the automatic right of any applicant.

The form of this requirement and the conditions to meet it differ in implementation, but are always developed with the same basic goal: to regulate wind turbines on a case-by-case basis and with an examination of their particular merits and issues. Regulations overwhelmingly regulate commercial scale wind energy conversion systems through the use of a special permit. Some regulations extend that to all wind turbines, while others allow a carve-out for residential scale wind turbines (as defined in the bylaw). Some regulations that provide for special permits also include the reasoning and goals for that tool.

Other bylaws do not include goals in their requirement for a special permit, intending either that the conditions set forth in the bylaw will satisfy any such concerns or cross-referencing a purpose section usually placed at the beginning of the bylaw.

### Ambiguous language pitfalls

In any regulatory language, ambiguity can cause problems. We recommend avoiding words that are open to wide interpretation at the review level, depending on the perspectives of opposing parties. Examples of ambiguous words or phrasing:

“... **Significant** adverse impact ...”

“... **Excessive** noise generated ...”

“... **Additional benefits** [must] outweigh any increased adverse impacts ...”

“... **significant** additional benefits...”

“...**substantial** evidence ...”

“... [that which is] **reasonably** necessary ...”

“... shall be designed to **minimize** land clearing and fragmentation ...”

“... in a manner that does not have **significant** negative impacts on ...”

Throughout this document, we present sample language on different issues, with varying levels of specificity; we recommend adopting the most specific style of language whenever possible.

### Example of a special permit

“A Special Permit may be granted if the Special Permit Granting Authority finds that: (a) the specific site is an appropriate and approved location for such use; (b) the use is not expected to adversely affect the neighborhood; (c) there is not expected to be any appreciable hazard to pedestrians, vehicles or wildlife from the use; (d) adequate and appropriate infrastructure will be provided for the proper and safe operation of the Community-Scale Wind Facility; and (e) the requirements of section 616-3-616.10 are complied with in all respects.”

*Town of Duxbury Zoning Bylaw § 616.3  
Duxbury, MA*



## Wind overlay districts

It is possible to further restrict the area of a town or city that can be developed.

A Wind Overlay District (WOD) is a clearly defined area that is preapproved for wind development. No building of wind turbines can take place outside of the town's Wind Overlay District and no building can take place within the Wind Overlay District unless by either a Special Permit or a General Permit, depending on the WOD.

## Interaction of wind turbine regulations and other regulations

Wind turbine regulations are not developed in a regulatory vacuum. Federal and State regulations should be reviewed and thoroughly understood before a municipality drafts their own ordinance or guidelines.

The interaction of other pre-existing codes and wind turbine regulations varies widely among municipalities. Some towns and cities rarely mention other regulatory concerns in their wind turbine regulation, while others explicitly require applicants to follow specific regulations for specific concerns. Local regulations tend to defer to overarching State or Federal authorities for issues such as:

- the structural safety of the wind turbine itself,
- certification by the manufacturer that the wind turbine does not improperly interfere with the electromagnetic spectrum,
- ensuring that storm water runoff complies with environmental regulations\*,
- adherence to wetlands and environmental codes and historical district regulation\*.

By far, the most popular explicitly mentioned codes are building codes or structural safety codes, noise and Federal Communications Commission (FCC) regulations regarding electromagnetic interference. There are two approaches to placing references to other regulatory codes within the statute.

The first is the **catchall provision**, which is generally placed either at the beginning of the statute or at the beginning of the special permit outlines (if the municipality is regulating wind turbines through special permits). Towns typically use a catchall provision to incorporate pre-existing code or regulation into the new regulations. Such a provision highlights the different concerns the town wants addressed prior to erection.

The second mechanism towns use in order to incorporate other regulatory codes in the statute, is by **explicit mentions** in each area of regulatory concern.

### Example of a catchall provision

"Proposed Wind Turbines shall comply with all applicable local, state, and federal requirements including, but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements."

*Cohasset Zoning Bylaws § 19.4.1.  
Cohasset, MA*

### Example of an explicit mention

"Wetlands: Wind energy conversion facilities shall be located in a manner consistent with all applicable local and state wetlands regulations. Wetland buffer areas may be used for the purposes of providing a clear area."

*Town of Chester Bylaws § 5.6.4.  
Chester, MA*

\* These are sometimes also addressed in local regulations.

## Common issues to address

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Every municipality and potential wind turbine site will have its own specific suite of considerations to address, and these may be environmental, economic or cultural.

However, certain issues surface time and again when attempting to evaluate the potential impacts and thus, the acceptability of prospective wind turbine developments. This guide outlines the most common issues, though not in order of priority; the relative importance of each issue will differ on a case-by-case basis.



Wind 1 and Wind 2: the two 1.65 MW town-owned wind turbines built in Falmouth, MA. Photo credit: Mark Wilson.

## Sound

One of the most common – and controversial – issues that arises with wind turbine siting is the sound or noise produced by the machines. There is a distinction between the two: sound is a measurable physical phenomenon, while noise is unwanted or annoying sound, which is highly subjective and varies from person to person. However, sound levels generated by wind turbines are not sufficient to damage hearing, or to cause other direct adverse health effects\*.

Although the sound produced by wind turbines can easily be measured, the sound that will be experienced at a given distance from a wind power site will vary considerably based upon factors such as wind farm design, the types of turbines used, topography and meteorological conditions. Different residents also report differing levels of sensitivity to the same noise levels, making regulation complex and challenging.

Most bylaws also require the developer to consult the state-level Department of Environmental Protection (or equivalent) for guidance on noise measurement.

*For a more in-depth explanation of the science of wind turbine sound and noise, please refer to the Appendix A.*

### Detailed bylaw

“The commercial wind energy conversion facility and associated equipment shall conform to Massachusetts noise regulations (310 C.M.R 7.10) and the provisions of the Gloucester Code of Ordinances Chapter 13: Noise. An Analysis, prepared by a qualified acoustical engineer, shall be present to demonstrate compliance with these noise standards and be consistent with the Department of Environmental Protection guidance for noise measurement.”

*The City of Gloucester Massachusetts Zoning Ordinance § 5.22.7*

*Gloucester, MA*

### General noise requirement

“The wind energy conversion facility and associated equipment shall conform to Massachusetts noise regulations (310 CMR 7.10). An analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.”

*Town of Chester Wind Energy Conversion Facilities Bylaw § 5.7.4*

*Chester, MA*

### Bylaw more stringent than state code

“In all residential districts the maximum decibel level at the property line shall be 50 decibels. In all non-residential districts the maximum decibel level at the property line shall be 65 decibels.”

*City of Taunton Zoning Ordinance § 8.6*

*Taunton, MA*

\* CMOPH, (2010). The potential health impacts of wind turbines. Ontario Ministry of Health and Long-term care: Chief Medical Officer of Public Health: 14 pp.

## Shadow / Flicker

Shadow flicker occurs when the rotating wind turbine blades cause alternating changes in light intensity and it is measured at various distances from the turbine.

Flicker does not present a health hazard – the speed of the rotating blades are not sufficiently fast to induce an epileptic seizure\*. However, individuals living in affected residences have described this phenomenon as a nuisance or an annoyance.

This effect occurs when the sun is low and the rotating turbines are positioned between a location and the sun. As a result, shadow flicker is predictable and can sometimes be mitigated with tree or bush plantings, or suspended turbine operation.

Some municipalities have attempted to set shadow flicker thresholds using the duration of shadow flicker that affects a certain location. These regulators (and a study from the Massachusetts Departments of Environmental Protection and Public Health) cite a German standard of 30 hours of annual shadow flicker\*.

*Note: All of the local regulations reviewed for this document included ambiguous language (e.g. “significant adverse impact”) that could cause conflict at the review level.*

### Placing burden on applicant

“Shadow/Flicker Wind facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.”

*Model As-of-right Zoning Ordinance or Bylaw § 3.10.5*

*Boston, MA*

### Placing burden on applicant but prevents rejection for existence of flicker

“Shadow/Flicker – Community-Scale Wind Facilities shall be sited in a manner that minimizes shadowing or flicker impacts caused by motion of the rotor blades as they pass in front of the sun. The applicant has the burden of proving that this effect does not have significant impact on the neighboring or adjacent uses through either siting or mitigation. It is acknowledged that a degree of shadow/flicker effect results from any wind turbine, and that the existence of some “shadow flicker” alone shall not be cause for the refusal to permit a Community-Scale Wind Facility.”

*Town of Duxbury Community Scale Wind Facilities Bylaw § 616.6.1*

*Duxbury, MA*

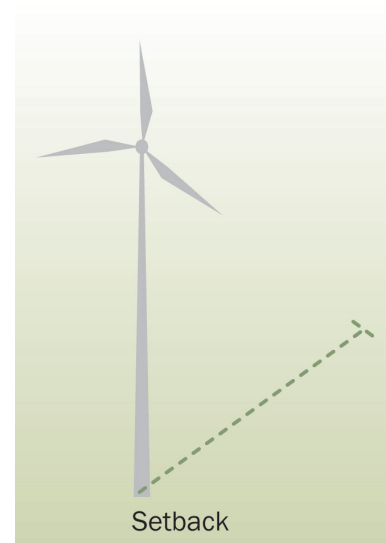
\* Massachusetts Clean Energy Center, (2013). Learn About Clean Energy: Shadow Flicker, <http://www.masscec.com/content/shadow-flicker>. Webpage last accessed: 07.03.2013.



## Setbacks

Setbacks are one of the most crucial regulatory tools of wind turbine siting, because they influence many different issues, including visual impact, noise, flicker and safety. Setback is often determined by the distance from the base of the tower to the nearest lot line\*.

When determining the minimum setback from the nearest property line, bylaws will often reference the height of the wind turbine. This is typically done from the mean natural grade of the ground supporting the pad(s) to the tip of a blade in vertical position measured along the vertical axis of the tower.



### Different setbacks to the nearest structure and nearest property line

“Community-Scale Wind Facilities and or Monitoring or Meteorological Towers shall be set back a minimum distance equal to 1.1 times the overall height of the Wind Facility from the nearest property line and private or public way and a minimum distance equal to two (2) times the overall height of the Wind Facility from the nearest existing residential or commercial structure not owned by the applicant seeking to permit the Community-Scale Wind Facility and or Wind Monitoring or Meteorological Towers.”

*Town of Duxbury Community Scale Wind Facilities Bylaw § 616.4  
Duxbury, MA*

### Same setback to the nearest structure and nearest property line, also allowing special districts or overlays to fall within setback zone

“Wind Turbines shall be set back a distance equal to 1.1 times the overall height of the wind turbine from the nearest existing residential or commercial structure and from the nearest property line and private or public way. The setback zone can fall within the limits of Wetlands Protection Overlay and the Flood Hazard Overlay Districts.”

*Town of Duxbury Community Scale Wind Facilities Bylaw § 616.4  
Duxbury, MA*

### Most restrictive setback (tower height)

“Setbacks from adjacent parcels. A minimum setback for each wind facility shall be maintained equal to two times the overall wind turbine height, or 300 feet, whichever is greater, from all boundaries of the site on which the wind facility is located.”

*Town of Williamstown, Massachusetts: Chapter 70, Zoning Bylaws § 70-G.4.c  
Williamstown, MA*

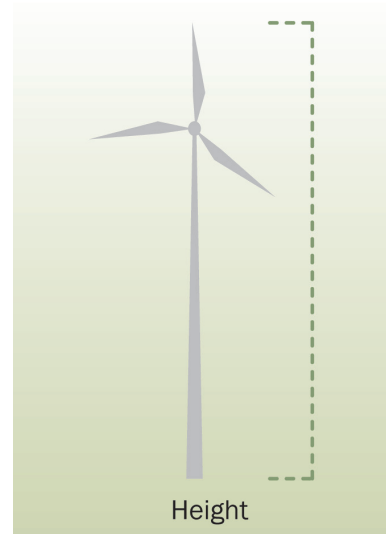
\* AWEA, (2013). Learn About Wind Power: State Ordinances. American Wind Energy Association, <http://www.awea.org/learnabout/smallwind/CommunityWindPolicy.cfm>. Last accessed: 07.13.2013.

## Height

The height of a wind turbine is critical to its performance and power generation, because stronger and more consistent winds occur at greater heights\*. As such, it is in the interest of the wind developer to build taller wind turbines. Similar to setbacks, however, the height of the turbine can influence a variety of other impacts, most notably the visual impact.

The permissible height of a turbine varies between locations because of pre-existing restrictions in the municipality and – if an airport is nearby – the relevant Federal Aviation Administration (FAA) standards.

When measuring, turbine height is usually defined and measured from the natural grade to the tip of the rotor blade at its highest point; this is often referred to as blade-tip height or maximum tip height. In contrast, tower height refers to the height above grade of the fixed portion of the tower, measured to the top of the nacelle and excluding the wind generator.



### No exceptions, height measured to rotor hub instead of blade tip

“Wind facilities shall have a maximum height of 350-feet, as measured from the natural grade to the top of the hub where the rotor attaches.”

*Town of Cohasset Zoning Bylaws § 19.3.3.1  
Cohasset, MA*

### Restrictive, bans guy wires

“No monopole or attached accessory antenna on a monopole shall exceed 120 feet in height as measured from natural ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.”

*Foxborough Zoning By-Laws § 7.2.4  
Foxborough, MA*

### Permissive, allowing for exceptions to improve turbine performance

“Wind facilities shall be no higher than 400 feet above the current grade of the land, provided that wind facilities may exceed 400 feet if:

- (a) the applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind facility;
- (b) such excess height is necessary to prevent financial hardship to the applicant, and
- (c) the facility satisfies all other criteria for the granting of a site plan approval and a building permit under the provisions of this section.”

*Town of Dixmont Wind Energy Facility Ordinance § 5.d  
Dixmont, ME*

additional example overleaf...

\* Maps published by the National Renewable Energy Laboratory in 2011 for wind resources at 30 m and 80 m; [http://www.windpoweringamerica.gov/wind\\_maps.asp](http://www.windpoweringamerica.gov/wind_maps.asp). Last accessed 07.13.2013.



## Height (continued)

### Allowing for exceptions with maximum height

**Note:** wording is ambiguous and thus, is not ideal, e.g. “significant” and “substantial”

“Wind Turbines shall be no higher than 350 feet above existing average grade, measured to the tip of the rotor blade at its highest point. The SPGA may allow said height to exceed to a maximum of 525 feet, but only if the applicant can demonstrate that:

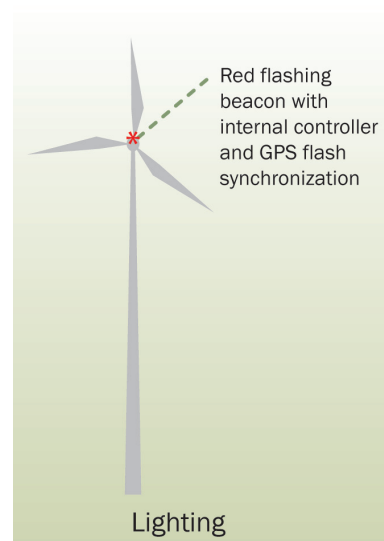
- (a) The additional benefits of a higher wind turbine outweigh any increased adverse impacts resulting therefrom.
- (b) A higher wind turbine will result in significant additional benefits in terms of energy production and efficiency.
- (c) As shown by substantial evidence, such increased height reflects the industry standard for a wind turbine with a similar rates nameplate capacity and
- (d) That the proposed wind turbine satisfies all other criteria for the granting of a special permit as set forth in this section.”

*Zoning By-Law Town of Douglas, Massachusetts § 6.7.5  
Douglas, MA*

## Lighting

Turbine lighting is often required for airplane safety. In some situations, however, it can be an annoyance to neighbors and a hazard to wildlife. For example, lighting on operation and maintenance buildings, electrical substations and other attendant features of a wind farm installation that have outdoor lighting, such as, flood lighting.

Most regulatory language explicitly requires turbine developers to comply with federal FAA regulatory language. It could further require that the best available technology is used. For example, it is possible to install radar-triggered lighting (e.g. OCAS, The Obstacle Collision Avoidance System, and similar) that activates only when approaching aircraft are detected, thereby minimizing light pollution at other times. These technologies have been approved by aviation authorities in Norway, Sweden, Canada and the US and are installed in more than 60 locations in Europe and North America.



### Bans lighting unless required by law

“Wind Turbines shall not be artificially lighted, except to the extent required by law, and strobe or other intermittent lights are prohibited unless required by law.”

*Town of Dixmont Wind Energy Facility Ordinance § 5.d  
Dixmont, ME*

### Bans lighting unless required by law, simplest language

“Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.”

*An Ordinance Amending the Valley Township Zoning Ordinance in order to provide for the installation and use of wind energy facilities within the Township § 431.A.5  
Valley Township, Montour County, PA*

**April 29, 2016**

## Lighting (continued)

### Bans lighting unless required by law, requires FAA documentation

“A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system”.

*Small Wind Energy Ordinance § 22.4.8  
Nelson County, VA*

### Compliance with FAA requirements, requires documentation

§ 6.6.5 Night lighting of towers shall be prohibited unless required by the FAA. Lighting shall be limited to that needed for emergencies and/or required by the FAA.

§ 6.9.7 Lighting and Signage.

- a. Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
- b. Lighting of equipment, structures and any other facilities on site shall be shielded from abutting properties.

*City of Salem Zoning Ordinance  
City of Salem, MA*

### Bans lighting unless required by law, includes specific lighting and plan

§ 14.1.3 “Wind Turbines shall not be artificially lighted, except to the extent consistent with Federal Aviation Administration recommendations or other applicable authority that regulates air safety or as is otherwise required by another governmental agency with jurisdiction over the WTG.”

§ 15.2.7 “Light Pollution. The WTG shall be designed to minimize the amount of nighttime light pollution. The Applicant shall provide a plan showing lighting on and around all Wind Turbines and associated facilities. Lighting on Wind Turbines shall be illuminated to Federal Aviation Administration (FAA) minimal standards using only red rather than white lights, if possible. The minimum number of Wind Turbines will be illuminated, per FAA rules. Lighting shall be shielded from ground view to FAA maximum standards.”

*Town of Montville Wind Turbine Generator Ordinance  
Town of Montville, ME*

### Bans lighting unless required by law, requires plan, precludes changes without approval

§ 5.I “Notwithstanding the requirements of this Section, replacement in kind or modification of a Wind Energy Facility may occur without Town Board approval when there will be [...] (3) no additional lighting or change in facility color; ....”

Within an Application for Special Use for individual WECs, there shall be a:

§ 11.A.8 “Lighting Plan showing any FAA-required lighting and other proposed lighting. The application should include a copy of the determination by the Federal Aviation Administration to establish required markings and/or lights for the structure, but if such determination is not available at the time of the application, no building permit for any lighted facility may be issued until such determination is submitted.”

§ 13.D “Lighting of Tower: No tower shall be lit except to comply with FAA requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the Site plan.”

§ 29.F “Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.”

*Model Wind Energy Facility Local Law for St. Lawrence County Municipalities (DRAFT)  
St. Lawrence County, NY*

## Scenic impacts

Concerns over the scenic or visual impacts of wind turbines on the landscape are common. In order to reduce the visual disturbance of a wind turbine development, some regulations require visual impact assessments to be undertaken and submitted as part of the application. Some municipalities also restrict the paint colors and surface types used in installations, and visual setbacks can also be imposed.

### Requires demonstration that visual impact will be minimized, but language is vague and not ideal

“Design Standards: 1. Visual Impact - The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting and cable layout.”

*Town of Chester Wind Energy Conversion Facilities Bylaw § 5.7.4  
Chester, MA*

### Requires visual impact study, visual impact mitigation, specific colors and surface types for the turbine, restricts signage and advertising, encourages screening

11.A.16.b - Visual Impact: Applications shall include a visual impact study of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed Site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system’s components and any visual screening incorporated into the project that is intended to lessen the system’s visual prominence.

13.e - All applicants shall use measures to reduce the visual impact of WECSs to the extent possible. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Individual WECSs within a Wind Overlay Zone • shall be constructed using wind turbines whose appearance, with respect to one another, is similar within and throughout the Zone, to provide reasonable uniformity in overall size, geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.

### And for Small WECS

29 d - D. The system’s tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

E. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g., public parks, roads, trails). To the greatest extent feasible a small wind energy system shall use natural landforms and vegetation for screening.

*Model Wind Energy Facility Local Law for St. Lawrence County Municipalities (DRAFT)  
St. Lawrence County, NY*

### Allows the option for visual setbacks

E. Environmental and Visual Effects.

Optional add-on: Visual setbacks. WECS should be set back from the tops of visually prominent ridgelines and designed and located to minimize adverse visual impacts to neighboring residential areas. WECS shall not be installed in any location that would substantially detract from or block the view of all or a portion of a recognized scenic vista as viewed from any public viewing areas such as public parks, roads, trails, or open space.]

*Model Municipal Wind Siting Ordinance. Center for Climate Change Law at Columbia Law School,  
New York, NY.*

## Signage and advertising

As a means of reducing the visual disturbance of a wind turbine development, some regulations restrict visual signage and advertising associated with the project.

### Refers to existing regulations, safety and encourages signs on renewable energy

“Signs on the facility shall comply with the City of Salem’s sign regulations and be limited to those needed to identify the property and the owner and warn of any danger, and educational signs providing information on the technology and renewable energy usage.

[...] Warning signs indicating voltage must be placed at the base of all ground/base mounted electrical equipment.”

*City of Salem Zoning Ordinance § 6.9.7  
City of Salem, MA*

### Requires plan, safety and contact information, restricts other signs

§ 5.C “A complete assessment of the proposed use of public ways in the Town in connection with the construction of the WEF, including [...] the need to remove or modify (permanently or temporarily) signs, ...”

§ 5.I “An Application for a WEF Site Permit shall include a sign plan meeting the requirements in this section.

(1) The plan shall provide reasonable signage at the WEF, identifying the Project Parcels as being part of the WEF and providing appropriate safety notices and warnings.

(2) No advertising material or signage other than warning, equipment information or indicia of ownership shall be allowed on the Wind Turbines. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.

(3) The address and phone number of the Owner/operator and Licensee shall be posted on all access points from public roads.”

§ 5.K “Warning signs shall be placed on each tower, all electrical equipment, and each entrance to the WEF.”

*Town of Dixmont Wind Energy Facility Ordinance  
Dixmont, ME*

### Restricts advertising, requires safety signage (detailed)

§ 13.C “No advertising signs are allowed on any part of the Wind Energy Facility, including fencing and support structures.”

§ 14.C “Appropriate warning signs shall be posted. At least one sign shall be posted at the base of the tower warning of electrical shock or high voltage. A sign shall be posted on the entry area of fence around each tower or group of towers and any building (or on the tower or building if there is no fence), containing emergency contact information, including a local telephone number with 24 hour, 7 day a week coverage. The Town Planning Board may require additional signs based on safety needs.”

§ 29.J “At least one sign shall be posted on the tower at a height of five feet warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower’s manufacturer’s logo may be displayed on a system generator housing in an unobtrusive manner.”

*Model Wind Energy Facility Local Law for St. Lawrence County Municipalities (DRAFT)  
St. Lawrence County, NY*

### Restricts signs, requires safety signage (succinct)

“All signs, temporary and permanent, are prohibited on the small wind energy system, except:

- a) Manufacturers/installer identification on the wind turbine, or
- b) Appropriate warning signs and placards.”

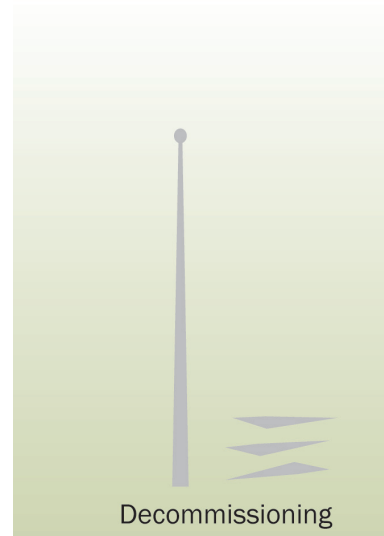
*Small Wind Energy Ordinance § 22.4.7  
Nelson County, VA*

## Planning for decommission

The planning and siting of a wind turbine facility must necessarily include a plan to decommission and remove it when it reaches the end of its useful life. A financial surety allows a municipality to permit the construction of a wind energy conversion system without risking the cost of removing the structure, should the owner or developer fail to do so.

Of jurisdictions that require a surety, many require developers to put forward 150 percent of the cost of removal determined at the time of the granting of the special permit. The Massachusetts Green Communities Model Bylaw suggests 125 percent\*. Some municipalities allow a conservative estimate of salvage value to be used as a portion of meeting the surety value.

A qualified engineer should determine the underlying cost of removal. No municipality surveyed for this project required that the engineer be independent. Sureties are used for both removal of the structure and rehabilitation of the site.



### Does not require surety, requires owner to remove structure

"Once a WECS is designated as abandoned, the owner shall be required to immediately dismantle the installation."

*Town of Scituate Zoning Bylaw § 740.7. Scituate, MA*

### Requires 150% surety with increases built in

"Developer must put up 150% surety against removal of the structure at the time of granting the special permit. The surety must include Cost of Living increases at 10 and 15 years."

*Town of Chester Wind Energy Conversion Facilities Bylaw § 5.7.8. Chester, MA*

### Requires surety with increases, does not specify amount

"Applicant, upon obtaining a special permit, shall deliver to the Board of Appeals a financial surety, in form and amounts reasonably acceptable to the Board of Appeals, to cover the cost of removal and disposal of the wind facility and the remediation of the landscape in accordance with this subsection. Such financial surety shall be renewed and updated as necessary throughout the life of the wind facility so as to continue to cover the removal, disposal and remediation costs."

*Town of Williamstown, Massachusetts: Chapter 70, Zoning Bylaws § 70-7.2.7. Williamstown, MA*

### Allows salvage value to be factored into surety amount, and updated annually

22.4 An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning without regard to salvage value of the equipment ("Decommissioning Costs"), and the cost of decommissioning including the salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the Town of Montville after the first year of operation and every other year thereafter.

22.5 The Owner/operator shall post and maintain decommissioning funds in an amount equal to Net Decommissioning Costs; provided that at no point shall decommissioning funds be less than one hundred percent (100%) of Decommissioning Costs. The decommissioning funds shall be posted and maintained with a bonding company or Federal or State-chartered lending institution chosen by the Owner/operator and Participating Landowners posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the State and is approved by the Town of Montville. No work can begin on the WTG before the decommissioning bond is issued and approved.

*Town of Montville Wind Turbine Generator Ordinance. Town of Montville, ME*

\* Green Communities Bylaw. Model As-of-Right Zoning Ordinance or Bylaw. §4.16.8.3. Boston, MA. March 2012.

## Wildlife impacts

At a global and regional scale, the effect of wind energy on the environment is generally considered to be positive, given that it will displace mining activities, air pollution, greenhouse gas emissions, and other forms of environmental degradation associated with non-renewable energy production. However, wind energy development is not entirely environmentally benign as it may cause localized environmental impacts including direct collision impacts on birds and bats (Kuvlesky et al, 2007; NRC, 2007) and can fragment wildlife habitat.

For an in-depth explanation of the science of the environmental impact of wind turbines and potential mitigation, please refer to Appendix B.

Many regulations related to wildlife impacts are covered by state or federal regulations. However, some local regulations also address specific environmental issues; following are two examples, though the language in each is not ideal since it is ambiguous at times and thus could pose problems during the review process.



### Land clearing

"Land Clearing, Soil Erosion and Habitat Impacts – Clearing of natural vegetation shall be limited to that which is reasonably necessary for the construction, operation and maintenance of the Community-Scale Wind Facility and is otherwise prescribed by applicable law, regulations, and ordinances. Community-Scale Wind Facilities shall be designed to minimize land clearing and fragmentation of open space areas."

*Town of Duxbury Community-Scaled Wind Facilities Bylaw § 616.6.3  
Duxbury, MA*

### Land use, rare species

"Land Clearing/Open Space/Rare Species - Wind energy conversion facilities shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind energy conversion facilities shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity (particularly avian species, bats, etc.)."

*Town of Chester Wind Energy Conversion Facilities Bylaw § 5.7.4  
Chester, MA*

### Land use, rare species

"Wind turbines shall be designed to minimize land clearing and fragmentation of open space areas and avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind turbine facilities shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity (particularly Avian species, bats, etc.) as may be applicable law."

*Hanover Wind Energy Facilities Bylaw § 6.14.6  
Hannover, MA*



## Resources

Following are resources\* which will be of use to municipalities that are preparing bylaws for land-based wind energy developments. This list is not exhaustive, and focuses on Governmental, National and State resources only.

### Detailed 'How to' guides on preparing bylaws

- MA DOER, (2012). Model As-of-Right Zoning Ordinance or Bylaw: Allowing Use of Wind Energy Facilities. Dept of Energy Resources (DOER), Massachusetts Executive Office of Environmental Affairs, Boston, MA.
- NH OEP (2008). Model Small Wind Energy Systems Ordinance. NH Office of Energy and Planning, Concord, NH.
- NYSERDA (2005). Wind Energy: Model Ordinance Options. NYS Energy Research & Development Authority, Albany, NY.
- St. Lawrence County Government (2007). Model Wind Energy Facility Local Law for St. Lawrence County Municipalities (Draft). St. Lawrence County Planning Office, St. Lawrence County Government, Canton, NY.
- Sussman, M. & James, J. (2011). Model Municipal Wind Siting Ordinance. Center for Climate Change Law at Columbia Law School, New York, NY.

### U.S. Department of Energy National Laboratories

- National Renewable Energy Laboratory: National Wind Technology Center
- Sandia National Laboratories: Wind Energy

### Government agencies involved in wind power activities.

- Bureau of Land Management: Wind Energy
- Federal Aviation Administration: Obstruction Evaluation / Airport Airspace Analysis
- Federal Energy Regulatory Commission: Integration of Renewables
- Fish and Wildlife Service: Wind Turbine Guidelines Advisory Committee
- Maine Department of Environmental Protection: Land Wind Power
- Massachusetts Gov. Official Website of the Executive Office of Energy and Environmental Affairs: Wind Energy
- National Oceanic and Atmospheric Administration: Earth System Research Laboratory
- New Hampshire Office of Energy and Planning: Resource Library: Small wind energy systems
- Renewable Energy Vermont: Technologies: Wind
- US Dept. of Energy, Energy Efficiency and Renewable Energy (EERE): Wind Program & Wind Powering America
- Vermont Public Services Department: Renewable Energy - Wind

### National Wind Energy Associations and Organizations

- American Wind Energy Association
- American Wind Wildlife Institute
- Bats and Wind Energy Cooperative
- National Wind Coordinating Collaborative
- Union of Concerned Scientists: Citizens and Scientists for Environmental Solutions
- Utility Wind Integration Group

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\* The electronic copy of this document includes active hyperlinks to each of these resources.

## Glossary

The following list of terms has been compiled from a number of active bylaws, in addition to the U.S Fish and Wildlife Service's Land-Based Wind Energy Guidelines (USFWS 2012).

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**Aerodynamic sound:** a noise that is caused by the flow of air over and past the blades of a WTG.

**Ambient sound:** Ambient sound encompasses all sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent noise events, such as, from aircraft flying over, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient also includes insect and other nearby sounds from birds and animals or people. The nearby and transient events are part of the ambient sound environment but are not to be considered part of the long-term background sound.

**Anemometer:** a device for measuring the speed and direction of the wind.

**Anthropogenic:** Resulting from the influence of human beings on nature.

**Avian:** Pertaining to or characteristic of birds.

**Background sound (L90):** refers to the sound level present at least 90% of the time. Background sounds are those heard during lulls in the ambient sound environment. That is, when transient sounds from flora, fauna, and wind are not present. Background sound levels vary during different times of the day and night. Because WTGs operate 24/7 the background sound levels of interest are those during the quieter periods which are often the evening and night. Sounds from the WTG of interest, near-by birds and animals or people must be excluded from the background sound test data. Nearby electrical noise from streetlights, transformers and cycling AC units and pumps etc., must also be excluded from the background sound test data.

**Blade Passage Frequency (BPF):** the frequency at which the blades of a turbine pass a particular point during each revolution (e.g. lowest point or highest point in rotation) in terms of events per second. A three bladed turbine rotating at 28 rpm would have a BPF of 1.4 Hz. [E.g. ((3 blades times 28rpm)/60 seconds per minute = 1.4 Hz BPF)]

**Blade reflection:** the intermittent reflection of the sun off the surface of the blades of a Wind Turbine.

**Blade throw:** Rotor blade fragments released from failed wind turbine blades.

**Buffer zone:** A zone surrounding a resource designed to protect the resource from adverse impact, and/or a zone surrounding an existing or proposed wind energy project for the purposes of data collection and/or impact estimation.

**By right:** A use permit that requires compliance with existing regulations but does not require special permission.

**Carve-out:** Essentially an 'exception to the rule' as defined by a specific bylaw.

**Clear area:** Area surrounding a wind turbine to be kept free of habitable structures.

**Community-scale:** Wind energy projects greater than 1 MW, but generally less than 20 MW, in name-plate capacity, that produce electricity for off-site use, often partially or totally owned by members of a local community or that have other demonstrated local benefits in terms of retail power costs, economic development, or grid issues.

**Critical Electric Infrastructure (CEI):** electric utility transmission and distribution infrastructure, including but not limited to substations, transmission towers, transmission and distribution poles, supporting structures,

guy-wires, cables, lines and conductors operating at voltages of 13.8 kV and above and associated telecommunications infrastructure. CEI also includes all infrastructure defined by any federal regulatory agency or body as transmission facilities on which faults or disturbances can have a significant adverse impact outside of the local area, and transmission lines and associated equipment generally operated at voltages of 100 kV or higher, and transmission facilities which are deemed critical for nuclear generating facilities.

**Critical habitat:** For listed species, consists of the specific areas designated by rule making pursuant to Section 4 of the Endangered Species Act and displayed in 50 CFR § 17.11 and 17.12.

**Cut-in speed:** The wind speed at which the generator is connected to the grid and producing electricity. It is important to note that turbine blades may rotate at full RPM in wind speeds below cut-in speed.

**Decibel (dB):** A dimensionless unit which denotes the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level ( $L_p$ ) in decibels is equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 MicroPascals.

**Displacement:** The loss of habitat as result of an animal's behavioral avoidance of otherwise suitable habitat. Displacement may be short-term, during the construction phase of a project, temporary as a result of habituation, or long-term, for the life of the project.

**Distributed generation:** Energy generation that is located at or near the end-user.

**Distributed wind:** Small and mid-sized turbines between 1 kilowatt and 1 megawatt that are installed and produce electricity at the point of use to off-set all or a portion of on-site energy consumption.

**Emission:** Sound energy that is emitted by a noise source (i.e. the WTG) is transmitted to a receiver (i.e. a dwelling) where it is immitted.

**Fatality:** An individual instance of death.

**Fatality rate:** The ratio of the number of individual deaths to some parameter of interest, such as megawatts of energy produced, the number of turbines in a wind project, the number of individuals exposed, etc., within a specified unit of time.

**Feathering:** Adjusting the angle of the rotor blade parallel to the wind, or turning the whole unit out of the wind, to slow or stop blade rotation.

**Federal action agency:** A department, bureau, agency or instrumentality of the United States which plans, constructs, operates or maintains a project, or which reviews, plans for or approves a permit, lease or license for projects, or manages federal lands.

**Footprint:** The geographic area occupied by the actual infrastructure of a project such as wind turbines, access roads, substation, overhead and underground electrical lines, and buildings, and land cleared to construct the project.

**Frequency:** The number of oscillations or cycles per unit of time. Acoustical frequency is usually expressed in units of Hertz (Hz) where one Hz is equal to one cycle per second.

**Guy wire:** Wires used to secure wind turbines or meteorological towers that are not self-supporting.

**Habitat:** The area which provides direct support for a given species, including adequate food, water, space, and cover necessary for survival.

**Habitat fragmentation:** Habitat fragmentation separates blocks of habitat for some species into segments, such that the individuals in the remaining habitat segments may suffer from effects such as decreased survival, reproduction, distribution, or use of the area.

**Height, blade-tip:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point. This measure is also commonly referred to as the maximum tip height (MTH), or turbine height.

**Height, tower:** The height above grade of the fixed portion of the tower, measured to the top of the nacelle and excluding the wind generator.

**Height, turbine:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point. This measure is also commonly referred to as the maximum tip height (MTH) or blade-tip height.

**Hertz (Hz):** Frequency of sound expressed by cycles per second.

**Ice throw:** accumulated ice buildup on the blades of a wind turbine that is, or can be, thrown during normal spinning or rotation.

**Infill:** Add an additional phase to the existing project, or build a new project adjacent to existing projects.

**Infra-sound:** sound with energy in the frequency range of 0-20 Hz is considered to be infra-sound. It is normally considered to not be audible for most people unless in relatively high amplitude. The most significant exterior noise induced dwelling vibration occurs in the frequency range between 5 Hz and 50 Hz.

**Lattice design:** A wind turbine support structure design characterized by horizontal or diagonal lattice of bars forming a tower rather than a single tubular support for the nacelle and rotor.

**Listed species:** Any species of fish, wildlife or plant that has been determined to be endangered or threatened under section 4 of the Endangered Species Act (50 CFR §402.02), or similarly designated by state law or rule.

**Low Frequency Noise (LFN):** refers to sounds with energy in the lower frequency range of 20 to 200 Hz. LFN is deemed to be excessive when the difference between a C-weighted sound level and an A-weighted sound level is greater than 20 decibels at any measurement point outside a residence or other occupied structure.

**Mechanical noise:** sound produced as a byproduct of the operation of the mechanical components of a WTG(s) such as the gearbox, generator and transformers.

**Megawatt (MW):** A measurement of electricity-generating capacity equivalent to 1,000 kilowatts (kW), or 1,000,000 watts.

**Meteorological tower (MET tower):** a meteorological tower used for the measurement of wind speed.

**Migration:** Regular movements of wildlife between their seasonal ranges necessary for completion of the species lifecycle.

**Migration corridor:** Migration routes and/or corridors are the relatively predictable pathways that a migratory species travel between seasonal ranges, usually breeding and wintering grounds.

**Migration stopovers:** Areas where congregations of wildlife assemble during migration. Such areas supply high densities of food or shelter.

**Mitigation:** (Specific to this context) Avoiding or minimizing significant adverse impacts, and when appropriate, compensating for unavoidable significant adverse impacts.

**Mitigation Waiver:** a legally enforceable, written agreement between the Applicant and a Nonparticipating

Landowner in which the landowner waives certain setback, noise or other protections afforded in the Ordinance.

**Monitoring:** 1) A process of project oversight such as checking to see if activities were conducted as agreed or required; 2) making measurements of uncontrolled events at one or more points in space or time with space and time being the only experimental variable or treatment; 3) making measurements and evaluations through time that are done for a specific purpose, such as to check status and/or trends or the progress towards a management objective.

**Mortality rate:** The numbers of birds or bats killed per turbine per year.

**Nacelle:** The frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.

**Nameplate capacity:** the electrical power rating of an individual wind turbine as certified by the manufacturer and normally expressed in watts, kilowatts (kW), or megawatts (MW).

**Net metering:** The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

**Noise:** any unwanted sound. Not all noise needs to be excessively loud to represent an annoyance or interference.

**Passerine:** Describes birds that are members of the Order Passeriformes, typically called "songbirds."

**Plant communities of concern:** Plant communities of concern are unique habitats that are critical for the persistence of highly specialized or unique species and communities of organisms. Often restricted in distribution or represented by a small number of examples, these communities are biological hotspots that significantly contribute to the biological richness and productivity of the entire region. Plant communities of concern often support rare or uncommon species assemblages, provide critical foraging, roosting, nesting, or hibernating habitat, or perform vital ecosystem functions. Includes any plant community with a Natural Heritage Database ranking of S1, S2, S3, G1, G2, or G3.

**Power grid:** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**Project transmission lines:** Electrical lines built and owned by a project developer.

**Raptor:** As defined by the American Ornithological Union, a group of predatory birds including hawks, eagles, falcons, osprey, kites, owls, vultures and the California condor.

**Rotor:** The parts of a wind turbine that interact with wind to produce energy; the blades and hub of the wind turbine that rotate during turbine operation.

**Rotor-swept area:** The area of the circle or volume of the sphere swept by the turbine blades.

**Rotor-swept zone:** The altitude within a wind energy project which is bounded by the upper and lower limits of the rotor-swept area and the spatial extent of the project.

**Sensitive receptor:** Places or structures intended for human habitation, whether inhabited or not, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, campgrounds and other nonagricultural state or federal licensed businesses. These areas are more likely to be sensitive to the exposure of the noise, shadow or flicker, etc. generated by a WTG or WTG Facilities. These areas include, but are not limited to: schools, daycare centers, elder care facilities, hospitals, places of seated assemblage, non-agricultural businesses and residences.

**Setback:** The base of the tower to the nearest property line.

**Setback area:** The entire land base that falls within a specified setback.

**Shadow flicker:** Alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object.

**Sight line representation:** A line depicted in profile extending from an observer's eye to the lowest point of a viewed tower.

**Sign:** Any word, letter, symbol, drawing, picture, design, device, article or object which advertises, calls attention to or indicates the location of any premises, person or activity; whatever its manner of composition or construction and however displayed.

**Small Wind Energy Conversion System ("Small WECS"):** A wind energy conversion system (WECS) consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which will be used primarily for onsite consumption.

**Sound:** A fluctuation of air pressure which is propagated as a wave through air.

**Sound power:** The total sound energy radiated by a source per unit time. The unit of measurement is the watt.

**Sound pressure:** The instantaneous difference between the actual pressure produced by a sound wave and the average or barometric pressure at a given point in space.

**Special permit:** A special permit is a zoning instrument used primarily to review the location, site development, or conduct of certain land uses. These are uses that may have an impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A special permit may be granted at the discretion of the Special Permit Granting Authority (SPGA) and is not the automatic right of any applicant.

**Special Permit Granting Authority (SPGA):** Board designated by zoning ordinance or bylaw with the authority to issue special permits.

**Species of concern:** For a particular wind energy project, any species which: 1) is either, a) listed as an endangered, threatened or candidate species under the Endangered Species Act, subject to the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act; b) is designated by law, regulation, or other formal process for protection and/ or management by the relevant agency or other authority; or c) has been shown to be significantly adversely affected by wind energy development; and 2) is determined to be possibly affected by the project.

**Species of habitat fragmentation concern:** Species of concern for which a relevant federal, state, tribal, and/ or local agency has found that separation of their habitats into smaller blocks reduces connectivity such that the individuals in the remaining habitat segments may suffer from effects such as decreased survival, reproduction, distribution, or use of the area. Habitat fragmentation from a wind energy project may create significant barriers for such species.

**String:** A number of wind turbines oriented in close proximity to one another that are usually sited in a line, such as along a ridgeline.

**Strobe:** Light consisting of pulses that are high in intensity and short in duration.

**Tonal sound or tonality:** Tonal audibility. A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch. Tonal sound can be simple or complex.



**Tower:** The monopole, guyed monopole or lattice structure that supports a wind generator.

**Tubular design:** A type of wind turbine support structure for the nacelle and rotor that is cylindrical rather than lattice.

**Tower Height:** see Height, tower

**Turbine height:** see Height, turbine.

**Utility-scale:** Wind projects generally larger than 20 MW in nameplate generating capacity that sell electricity directly to utilities or into power markets on a wholesale basis.

**Voltage (low and medium):** Low voltages are generally below 600 volts, medium voltages are commonly on distribution electrical lines, typically between 600 volts and 110 kV, and voltages above 110 kV are considered high voltages.

**Wildlife:** Birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

**Wildlife management plan:** A document describing actions taken to identify resources that may be impacted by proposed development; measures to mitigate for any significant adverse impacts; any post-construction monitoring; and any other studies that may be carried out by the developer.

**Wind energy conversion system (WECS):** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

**Wind Monitoring or Meteorological (“test” or “met”) Towers:** A temporary tower equipped with an anemometer, wind vane and other equipment to measure the wind resource (wind speed and direction), to determine how much electricity a wind energy facility can be expected to generate at a predetermined height above the ground.

**Wind Overlay District (WOD):** An area within a municipality where wind energy facilities shall be permitted subject to the review and permitting requirements of a wind turbine bylaw for that town; wind turbine development outside of said WOD would not be permitted.

**Wind turbine:** A machine for converting the kinetic energy in wind into mechanical energy, which is then converted to electricity.

**Wind Turbine Flickering:** The blinking effect while the rotor is in motion. Attention will be paid to siting the wind turbine(s) to reduce significant flickering.

**Wind Turbine Generators (WTG):** Equipment that converts and then transfers energy from the wind into usable forms of electrical energy and includes all related and supporting items including but not limited to all buildings, structures, electrical equipment, substations, transmission lines, access roads, parking lots, areas to be stripped or graded, and areas to be landscaped or screened.

## Appendix A

### The science of sound and noise

Additionally, people's perceptions of sound and reactions to noise are highly variable and subjective (BLM 2004, Rogers et al. 2004, Colby et al. 2009). Given this variability, it is difficult to generalize about the impacts of wind power noise.

To introduce fundamental concepts and terminology used in measurements of sound and noise, an overview of sound and noise is provided below. Questions related to wind turbine noise and its impacts are then addressed. The basics of sound and noise:

Sound is primarily characterized by its intensity, or its 'sound pressure level'. Sound pressure levels are measured in terms of decibels (dB), with 0 dB being the typical threshold of human hearing and 140 decibels being the typical threshold of pain. The decibel scale is based upon a logarithmic function, which means that a 10 dB increase in sound pressure level creates approximately a doubling in loudness (Alberts 2006, NMCPHC 2009).

Sound is also characterized by its frequency, which is measured in hertz (Hz). Although the normal human ear perceives sounds at frequencies ranging from about 20 Hz to 20,000 Hz, human perception of sound is less sensitive to very low and high frequencies, and is generally most sensitive to frequencies between 1,000 and 4,000 Hz. Sound below 200 Hz is considered to be 'low-frequency sound'; low frequency sound is present at low levels throughout the environment (e.g. sound from wind or water). Sound below 20 Hz is described as 'infrasound'; infrasound is generally not audible but it may cause vibration (Rogers et al. 2004, Alberts 2006, Leventhall 2006, NMCPHC 2009, CMOPH 2010).

Frequency influences our perception of sound; for this reason, various scales are used to calibrate sound pressure levels according to frequency. Environmental sounds are generally measured using an A-weighted scale, which accounts for the sensitivity of the human ear and de-emphasizes very high and low frequencies; A-weighted sound pressure levels are measured in units of dB(A) (Rogers et al. 2004, Alberts 2006). For comparison, the sound pressure level produced by rustling leaves is about 45 dB(A), the sound of normal conversation is about 60 dB(A), and the sound of a jet take-off is about 130 dB (A) (Reed College, 2010). Given that wind turbine sound is considered a form of environmental noise, it is generally measured according to the A-weighted scale and is discussed in terms of dB(A) (Rogers et al. 2004, Alberts 2006).

When discussing environmental noise such as wind turbine sound, is important to distinguish between two commonly used sound measurements: sound pressure and sound power.

- **Sound power** is the total acoustic power—or energy converted into sound—emitted by a source; this measurement may be used to estimate how far sound will travel and to predict sound levels at various distances from the source. Sound power is a property of the sound source and is not dependent upon distance.
- **Sound pressure** is the level of sound perceived by an observer. This is a property of the sound at a given observer distance from the source, and will decrease as the sound moves farther from the source.

Sound power and sound pressure measures cannot be compared (Rogers et al. 2004, Alberts 2006).

Perception of sound varies considerably from person to person based upon individual sensitivities. Perception of sound is also influenced the amount of ambient noise (i.e. noise from other sources) that is present; the same level of sound will generally appear to be louder when in a quiet setting than when in a setting with more background noise. For these reasons, responses to sound and noise differ greatly among people and places (Passchier-Vermeer and Passchier 2000, Colby et al. 2009).

Noise is typically measured by peak decibel level and state regulations will be usually be used as the default

regulation level. Local regulations cannot place the decibel threshold below state regulations but they can implement a more stringent limit.

Wind turbines produce sound from mechanical as well as the sound of the rotating blades displacing air (typically referred to as a whooshing sound).

There are several options on where to measure the noise level. One of the most popular approaches is to measure the noise at the property boundaries. Local regulations can also set the noise level at the nearest building on abutting properties or at the nearest inhabited residence.

## Appendix B

### Wind power and the environment

At a global and regional scale, wind energy is generally considered to have a positive effect on the environment, given that it will displace mining activities, air pollution and greenhouse gas emissions associated with fossil fuel-based energy production. However, wind energy development may cause localized environmental impacts on birds, bats, and other wildlife (Drewitt and Langston 2006, NRC 2007, Ledec et al. 2011).

Research is ongoing into both the potential impacts of wind energy development on local ecology, and the ways to mitigate negative effects. Research to date indicates that developing wind power infrastructure can impact local environments, but the impacts will vary significantly depending on the wind farm design and location. For this reason, scientists generally agree that environmental effects should be taken into consideration during the siting and planning of wind farms (Drewitt and Langston 2006, Kuvlesky et al. 2007, NRC 2007, Drewitt and Langston 2008, Ledec et al. 2011).

Commonly expressed concerns and questions about the environmental impacts of wind power development on land are discussed below.

#### Habitat and terrestrial wildlife impacts

The impact of wind power development on habitat and terrestrial wildlife has, to date, attracted significantly less study than the effect on birds and bats. Experience with similar forms of development suggests, however, that the construction, maintenance and operation of wind power facilities will disturb habitat and, for this reason, may negatively impact wildlife (NRC 2007).

Scientists generally agree that the extent of the disturbance to habitat and surrounding wildlife caused by a wind power facility will depend upon a variety of factors, including the size of the wind power site and the type of ecosystem (Kuvlesky et al. 2007, NRC 2007). Although turbines themselves will cause some impact, it is the associated infrastructure—particularly roads and transmission lines—that will likely present a greater threat to habitat and terrestrial wildlife, especially where this infrastructure causes significant vegetation clearing, habitat fragmentation and soil disturbance (Kuvlesky et al. 2007, NRC 2007). Some analyses suggest that initial disturbance associated with construction will likely be far greater than long-term disturbance (Boone et al. 2005, NRC 2007). However, long-term effects are possible, such as loss of native species due to land clearing, displacement of wildlife due to noise, and vibrational intrusion (Drewitt and Langston 2006, Kuvlesky et al. 2007, Kikuchi 2008).

## Birds

Studies indicate that the most common behavioral response of birds is to recognize wind turbines as obstacles and to fly around them. However, some birds do strike wind turbines and this, in turn, often results in bird fatalities (Drewitt and Langston 2006, Kuvlesky et al. 2007, Kikuchi 2008).

Documented rates of collision-related fatalities at onshore wind sites range anywhere from zero to 60 birds/turbine/year; however, the majority of studies estimate collision fatality rates of one or fewer birds/turbine/year (Winkelman 1992, Musters et al. 1996, Langston and Pullan 2003, Erickson et al. 2005, Drewitt and Langston 2006, Hotker et al. 2006, Kuvlesky et al. 2007). It has been suggested that these collisions estimates may be low due to sampling and observer biases (Erickson et al. 2005, NRC 2007, Drewitt and Langston 2008). When adjusted for such biases, estimates of bird fatalities at onshore wind sites typically range from fewer than 1 to 3 birds/turbine/year (Erickson et al. 2005, Drewitt and Langston 2008).

Birds may also collide with offshore wind turbines, although the limited research on bird interactions with offshore wind turbines has generally found high levels of wind turbine avoidance and few bird collisions (Kahlert et al. 2004, Desholm and Kahlert 2005, Energy et al. 2006). Given that there is currently little data on offshore wind turbine strike and mortality rates, it is not possible to draw general conclusions about bird collisions with offshore wind turbines (Wilson et al. 2010).

There are situations where the overall avian mortality associated with wind turbine collisions has caused significant concern. The most commonly cited instance is Altamont Pass Wind Resource Area (APWRA), a large, older wind farm in California. Early research conducted at APWRA estimated that, during the two years of study, up to 567 raptors may have died due to wind turbine collisions (Orloff and Flannery 1992, 1996, Erickson et al. 2005); a more recent analysis suggests that up to 2,710 birds—of which about 1,127 are raptors—are killed annually by APWRA's 5,400 wind turbines (Smallwood and Thelander 2008). High overall kills have also been noted at the Tarifa and Navarra wind farms in Spain (Langston and Pullan 2003). Given that some locations cause significant avian mortality, most scientists agree that wind power development sites must be carefully considered (Langston and Pullan 2003, Drewitt and Langston 2008, Kikuchi 2008, NWCC 2010).

It is important to note that many scientists and interest groups have expressed concern about the lack of peer-reviewed, long-term, standardized, and systematic assessments of avian collisions with wind turbines and suggest that, for this reason, there is still significant uncertainty regarding the potential impact of wind turbine collisions on bird populations (Langston and Pullan 2003, Kikuchi 2008). However, this same concern has been expressed about avian collisions with other man-made structures (e.g. communication towers, buildings, power lines, etc.) and is not isolated to collisions with wind turbines (Drewitt and Langston 2006, Hotker et al. 2006). In light of this, many studies suggest that more emphasis needs to be placed on peer reviewed, systematic, long-term studies of bird collisions with all human structures—including but not limited to wind turbines—in order to provide a more complete estimate of bird mortality due to collision and to improve understanding of how collisions impact bird populations at the local, regional, and global levels (Erickson et al. 2005, Drewitt and Langston 2006, Kikuchi 2008).

In addition to wind turbines, a variety of other human activities and anthropogenic causes are responsible for bird mortality, including cats, automobiles, pesticides and collisions with other man-made structures (Erickson et al. 2005). However, comparisons between different anthropogenic causes of bird fatalities should be approached with caution, given that: a) estimates of bird fatalities from both natural and human-related causes are highly uncertain, and b) different anthropogenic sources of bird mortality cannot be directly compared due to their significant variation in prevalence, geographic location, and other such factors (NRC 2007).

Estimates of bird fatalities due to different anthropogenic sources have been reported by Erickson et al. (2005) and the U.S. Fish and Wildlife Service (2002). These sources indicate that, annually in the U.S., collisions with buildings kill between 97 and 976 million birds; collisions with high-tension lines (e.g. power lines) kill anywhere between 130 million and 1 billion birds; collisions with communication towers kill between 4 and 50 million birds; cars kill up to 80 million birds; toxins and pesticides kill more than 72 million birds; and domestic cats

kill hundreds of millions of songbirds and other species. These same studies report that, in 2003, collisions with wind turbines killed between 20,000 and 37,000 birds in the U.S. (see also NRC, 2007).

These numbers suggest that bird deaths due to wind turbine collisions are a small fraction of the total bird deaths due to human-related causes—less than 0.003 percent of anthropogenic bird kills in 2003 according to estimates from Erickson et al. (2005). However, wind turbine strike does impose additional risk to bird populations—particularly local bird communities—and it is likely that this risk will increase as wind power development expands (Drewitt and Langston 2006, NRC 2007, Drewitt and Langston 2008, Kikuchi 2008).

The type of birds that a given wind farm affects vary considerably with the topography of the site and the species dynamics in the area (Drewitt and Langston 2006, 2008). Studies indicate that passerines (songbirds), such as warblers and sparrows, generally compose the majority of turbine-related bird fatalities (Kuvlesky et al. 2007, NRC 2007); about 6 percent of turbine-strike bird fatalities in the U.S. are thought to be raptors, including red-tailed hawks, kestrels, and golden eagles (NRC 2007). While passerine and raptor collisions have attracted the most attention and study, other groups of birds, such as waterfowl and shorebirds, have also been known to collide with turbines (Kuvlesky et al. 2007).

The impacts of turbine collision fatalities on bird populations are complex, and added mortality may impose a greater risk to some types of birds than others. For example, while passerines compose the majority of turbine-related fatalities, they are also the most abundant bird group in the terrestrial ecosystem (NRC 2007). Given their abundance and relatively high reproduction levels, passerines are less likely to be impacted at a population level than are many other species (Kuvlesky et al. 2007, NWCC 2010). By contrast, although raptors compose only about 6 percent of turbine-related fatalities, they have longer life spans and lower reproductive rates than do passerines and, for this reason, are more likely to be impacted by additional mortalities caused by wind turbines (Kuvlesky et al. 2007, Newton 2007).

While some types of birds may be at greater risk than others, there does not appear to be conclusive evidence of large-scale impacts to any particular bird species due to wind turbine strike. However, studies generally agree that wind turbines may impact local bird communities, and that the long-term effects of wind turbine collisions on bird populations remain highly uncertain (Drewitt and Langston 2006, Kuvlesky et al. 2007, Drewitt and Langston 2008).

Wind power development may indirectly impact bird populations through habitat change, disturbance, and resultant displacement. Studies generally agree that the construction and operation of wind power facilities does disturb habitat, and that this may adversely impact birds and other wildlife, and potentially lead to habitat loss of habitat. However, the scale and degree of this disturbance is uncertain, and its effects on bird life and habitat are contingent upon site- and species-specific factors, and are, therefore, highly variable (Langston and Pullan 2003, Drewitt and Langston 2006, NRC 2007).

Studies of onshore bird populations have recorded disturbance effects (i.e. reduction in bird use or absence of birds) up to 600m from wind turbines for certain species, such as whooper swans (Larsen and Clausen 2002), pink-footed geese (Larsen and Madsen 2000), and European white-fronted geese (Kruckenberg and Jaene 1999). Similarly, studies of offshore impacts have observed decreased concentrations of certain bird species, such as common eider and common scoter, within certain development sites (Langston and Pullan 2003, Drewitt and Langston 2008). However, studies of displacement and disturbance due to wind power facilities are often inconclusive due to lack of before- and after-development impact assessments, and there is currently little evidence regarding whether birds adjust to wind power development over long periods of time (Langston and Pullan 2003, Drewitt and Langston 2006).

Despite uncertainty about the scope and degree of disturbance and displacement caused by wind power facilities, it is widely recognized that habitat change caused by wind power development may potentially threaten certain bird populations (Langston and Pullan 2003, Drewitt and Langston 2006, Kikuchi 2008).



## Bats

The impact of wind power development on bats attracted little attention until the early 2000s, when substantial bat fatalities were observed at wind power sites in Minnesota and West Virginia (Johnson et al. 2004, Kerns and Kerlinger 2004). Since then, increased monitoring efforts have documented bat fatalities at wind power facilities worldwide (Kunz et al. 2007, Arnett et al. 2008, NWCC 2010).

A considerable amount of research has recently been directed at understanding the interaction between bats and wind farms and finding ways to mitigate any negative impacts. It is generally agreed that wind farms do impact bats, although studies indicate that these impacts are both highly variable and site- and species-specific, and much remains uncertain about the extent of these impacts and the long-term implications for bat populations (Kunz et al. 2007, Arnett et al. 2008, Cryan and Barclay 2009, NWCC 2010).

Wind turbines can and do kill bats, and turbine-related bat fatalities have been documented at wind power facilities throughout the U.S. and the world (Kunz et al. 2007, Arnett et al. 2008). Direct collision with wind turbines is thought to be the primary source of bat fatalities due to wind power (Horn et al. 2008). However, recent work by Baerwald et al. (2008) suggests that bat fatalities may also be caused by 'barotrauma', a condition in which the internal organs of bats are damaged by dramatic changes in air pressure created in the near vicinity of rotating wind turbines (Baerwald et al. 2008).

Although the impact of wind power development on bats has generally attracted less attention than has the impact on birds, recent studies suggest that at many wind power sites, the turbine-related mortality rates for bats may be considerably higher than for birds (Kuvlesky et al. 2007, Arnett et al. 2008). Estimated fatality rates range from less than one bat/turbine/year at some sites to over 48 bats/turbine/year in others (Arnett et al. 2008), and it has been suggested that, annually, an average of 3.4 bats are killed per turbine in the U.S. (Johnson et al. 2004). Estimated bat fatalities from different studies cannot be directly compared due to differences in sampling protocols (Arnett et al. 2008); however, research generally indicates that the number of bat fatalities and the species affected varies considerably by region and wind power facility (Kunz et al. 2007, Arnett et al. 2008, NWCC 2010).

The effect of these mortalities on bat communities remains highly uncertain. Bats are long-lived and slow to reproduce, making bat populations susceptible to localized extinctions and vulnerable to negative impacts from added mortality factors (Kuvlesky et al. 2007, Arnett et al. 2008). For this reason, some scientists and conservation groups have expressed concern that bat populations may not be able to withstand the existing rate of turbine-related fatalities and/or increased fatalities due to added wind power facilities. However, significant uncertainty remains regarding the long-term impacts of wind power development on bat populations (Kunz et al. 2007, Arnett et al. 2008, NWCC 2010).

Wind turbines affect many different species of bats but three migratory tree-roosting species compose the majority of bat fatalities reported at wind facilities in North America: the hoary bat, the eastern red bat, and the silver-haired bat (Kunz et al. 2007, Arnett et al. 2008). Other species that have been affected include: the eastern pipistrelle, the little brown myotis, the big brown bat, the northern long-eared myotis, the Brazilian free-tailed bat, and the Seminole bat (Barclay et al. 2007, Cryan and Brown 2007, Kunz et al. 2007, NRC 2007, Arnett et al. 2008). None of the bat species known to be impacted by wind farms are currently classified as endangered or threatened (NWCC 2010).

Recent studies indicate that bat fatalities occur when wind turbine blades are in operation and that bats generally do not collide with stationary blades or wind turbine towers (Arnett et al. 2008, Horn et al. 2008). While it is not certain, it is believed that bats may collide with operational wind turbines as a result of inability to detect moving blades, failure to avoid blades due to insufficient reaction time, or difficulty escaping vortices created by wind turbine operation (Barclay et al. 2007, NRC 2007, Horn et al. 2008). It is also possible that bat mortality is caused by barotraumas, or fatal damage to their internal organs caused by dramatic changes in pressure in the near vicinity of operational wind turbines (Baerwald et al. 2008, Cryan and Barclay 2009). Bat fatalities appear to occur mostly during foraging and feeding rather than when bats are flying by or looking for



a place to roost (Kunz et al. 2007, Horn et al. 2008).

Factors that have been identified as possibly influencing the risk of turbine-related mortality include:

- **Season and timing:** the majority of bat fatalities appear to occur within a few hours of sunset, and during mid-summer and early fall (the time of southward bat migration) (Kunz et al. 2007, Kuvlesky et al. 2007, Arnett et al. 2008, Cryan and Barclay 2009).
- **Height of wind turbines:** studies indicate that taller turbines cause more bat fatalities than do shorter turbines, a reasonable conclusion given that most bats fly at altitudes of between 100 and 500 meters (Barclay et al. 2007, Arnett et al. 2008);
- **Weather:** bat fatalities tend to be greater right before or after storms, possibly due to bats flying at lower altitudes as a result of low cloud ceilings, or sensory confusion due to unstable meteorological conditions (Kunz et al. 2007, Arnett et al. 2008); and
- **Wind speed:** some studies suggest that bat fatalities are highest on nights when wind turbines are operational but wind speeds are low (Arnett et al. 2008, Horn et al. 2008, Baerwald et al. 2009).

Most scientists agree that much remains unknown about bat populations and their behaviors, and that more standardized, long-term, and full-season research is needed to better understand how bats interact with wind turbines and the overall impacts of wind power facilities on bat communities (Kunz et al. 2007, Arnett et al. 2008, NWCC 2010).

Wind turbine-related fatality appears to be the dominant adverse impact of wind power development on bats (Kunz et al. 2007, Arnett et al. 2008, NWCC 2010). While concern has been expressed about negative impacts due to habitat loss or disturbance caused by the construction and operation of wind power facilities (see for example, Environmental 2008), significant effects to bats from causes other than direct fatalities do not appear to have been demonstrated.

Given that much remains unknown about bat populations and their migration, foraging, and roosting habits, it is difficult to be certain about how best to avoid and/or mitigate the negative impacts of wind power development. However, during the last decade, a variety of possible mitigation strategies have been identified and studied. Suggested mitigation strategies include:

- **Avoidance of ecologically sensitive areas:** it is suggested that, as with birds, high-risk areas—such as those with large abundances of bats or concentrations of threatened bat species—should be avoided (Arnett et al. 2008);
- **Curtailment of operation during high risk periods:** studies suggest that curtailment of wind turbine operation during high-risk periods—mainly nights with low winds when bats are more likely to be flying (Baerwald et al. 2009), especially during late summer and early fall—may significantly reduce the risk of bat injury or fatality (Kunz et al. 2007, Arnett et al. 2008, Baerwald et al. 2009);
- **Reduction of cut-in speed:** recent research indicates that increasing the minimum wind speed at which turbines begin operating—known as the ‘cut in’ speed—may reduce bat fatalities by up to 44-93 percent (Arnett et al. 2010). However, it is recognized that this mitigation strategy does incur ‘marginal’ power loss and increased costs for the wind development company in the form of staff time to set up and implement the mitigation practice (Arnett et al. 2010); and
- **Use acoustic devices to deter bats:** it has been suggested that acoustic devices may be used to deter bats from wind turbines (Spanjer 2006, Arnett et al. 2013). Though being explored as a possible mitigation strategy, no such device is currently available for widespread use at wind farms (Arnett et al. 2013).

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# Peace River Regional District REPORT

R-5

To: Electoral Area Director's Committee (EADC)

Date: April 15, 2016

From: Development Services

Subject: **Proposed Draft Campground Bylaw**

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## RECOMMENDATION(S):

For EADC to Discuss and direct staff on the following proposed options:

Option 1: That the Electoral Area Directors' Committee recommend to the Peace River Regional Board that the Draft Campground Bylaw be read a 1<sup>st</sup>, 2nd, 3rd and Adoption.

Option 2: That the Electoral Area Directors' Committee recommend to the Peace River Regional Board that staff develop another Draft Campground Bylaw, based on input and comments received by Municipalities, agencies and the public, including the three campground public meetings held in Chetwynd, Fort St. John, and Dawson Creek.

Option 3: That the Electoral Area Directors' Committee recommend to the Peace River Regional Board that the proposed Campground Bylaw be withdrawn and that staff develop a 'Private Campground Guidelines'.

Option 4: That the Electoral Area Directors' Committee recommend to the Peace River Regional Board that the proposed Campground Bylaw be withdrawn.

## BACKGROUND/RATIONALE:

The initial reason for the proposal of this Draft Campground Bylaw was through an Enforcement File in concerns with stay time within privately owned Campgrounds and RV parks. Upon investigation of this complaint it was also found that there were a number of fire a safety concerns identified.

The Regional District has been getting a number of new rezoning applications for campgrounds with a particular interest for long term stays, where it is often desired to skirt-in RVs for the winter. Safety concerns have been noted by the Regional Board regarding matters such as construction of wood frame entry add-ons to the RVs without proper fire separations to nearby RVs, and inappropriate storage of large propane tanks unprotected from vehicles. The proposed campground bylaw is intended to address these life safety issues and other health issues such as solid waste and sewage.

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Staff Initials:

Dept. Head: *Bruce Simard*

CAO:

*Ch. Birk*

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**FEBRUARY 26, 2015 REGIONAL BOARD MEETING**

**Zoning Amendment Bylaw No. 2178, 2015 (Silver Spirit Investment Corporation)**

- RD/15/02/17 (26)
1. That the Regional Board defer "Zoning Amendment Bylaw No. 2178 (Silver Spirit Investment Corporation), 2015" until such a time that staff can complete a campground bylaw; and
  2. That the Regional Board direct staff to complete a campground bylaw.

**OCTOBER 7, 2015 REGIONAL BOARD MEETING**

**DRAFT CAMPGROUND BYLAW**

- RD/15/10/12
- DRAFT CAMPGROUND BYLAW**
- MOVED Director Rose, SECONDED Director Sperling,  
That the following recommendations from the October 7, 2015 meeting of the Committee of the Whole, be endorsed:
- 1) That the September 30, 2015 report from Kole A. Casey, South Peace Land Use Planner, with attached draft Campground Bylaw be received; and
  - 2) That three public meetings be held with one in each of the North Peace, South Peace and West Peace areas to consider the draft Campground Bylaw; further, that local campground operators, Chambers of Commerce, tourism groups, appropriate associations and other stakeholders be invited to attend the meeting.

CARRIED

**MARCH 24/16 REGIONAL BOARD MEETING**

- R-10
- March 19, 2016 – Karen Goodings, Chair of Electoral Area Directors' Committee
- DRAFT CAMPGROUND BYLAW**
- RD/16/03/24 (24)
- MOVED Director Goodings, SECONDED Director Rose,  
That the results of the public meetings on the draft Campground Bylaw be forwarded to the Electoral Area Directors' Committee (EADC) for review and that any recommendations come back to the Board for consideration.

**CARRIED.**

**PUBIC ENGAGEMENT**

As stated within the 2015-2018 Strategic plan, Section 3 (emerging regional opportunities):

***3.1 Marketing***

*The PRRD will increase awareness of the Peace River Regional District through a comprehensive marketing and communications plan. And;*

As per the Resolution RD/15/10/12 the following initiatives were pursued and received.

- 3 Public Meetings
- Media Release (See *Communications Considerations* heading)
- Written comment forms from Public Meetings (Attached comments below)
- Letters submitted & individual meetings held with Public
- Bylaw Enforcement Historical Information
- Comments received by Municipalities and associated agencies

### Public Consultation Summary

Following Public Engagement and Consultation, Regional District staff analyzed all material received and have conjectured possible options subject to EDAC and Regional Board consideration and can be found under the *Other Considerations* heading at the end of this report.

Highlighted topics during the Public Consultation process were:

- Relevance / necessity of the Bylaw?
- Uncertainty about some regulations specified within the Bylaw; either reasoning's or clarification of the regulations
- Effect of the Bylaw will have on the private campground in the Area.
- Regional District Jurisdiction with concerns to Private Campgrounds

A summary of each of the forms of public input is provided below.

### Public Meetings

Three Public meetings were held in the following manner

- March 1st 2016 at the Chetwynd & District Rec Centre, Chetwynd, BC
- March 2nd 2016 at the North Peace Leisure Pool, Fort St. John, BC
- March 3rd 2016, at the Peace River regional District Office, Dawson Creek, BC

The minutes from each Public Meeting are attached to this report.

### Chetwynd Meeting Overview

The Chetwynd Public Meeting was held at the Chetwynd Rec Centre on the evening of March 1<sup>st</sup>, 2016. The meeting was attended by 17 members of the public. The meeting began with an introduction provided by the Director of Electoral Area "E" and Regional District staff regarding the purpose of the meeting and a general description and overview of the proposed Campground Bylaw. A number of issues were discussed including:

- the overall intent of the proposed Bylaw;
- jurisdiction over items included with the bylaw;
- proposed buffer/landscape requirements;
- proposed greenspace requirements;
- how the proposed Bylaw may come into effect including grandfathering;
- the permitted duration of stays within campgrounds;
- permitted areas for campgrounds within the Regional District;
- group camping regulations; and,
- proposed waste regulations.

### Fort St. John Meeting Overview

The Fort St. John Public Meeting was held at the North Peace Leisure Pool on the evening of March 2<sup>nd</sup>, 2016. The meeting was attended by 11 members of the public. The meeting began with an introduction provided by Regional District staff regarding the purpose of the meeting and a general description and overview of the proposed Campground Bylaw. A number of issues were discussed including:

- the overall intent of the proposed Bylaw;

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- enforcement of the proposed Bylaw and whether addition staff resources would be required;
- jurisdiction over items included with the bylaw;
- concern over campgrounds becoming work camps;
- proposed greenspace requirements;
- how the proposed Bylaw may come into effect including grandfathering;
- the permitted duration of stays within campgrounds;
- group camping regulations;
- proposed waste regulations;
- propane tank regulations;
- jurisdiction of the Fire Chief; and,
- Noise, storage, and campfires.

### **Dawson Creek Meeting Overview**

The Dawson Creek Public Meeting was held at the Peace River Regional District office on the evening of March 3<sup>rd</sup>, 2016. The meeting was attended by 9 members of the public. The meeting began with an introduction provided by Regional District staff regarding the purpose of the meeting and a general description and overview of the proposed Campground Bylaw. A number of issues were discussed including:

- the overall intent of the proposed Bylaw;
- proposed buffer/landscape requirements;
- proposed greenspace requirements;
- how the proposed Bylaw may come into effect including grandfathering;
- the permitted duration of stays within campgrounds;
- group camping regulations;
- festival/event regulations;
- not-for-profit campgrounds;
- propane tank regulations; and,
- proposed road standards.

### **Written Comment forms from Public Meetings: (Attached comments below)**

A total of eight written comment forms were received at the Public Meetings. These comments forms have been attached to this report. In general, the written submissions reiterated the input gathered at the public meetings.

### **Letters submitted & individual meetings held with Public**

One member of the public provided verbal comments in person at the Regional district office. Written summary of the discussion have been attached to this report.

A total of six written letters were submitted to the PRRD and can be found attached to this report.

Bylaw Enforcement Historical Information

**2011-**

**Official Complaints**

GOERTZ- worker camp (Atco type buildings)

**2012-**

**Official Complaints:**

- Worker Camp in A-2 Zone (Area C)- under 30 workers and was allowed
- Worker Camp- C cans and Atco trailers
- Worker Camp
- Abandoned camper in PRRD Park
- City of FSJ offered land for sale in the PRRD, one of the permitted uses listed was an RV Park and this was what the complaint was

**2013**

**Official Complaints:**

- Worker Camp in A-2 Zone (Area C)- under 30 workers and was allowed- same property as in 2012
- RV's located too close to mobile homes (Aspen trailer park in Area D)- investigated and distances were OK
- Camp at Mile 131 (Area B)- has a TUP

**2014**

**Official Complaints:**

- Worker Camp- 250 man camp was issued a TUP
- RV Park operating long term in C-2 Zone (Silver Spirits)
- Atco trailers set up on A-2 land- being used as a residence for sister not a camp
- Worker Camp in A-2 Zone (Area C)- under 30 workers and was allowed- same property as in 2012 and 2013
- Worker Camp- Atco trailers- OK in Zone

**2015**

**Official Complaints:**

- 300 man camp – turned out to be 10 man empty camp and OK in Zone (Atco Trailers)
- BC Hydro Worker camp (RV trailers) on A-2 land in Area C- OK for Zone but public pressure prompted BC Hydro to make camp move
- Family living in a holiday trailer near road (Area D)
- Abandoned campers in PRRD Park (Area B)

**2016-**

**Official Complaints:**

- Nothing so far

*Comment received by Municipalities and associated agencies*

**Fort St. John Chamber of Commerce**

Thank you for the offer to participate. The Chamber of Commerce does not have information regarding private campgrounds or suggestions towards bylaws at this time.

**City of Dawson Creek**

The City is supportive of sustainable development. Sensitively designed campgrounds would be considered a sustainable use of natural capital.

**British Columbia Lodging and campgrounds Association**

Here are some suggestions for you regarding the draft Campground Bylaw:

- 1) In the definitions for campground facilities we would like to see the ability to run a restaurant/cafe as well as a convenience store for the campers
- 2) In the definitions it is also usual to have the ability to build or stay in an RV for the owner's onsite residence/managers residence
- 3) Under general prohibitions 6 it mentions no campsite shall be used for storage. This is a bit restrictive as it is common practice to store one RV on the site over winter especially for seasonal summer rentals. Using vacant campsites in the winter for single RV storage can be a good revenue source for the operator in the winter months. It also encourages a little winter camping as the RV is usually set up and plugged in, making it a simple process for the camper. We are not totally sure of the feasibility of winter camping in the Peace Region but it's nice to give the campground operators some options as opposed to limiting them.
- 4) Solid waste 7.1 many other jurisdictions limit the use of individual garbage cans and opt for a bear proof dumpster located centrally in the park. This has proven to work quite well for campgrounds as it is a lot less labour intensive than checking and emptying cans throughout the park on a daily basis. It also limits the wildlife attractions to one or two areas.
- 5) Campsite 7.3 the number system is out of sync and the last bullet uses the word "off" when it should be "of"

Thanks for the opportunity to provide feedback.

**District of Taylor**

- Under 7.4 Fire Protection: There is no mention in the use of open flame or fire either for cooking or open fire pits
- Camping and open flame fire
- Open flame- they may want to state to following
- Follow all Local, Municipal, District, Forestry, Local authority, by-laws, and fire department regulations for and when open flame burning is allowed.
- It may be at the best interest to add something even if it just states to follow burning regulation for BC. This could be a one line addition if they see the need.

### **City Of Fort St. John**

Thank you for the opportunity to provide comment on the PRRD's proposed Campground Bylaw. You have asked to provide comment for potential effect on the City's interests. Please see the following comments below:

- 1) There is concern that if the temporary accommodation timeframe is undefined, then people will live as a permanent residence, which is different than the intent of the campground use.
  - a. It is allowed under the bylaw to skirt a deck, and an 'Arizona room', so is there an expectation that people will stay longer than a 'temporary accommodation'?
  - b. Will people be allowed to insulate their units (for the purpose of staying all winter, for example)?

There are some questions related to the noted definitions for clarification;

- 2) Campground definition; what is the timeframe for 'temporary accommodation' used to define the campground? Ex. How long are people allowed to stay there?
- 3) Camping Units definition: It is noted that a "Tiny Home" is a "camping Unit" as defined. Are "Tiny Home" and "Camping Unit" on wheels? How are they moved?
- 4) It is noted that "Work Camps" are excluded from a campground use, and are also defined in the Definition section.
- 5) Tiny Home definition: Interesting to note how the bylaw proposes to address where to put a "Tiny Home".
  - a. a. What building or safety code standard does this adhere to?
  - b. b. Is there a minimum/maximum size?
- 6) Are there any proposed private campgrounds coming up for PRRD Review/approval?

Should you require any further clarification on the comments above, please do not hesitate to contact me.

Renee Jamurat, Planning Manager

### **STRATEGIC PLAN RELEVANCE:**

Within the 2015-2018 Strategic plan the following objectives are relevant:

#### ***1.1 Solid Waste Management***

The PRRD will continue to work towards the reduction of solid waste generated by residential, and institutional, commercial, and industrial (ICI) sectors through its solid waste management plan.

#### ***1.2 9-1-1 Emergency Call Answer and Fire Dispatch Services***

The PRRD will provide cost effective access to protective and emergency services including 911 call services by 2018 to its residents.

#### ***1.3 Regional Recreation***

The PRRD is committed to working with Peace River Region residents to have continued access to facilities for recreational and cultural purposes.

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### 1.4 Development Services

The PRRD will implement plans, bylaws and shared service agreements that address the demands of economic growth and the quality of life for its residents.

### 3.1 Marketing

The PRRD will increase awareness of the Peace River Regional District through a comprehensive marketing and communications plan. And;

#### FINANCIAL CONSIDERATION(S):

See *Communication Considerations*

#### COMMUNICATIONS CONSIDERATION(S):

The following table summarizes the media activities completed in preparation of the Campground Public Meetings held.

Activity	Medium	Inputs	Time Frame	Quotes	Final Outcomes
Inform public using Peace River Regional District Mediums- Webpage, board newsletter & Facebook	PRRD Webpage & Facebook  Press release to: Alaska Highway News Pipeline News North (AHN) The Mirror (AHN) The Northern Horizon (AHN) The Northerner (AHN) Coffee Talk Express Tumbler Ridge News	Fran/ Clair	PR- Feb 18 Face book postings Feb 22, 29, March 1,2 &3  Post on community Facebook and webpages  Put in Board newsletter		Information on PRRD Communication Mediums  1 PR post in the news on PRRD website  5 posts on PRRD Facebook  ___ posts on community Facebook and webpages
Inform public through local media- print, radio, community partners, local social media Press releases & paid advertisements Press Release	Peace FM/Chet TV 27 commercials  Bell media- CJDC, The Bear, Sun FM- 135 90 commercials - 30 per station  Moose FM- 30 commercials  Coffee Talk Express ¼ page color	Fran/Kole	February 23- March 3  February 23- March 3  February 23- March 3  February 24, 26 and 29	2 stations@337.50 = 731.87  3 stations @ \$540 = \$1620  \$598.50  3 @ \$58.50 = \$175.50  <b>Total= 3125.87</b>	Info disseminated through print and radio mediums.  147 radio ads  ___ newspaper articles  3 paid ads in coffee talk

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- Also a Public meeting notice was sent by mail & email (If obtainable) to recognized Campground Owners and Stakeholders.
- Public meeting Notice was sent to the BC Lodging and Campgrounds Association, for feedback
- Public meeting notice was also sent to Chad Hayward with peace-country geothermal who had an interest in operating a campground with Tiny Homes in the area
- Public meeting notice and Draft Bylaw was also sent to Trevor Hann, who is the Recreation Officer for the Peace with the BC Provincial Government.
- Public referral sent out to all associated agencies and municipalities; Northern Health, MOT, BC Lodging and Campgrounds Association, Tumbler Ridge, Pouce Coupe, Fort. St. John, Dawson Creek, District of Hudson's Hope, District of Chetwynd, District of Taylor,
- Contacted and send via Email the Public notice and link to the Draft Campground Bylaw to Dawson Creek, Chetwynd and Fort St. John Chamber of Commerce

**OTHER CONSIDERATION(S):**

The following is the current proposed Draft bylaw with possible options (In red) that staff recommend as viable options if the Proposed Draft Bylaw is authorized to move forward.

## PEACE RIVER REGIONAL DISTRICT Bylaw No. XXXX Draft, 2015

A bylaw to establish standards for campgrounds for  
the health and safety of the general and travelling  
public

Whereas section 694(1) (j) of the *Local Government  
Act* enables regulation of the construction and layout  
of campgrounds and facilities therein;

NOW THEREFORE the Regional Board of the Peace River Regional District, in open meeting  
assembled, enacts as follows:

### 1. Title

This bylaw may be cited for all purposes as “Peace River Regional District Campground  
Bylaw No. XXXX Draft, 2015.”

*No change*

### 2. Application

The provisions of this bylaw apply to privately owned campgrounds within that portion of the  
Peace River Regional District contained within Electoral Areas B, C, D and E and more  
precisely as described in the Letters Patent as amended incorporating the Peace River  
Regional District and do not include, municipal, regional or provincial campgrounds.

*Option 1: No Change*

*Option 2: Consideration of participation of each Electoral Area.*

### 3. Administration

The Bylaw Enforcement Officer, Building Inspector, General Manager of Development  
Services, Local Assistant to the Fire Commissioner or his appointed representative or such  
other person appointed by the Regional District shall administer this bylaw.

Persons appointed under this section may enter any building or premises at any reasonable  
time for the purpose of administering or enforcing this bylaw.

*No change*

### 4. Definitions

In this bylaw:

**Arizona Room:** Means a covered patio or covered porch set aside but not attached to the  
camping unit consisting of a single room enclosed with insect screening. The Arizona Room shall  
only be used for recreation and outdoor leisure and not for storage purposes.

**Camping Unit(s):** Means a tent, tent trailer, truck camper, travel trailer, fifth wheel, *park model  
trailer, tiny home*, motor home and any other conveyance designed to travel on a publicly  
maintained road, which is constructed and intended or equipped to be used as a temporary living  
or sleeping quarters.

**Campground:** Means an area maintained with intention to occupy for temporary  
accommodation of *camping units*, excluding a mobile home park, hotel, motel, marina or *work  
camp*.

**Campground Facilities:** Means a use providing for activities associated with the daily function  
and enjoyment of a Campground, including but not limited to a convenience store (no larger  
than 2000 ft<sup>2</sup>), management office, shower and bathroom facilities, maintenance sheds,  
playground, cookhouse, picnic pavilion, sanitation dump, clothes washing facilities, garbage

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collection, firewood storage and info kiosks.

**Campsite:** Means a measure of land that one camping unit will occupy.

**Fencing:** Means a fence that contains wood, masonry or chain link with privacy slats and encloses the *campground* intended to screen view from the outside of the *campground* area.

**Greenspace:** A buffer area consisting of planted grass landscaping. Deciduous or coniferous trees or shrubs can be placed within the buffer area. Fencing or screening is permitted. Picnic tables/benches are permitted.

Definitions (continued)

**Park Model Trailer:** Means a *camping unit* that conforms to the CSA (Canadian Standards Association) Z241 series of standards for park model trailers at the time of manufacturing. A *Park Model Trailer* will meet the following criteria:

- a. it is built on a single chassis mounted on wheels;
- b. it is designed to facilitate relocation from time to time;
- c. it is designed as living quarters for seasonal camping and may be connected to those utilities necessary for operation of installed fixtures and appliances; and
- d. it has a gross floor area, including lofts, not exceeding 50m<sup>2</sup> when in the set-up mode, and has a width greater than 2.6 m in the transit mode

*(Definition taken from CSA Z241.0)*

**Sanitation Dump:** Means a facility for the purpose of providing grey and black water disposal from a camping unit.

**Tiny Home:** Means a *camping unit* that is towed by a bumper hitch, framed towing hitch or fifth wheel connection and cannot be moved under its own power. It is designed and built to look like a conventional dwelling.

**Work Camp (Industrial Camp):** means land or premises on which an employer, in connection with a logging, sawmill, mining, oil or gas operation, a railway construction project, a cannery, or a similar thing, owns, operates or maintains, or has established, permanent or temporary structures for use, with or without charge, by employees as living quarters.

*(Definition taken from the BC Public Health Act)*

*Option 1: Review Definitions to better reflect comments received by the public*

- *Campground*
- *Camping Unit*
- *Greenspace*
  - *Grass/ lawn care*
  - *Exceptions*
- *And any other significant definition additions revisions desired*

*Option 2: No change*

## 5. Owners Responsibility:

- a. It is the responsibility of the owner to comply with all regulations set out within this Bylaw and all relevant Regional, Provincial or Federal legislation.
- b. If this Bylaw or any other Regional regulation is breached, it is the owner's responsibility to take immediate remedial action.

*No change*

## 6. General Prohibitions:

- a. No additions shall be constructed for *camping units*, except for skirting surrounding the undercarriage of the *camping unit*, a deck less than two feet high, or an *Arizona room*.
  - i. No more than one *Arizona Room* per campsite.

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- b. No campsite shall be used for the parking of non-recreational vehicles or equipment.
- c. No campsite shall be used for storage.
- d. No garbage or refuse will be deposited in areas other than specified garbage and recycling bins.
- e. No camping unit may discharge solid, grey or black sewage into the environment except in an authorized sewerage disposal facility.
- f. No vehicle or *camping unit* shall block or impede roads and accesses within the *campground*.
- g. A home based business shall not be operated from a *camping unit* or *campground*.
- h. A *tiny home* shall not be placed on blocks or any other permanent foundation within the *campground*.

*Option 1: Remove*

*Option 2: No change*

*Option 3:*

- *6.b (Parking)*
  - *Remove*
  - *Clarify on what constitutes as a non-recreation vehicle or equipment.*
- *6.c (Storage)*
  - *Remove*
  - *Clarify to allow the storage of Camping Unit in campground*
  - *Clarify regarding storage units as per Zoning and associated Definition*
- *6.d (Garbage)*
  - *No change*
- *6.e (Sewage)*
  - *No change*
- *6.f (Access)*
  - *No change*
    - *Would need to clarify and Add section for Group Camping*
- *6.g (home based business)*
- *No change*
- *6.h (Tiny Home)*
  - *Remove*
  - *Better clarification*

## **7. General Regulations:**

- a. Water supply and sewerage disposal systems must be authorized by the agency having jurisdiction.
- b. A *camping unit* shall be parked only within a designated *campsite*.
- c. A *camping unit* that is placed within a *campsite* will be properly blocked and tied down.

*Option 1: Remove*

*Option 2: No change*

*Option 3:*

- *7.a (Water and Sewer)*
  - *No change*
- *7.b (Designated parking)*
  - *Remove or*

- *Change to reflect that a camping unit must only be permitted to stay in a designated area*
- *7.c (Securing Camping Unit)*
  - *Remove or*
  - *Clarification on what blocked and tie down means*

#### 7.1 Solid Waste

- a. Garbage and recycling bins will be provided and must be adequate to contain all garbage and recycling waste.
- b. One garbage bin and recycling bin must be provided per every 8 campsites.
- c. Each garbage bin and recycling bin must be easily accessible and clearly marked.
- d. Garbage and recycling bins must be secure and enclosed to limit spill or wildlife access i.e. bear proof bins.
- e. All Garbage and Recycling bins shall be maintained and in good repair.
- f. All Garbage and Recycling bins must be emptied regularly to minimize overflow and mitigate possible wildlife intrusions.

*Option 1: Remove*

*Option 2: No change*

*Option 3:*

- *Possible Removal of 7.1.b, 7.1.c, 7.1.e, 7.1.f and;*
- *Do not make garbage and recycling bins mandatory or;*
- *Allow the operator to manage garbage and recycling as an option and only state that it needs to be clean and protected from wildlife*

#### 7.2 Roads:

- a. All access roads shall be either graveled or hard surfaced. Graveled road shall be properly graded to limit potholes and obstructions. Hard surfaced roads must be maintained to limit potholes and obstructions.
- b. All access and roadways will be easily accessible for *camping units* and emergency vehicles.
- c. All roadways and *campsites* must be properly drained and ensure proper road dust suppression.

*Option 1: Remove*

*Option 2: No change*

*Option 3:*

- *Remove 7.2.a*
- *7.2.c*
  - *Change to better clarify proper drainage and dust suppression*
  - *Removal*

#### 7.3 Campsite:

- a. Each campsite must be clearly marked and numbered.
- b. The minimum area of each *campsite* shall be 90 m<sup>2</sup> (969 ft<sup>2</sup>).
- c. Each *campsite* must contain a *greenspace* with a minimum width of 6 m (20 ft.)



between adjacent *camping units*.

- d. Each *campsite* must contain a *greenspace* with a minimum width of 6 m (20 ft.) from any *campground facility*.
- e. A *camping unit* is not permitted within the *greenspace*.
- f. The *greenspace* shall be kept clear off all garbage and dead brush.

*Option 1: Remove*

*Option 2: No change*

*Option 3:*

- *Remove 7.3.b*
- *7.3.c & 7.3.d*
  - *Review greenspace regulation and list exceptions:*
    - *Patio's*
    - *Arizona rooms*
    - *Tents*
    - *R.V pull outs*
    - *Awning*
- *Remove 7.3.f*

#### 7.4 Fire Protection:

- a. All *campgrounds*, *campsites* within the *campground* and *camping units* must comply with the most current **CSA code B-149.2** concerning Propane storage and handling.
- b. Portable fire extinguishers of a type that is approved by an appointed personnel from the Peace River Regional District shall be kept in all *campground facilities* and all other areas specified by the appointed person from the Peace River Regional District.
  - i. All Campgrounds must be in compliance with the most current BC Fire Code.

*Option 1: Remove*

*Option 2: No change*

*Option 3:*

- *more review and clarification on codes and propane safety*
- *Only state that the campground must meet provincial fire code*

#### 8. Landscaping/ Buffer Area:

- a. A screening buffer is required between any *campground* that is parallel to a road or highway or along residential zoned properties.
  - i. This screening buffer may consist of fencing, deciduous trees or coniferous trees. If a chain link fence is used, privacy slats must be placed within the chain link.
  - ii. The buffer area does not include the parking area for the *camping unit*.
- b. If deciduous or coniferous trees are planted as referred in section 8(a.i), they must be 6 cm (2.4 inches) in diameter at breast height at time of planting, spaced at maximum 5 metre intervals.
- c. Such buffers may be broken only for entrance ways to the *campground*.
- d. Such landscaped buffers must be at least 3 m (10 ft.) in width.

*Option 1: Remove*

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*Option 2: No change*

*Option 3:*

- *Review to better reflects comments received by the public concerning 8.a, 8.b*
- *Removal of 8.c & 8.d*

## **9. Violations**

Every person who does anything that this Bylaw prohibits, fails or omits to do anything this Bylaw requires to be done, or who breaches any provisions of this Bylaw, commits an offence. Each day an offence continues shall be a separate offence.

*Comments were received that that violations were per occurrence and not by day,*

- *Review Bylaw enforcement on possible other options*

## **10. Severability**

If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this bylaw.

*No change*

## **11. Penalty**

Every person who commits an offence contrary to the provisions of this Bylaw is liable on summary conviction to the maximum penalty pursuant to the Offence Act in addition to the costs of the prosecution.

*No change*

READ a FIRST TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

Public Hearing held on \_\_\_\_\_, 2015 and notification mailed on the \_\_\_\_ day of \_\_\_\_\_, 2015.

READ a THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2015.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Lori Ackerman, Chair

\_\_\_\_\_  
Jo-Anne Frank, Corporate Officer

I hereby certify this to be a true and correct copy of "PRRD Campground Bylaw No. Draft, 2015", as adopted by the Peace River Regional District Board on \_\_\_\_\_, 2015.

\_\_\_\_\_

**April 29, 2016**



**PEACE RIVER REGIONAL DISTRICT**  
**PUBLIC MEETING – Minutes**

**R-5**

**Proposed Draft Campground Bylaw**

March 1<sup>st</sup>, 2016 @ 7:00 p.m.

**Chetwynd & District Rec. Centre, Chetwynd, BC**

**ATTENDANCE:**

**PRRD:** Dan Rose, Director of Electoral Area 'E'  
Claire Negrin, Assistant Manager of Development Services  
Kole A. Casey, South Peace Land Use Planner

**Public:** Jodi Hammer  
Harold Hammer  
Willie Tureski  
Joe Houde  
Ute Hengnberg  
Jack Dip  
Elke Katcher  
Larry Houley  
Mul Deck  
Laura Weisgerber  
Brent Weisgerber  
Donna Svisdahl  
Russ Svisdahl  
Tom soloshy  
S Franklin  
Ken Franklin

**1. INTRODUCTION TO PROPOSAL**

- Introduction provided by Director Rose and Kole Casey
  - i. PRRD slideshow followed.

**2. PUBLIC MEETING DISCUSSION**

**QUESTION:** Why only Private?

**ANSWER:** Regional Bylaw already in place  
Municipalities are not in The PRRD jurisdiction

**QUESTION:** Does it apply to sites in town?

**ANSWER:** No because it is not in PRRD jurisdiction.

**COMMENT:** Municipal campgrounds are at an advantage.

**QUESTION:** Want to update the Regional Campground Bylaw, why, how?

**ANSWER:** Not currently a project for the PRRD at this time.  
Currently no bylaw in place for private Campgrounds.

**QUESTION:** In fire protection area only?

**ANSWER:** Yes- the bylaw will be for both the fire protection areas and areas outside of fire protection areas.

**COMMENT:** Agree with health and safety & fire & solid waste but it is too prescriptive for example;

**April 29, 2016**



- Greenspace
- Tree widths
- ANSWER:** Same buffer as our existing industrial standard buffer area
- COMMENT:** Very prescriptive. I.e. coniferous trees that size etc.  
As a camper you pick the site you like- leave it to  
Nothing to do with safety
- ANSWER:** When we get re-zonings-these are the concerns we hear from neighbours- buffering from...
- QUESTION:** Camps are not 20ft apart, so what about those?  
Units are about 10 ft. apart
- COMMENT:** Units should be further apart  
Should be fair across the board-municipalities
- QUESTION:** Will existing camps be grandfathered? Will ownership changes mean they have to come into compliance?  
Bylaw says 2 years
- ANSWER:** We have options:  
Grandfathered until expansion or rezoning  
New application must meet Bylaw  
Have a timeline. I.e. 2 years
- COMMENT:** What is chest height, should have a specific height i.e. 4 ft.
- QUESTION:** When will bylaw come into effect?
- ANSWER:** Now is a draft and is open to comment.
- QUESTION:** Is this set in stone or are we able to influence the Bylaw
- QUESTION:** Why does it need a bylaw-why can't specific issues be given education to specific areas
- ANSWER:** Protection of the public
- QUESTION:** Have you seen lots of issues:
- ANSWER:** Staff have been asked to come up with something (bylaw) and that is why we are here.
- COMMENT:** There is a bylaw for Regional Park  
There should be only one bylaw for all parks  
Shouldn't be two bylaws  
Should meet same standards.
- COMMENT:** Want 30 ft.
- ANSWER:** 20 ft. came from fire dept.
- COMMENT:** Definitely not 20 ft. a fire could jump.  
Out of town you have more space so sites should be further apart.  
50 ft. apart is what is being planned  
Need to be prepared for site C as well- separation of sites from projects  
Let's make it safe for everyone
- COMMENT:** Safety issues & jurisdiction over these issues  
I have a 200 gal tank-who regulates that
- ANSWER:** CSA (BC safety authority)
- QUESTION:** Who regulates PIGS
- ANSWER:** Company who
- QUESTION:** Sewerage issue-who regulates



**ANSWER:** Northern Health

**COMMENT:** Safety is controlled by other jurisdictions  
Except in Charlie lake or where there is fire protection

**ANSWER:** Areas where we have safety authority

**COMMENT:** Concern over the shift of authority putting tax burden over regional district to regulate these things that are not currently within the PRRD

**Topic – Grandfathering**

Opt 1: not apply to existing campgrounds and RV sites, only to new

Opt 2: present would not apply until expansion or changes

Opt 3: Time frame where every campground must meet bylaw

**QUESTION:** who makes that decision?

**ANSWER:** Regional Board does

**QUESTION:** Do other Regional Districts have these?

**ANSWER:** Yes some are more extensive and some of our proposed policies use those samples

**QUESTION:** Do others not have them?

**ANSWER:** Yes ex. RDFFG

**COMMENT:** Will have to include those things  
Additions and expansions  
(need a little of all those options)

**Director Rose:** RD will not be able to supersede Northern Health  
All campgrounds have to meet NH regulations

**COMMENT:** All campsites should follow same rules- ex. And new across the board  
Make them wide enough  
Include regional provincial and municipal for fairness, issues  
Make it fair

**COMMENT:** But it is a huge cost for existing sites

**COMMENT:** No it is easy to change

**COMMENT:** It is allot of work to widen sites

**Topic – Duration of stay:**

Example in zoning 2types:

21 day out of 30= camp

90 days out of 180= extended

**COMMENT:** We have had a variety of people staying  
It comes down to managing your own business  
It is a very short season

Do not want to be told how or long our patrons can stay

**COMMENT:** We can do whatever we want- annual or seasonal  
So drop the requirements for length of stay

**QUESTION:** why are you asking?

**ANSWER:** We are trying to figure out a way to make it easier for businesses so the idea of seasonal vs. annual stay



- COMMENT:** Don't want shanty towns
- COMMENT:** Isn't it common sense?  
It is about managing your own business  
Owners don't want hazards or fires  
It is weird that rules should be so meticulous  
Campgrounds are about vacations and want to enjoy their time- you have workers that come and go but they are quite
- COMMENT:** RD should look at poisonous gas  
Do not allow campgrounds within area of poisonous gas sites  
There are huge plants going in  
Need a safety limit and campground should not be allowed  
It is a liability issue for the Regional District.

**Topic – Group Camping**

Parameters or regulations

- COMMENT:** Oil field worker brings 2 units site or 3 or 4 in a circle
- COMMENT:** Still park in them 20 ft. apart
- RD Question:** Are there health and safety issues?
- COMMENT:** smaller footprint only 1 campfire  
Socially they stay to themselves
- RD:** Generally permit group sites
- COMMENT:** they are usually a very short time  
Believe original addressing- I used to live  
The intent is good, but concern is that no matter what is in the bylaw, it comes down to operator, if there are no services to site it comes down to economics  
If issue takes place now under zoning- new bylaw will not help
- COMMENT:** Develop guidelines rather than bylaws  
These are people's homes, address business owner rather than RV owner- due to residential Tendency Act  
Applies to North Peace More
- COMMENT:** Rather than discuss grandfathering, is the bylaw even necessary
- QUESTION:** What is the size of garbage?
- ANSWER:** We discussed number rather than size  
Have received comments that centralized bins are better
- COMMENT:** RV operator- become garbage man  
Operator has stated that their site is carry in carry out- will take recyclables only  
As such encourage no garbage- encouraging recycling and composting
- COMMENT:** Agree but still need garbage and should be large central  
Rules of each campground should be to keep sites clean  
Up to operator to manage garbage  
Nothing wrong with requiring large metal garbage
- COMMENT:** Is owner's responsibility.
- COMMENT:** Large metal cans are expensive





- COMMENT:** Operators are busy and
- RD comment:** Generally depends on owner and campground
- COMMENT:** Choice is theirs, what they want
- COMMENT:** Make campers enjoyable and easy as possible for people to have fun- takes responsibility of owner
- COMMENT:** Make it safe and equal across the region
- COMMENT:** Have series of meetings then
- QUESTION:** How long till it is decided?
- ANSWER:** Timeline is difficult- lately we will be putting out for information
- Director Rose:** We take it to EDAC- from here it is up to the Board'  
Tell us how you heard about this meeting
- QUESTION:** Who asked RD to develop bylaw
- ANSWER:** The Regional Board, due to an existing application  
First draft has been developed by staff  
Went to COW  
Staff presented options for public meeting
- QUESTION:** Want to change zoning bylaw
- ANSWER:** Zoning bylaw update is upcoming
- QUESTION:** Rezoning app talk about exclusion of stay and they wanted unlimited stay to allow
- QUESTION:** 4 operators in attendance?
- Director Rose:** In favour of bylaw?  
Svisdahl just wants to move forward
- COMMENT:** Biggest concern is restructuring sites
- COMMENT:** Thanks for bringing these issues forward but no to bylaw
- COMMENT:** Agree- instructions are good but should be guidelines; BMP – Best Management Practices
- COMMENT:** Come to the sites and educate operators  
Not fair if we have to do these but no one else does  
RD sites are not for fees
- Director Rose:** Regional sites are at a disadvantage  
-Site C people will be camping in the bush- where will workers be housed?
- COMMENT:** They have work camp already
- Director Rose:** Just want to feel out there, how do other
- COMMENT:** Concerned over tax line.

Other comments;  
None.

### 3. TERMINATION OF PUBLIC HEARING



**PEACE RIVER REGIONAL DISTRICT**  
**PUBLIC MEETING – Minutes**

**R-5**

**Proposed Draft Campground Bylaw**

March 2<sup>nd</sup>, 2016 @ 7:00 p.m.

**North Peace Leisure Pool, Fort St. John, BC**

**ATTENDANCE:**

**PRRD:** Brad Sperling, Director of Electoral Area 'C  
Karen Goodings, Director of Electoral area "B"  
Claire Negrin, Assistant Manager of Development Services  
Kole A. Casey, South Peace Land Use Planner

**Public:** Alva Stewart  
Walter Stewart  
Robert Herman  
Sean Gallagher  
Steve Dempsey  
Susan Dempsey  
Donna Svisdahl  
Russ Svisdahl  
Tony Zabinsky  
Randy Lindsey

**1. INTRODUCTION TO PROPOSAL**

- Introduction provided by Kole Casey

**2. PUBLIC MEETING DISCUSSION**

No Initial Comments or issues

**Topic : Greenspace**

**QUESTION:** Did this come from the Fire Chief?

**Director Sperling:** Me, I was concerned about safety. PRRD & Fire chief checked out and realized the safety and health issues

**QUESTION:** Why Now?

**ANSWER:** Because some are asking for year round use- propane tanks will be large, possible additions built. So applications are being deferred until we figure this out.  
Initiated in February 2015 and in Oct, board decided to have public meetings.

**QUESTION:** In the 20 feet greenspace, can you have your porches and decks? So does this allow for that?

Talks about tie downs, why?

**ANSWER:** May be reworted- just need to be secured so it does not move.

**QUESTION:** Just wondering what the interpretation will be in the future re; tie downs

**QUESTION:** Garbage bins, it requires one for every 8  
Right now I only have 1 big bin

**ANSWER:** Also discussed at last meeting. We will review that requirement. Centralized bins would

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be an option.

**COMMENT:** Operator can better monitor a central bin

**QUESTION:** So are you looking for direction?

Would you go by volume of garbage containers based on number of units?

**ANSWER:** Discussion is that it should be clean so it could be up to operator to decide how best.

**COMMENT:** We use bear proof containers already, and it is also much cleaner.

**PRRD:** We have been asked to define 'bear proof' do you want that?

**COMMENT:** Can't be wide open

**QUESTION:** Campfires- is that up to operator

**ANSWER:** We don't mention fires- leave that to operator. Currently we have that greenspace should be clear of debris, but does wood count as debris.

**COMMENT:** We wanted to keep our fires at the edge, if it isn't an issue, don't make it one.

**COMMENT:** Clearly this bylaw won't be applied to existing campgrounds

**ANSWER:** 3 options:

1. Bylaw only applies to new campsites, old ones are grandfathered.
2. Applies to new/old only when they change or expand.
3. Timeline for existing sites to meet new bylaw.

**COMMENT:** We spaced our services 30 ft. at 60 feet depth.

**QUESTION:** How do you deal with pushouts on RV.?

**ANSWER:** We haven't dealt with those, there has been discussion on that.

**COMMENT:** But 30 ft. should be sufficient for RV for push outs

**QUESTION:** So with deck spacing, is even more to include them in 20 ft.

**QUESTION:** Prior- did we ask senior government their role?

**ANSWER:** Yes, Northern Health, Province, Ministry of Transportation & Infrastructure, BC Campground Association have been referred.

**QUESTION:** Ask fire chief- is the fire act under his responsibility?

**ANSWER:** The Fire chief has been in discussion regarding bylaw.

**COMMENT:** Fire chief should be. Propane tanks are already CSA approved, so why are they now considered dangerous?

**ANSWER:** We are concerned of the guards and safety of those.

**QUESTION:** Why is propane unsafe here, but not in City of Provincial parks? Seems like there is no concern.

**COMMENT:** Garbage already covered by solid waste bylaw.

**ANSWER:** Within that bylaw they are.

**QUESTION:** Doesn't MOE have authority to deal w/ these issues

**ANSWER:** Northern Health.

**COMMENT:** Not in favour of bylaw that takes our freedoms away when other government bodies are already covering these issues. Bylaw is not needed. We don't need more bylaw that raises our taxes. People already can't afford to live.

**QUESTION:** Define work camps- how do they fall under bylaw- why are they defined

**ANSWER:** In order to differentiate between campgrounds in bylaw.

**COMMENT:** If campground becomes like a work camp.

**PRRD Question:** This Bylaw does not discuss timelines

**COMMENT:** Should we list the zoning bylaw regulations so that people are aware?



- PRRD:** For your information, fire chief is listed as an administrator.  
**COMMENT:** Have issues with fire chief or RD telling us what to do.  
**COMMENT:** The Regional District will check on fire issues with fire chief.  
**COMMENT:** Existing campgrounds have already met different regulations and will now have to redevelop.  
**ANSWER:** Yes, that will be considered whether we should grandfather  
**PRRD:** So which option is preferred?  
**ANSWER:** Should be grandfathered forever.  
**COMMENT:** But new developments modifications. Changes should meet new regulations.  
**COMMENT:** Grandfathering has to be acceptable based on a certain date.  
**COMMENT:** Existing decks/push outs won't fit until a redevelopment occurs.  
**COMMENT:** 20 ft. should meet those needs  
**QUESTION:** Propane tanks- what are standards:  
**ANSWER:** we are asking them to meet CSA standards.  
**QUESTION:** Will someone come and check on them?  
**ANSWER:** That is up for discussion  
**COMMENT:** They can be up against a building, just not by a window.  
**COMMENT:** So next to a RV if it is hit by a vehicle it won't make a difference where.  
**PRRD:** Read section of CSA Re: propose tank storage- summary, most are protected by posts  
**COMMENT:** Good idea to have them guarded, accidents happen but you never hear about propane tanks blowing up.  
**COMMENT:** Its all about how tank will be stored on property.

#### General discussion regarding propane tanks

- COMMENT:** Agree that it should be protected but do not believe a bylaw is needed to regulate it.  
**PRRD:** Showed pictures of existing campsites in region, showing propane tanks, skirting, distance b/w sites  
Idea is that campgrounds are not one size fits all.

#### Topic: Landscaping.

- PRRD:** We used existing standards within RD regarding buffering & landscaping  
**COMMENT:** We have 30-40 ft. of trees surrounding campground.

#### Comments on photos

- COMMENT:** Wouldn't centralized be better for bears/wildlife? Not as accessible to animals  
**PRRD:** Park model trailer is considered a camping unit  
**COMMENT:** Buffer- hate privacy slates because they look so bad after a couple of years  
**QUESTION:** If fire chief is responsible why put a bylaw in place? Fire chief said he wouldn't fight a fire if it isn't under a bylaw.  
**ANSWER:** Not all campgrounds are in fire protection area.  
**QUESTION:** Who is responsible for administering what area?



**ANSWER:** Present bylaw has a list of administrators- building inspector, bylaw enforcement etc..

**Topic: Duration of stay:**

**PRRD:** Not in this bylaw but in zoning; Does it need to be changed?

**COMMENT:** As long as they want.

**COMMENT:** No difference between 1 camper or three  
As long as you comply with regulation

**COMMENT:** If not meeting regulations- operator can kick someone out.

**COMMENT:** Does not follow Tendency Act therefore can kick someone out immediately

**PRRD:** We find it difficult to enforce

**PRRD:** We have had issues with abandoned RVs

**COMMENT:** Probably not an issue on private

**COMMENT:** Operator monitors people and their RV.

**QUESTION:** So how would it be dealt with because it is in zoning

**ANSWER:** Will be dealt with at a later date but wanted to get some feedback

**COMMENT:** Provincial parks have timeline

**COMMENT:** Reality is we know how campgrounds are being used in this area, so let's deal with it.

**RD comment:** Operators will manage the stays/duration of campers

**PRRD:** Because we are in the north, the weather dictates the duration of season.

**Topic: Group camping:**

**PRRD:** Presently no regulations. Should it be included and how?

**COMMENT:** Issue with numerous tents- lots of people making noise- they need to be dealt with separately.

**PRRD:** Currently a tent is a camping unit.

**PRRD:** Some older sites are large enough

**COMMENT:** That is up to owner how they manage them.

**COMMENT:** Group camping is usually short term but have to be considered as an option because there is lots of group camping. Some consideration should be made and reasonable.

**QUESTION:** Could it be left up to the owner?

**ANSWER:** Yes we could:

**Topic: home based business**

**QUESTION:** What is a welder?

**ANSWER:** If there is a welder in yard

**QUESTION:** No intention of regulation number of vehicles on site?

**ANSWER:** Not a consideration for health and safety.

**PRRD:** Want to see zoning brought up.

**PRRD:** Should show what our zoning regulations are. Going to EDAC?

**PRRD:** May go to Board first.

**QUESTION:** How did this bylaw originally come up?



- ANSWER:** originally brought up because someone brought it to the Boards attention.
- QUESTION:** How far will this cover?
- ANSWER:** Currently everywhere is area B, C, D, E, but can be up for discussion.
- COMMENT:** (concerning 6b) No site can be used for storage of anything but a camping unit. Can we have a discussion on that
- ANSWER:** Didn't discuss number of vehicles as long as there is one camping unit. So no storage
- COMMENT:** Should be reworded to be clearer.
- PRRD:** How?
- COMMENT:** Must be a camping unit in order to park at site, vehicles associated with a camping unit.. no storage sheds or garbage.
- QUESTION:** So will more bylaws enforcers be hired?
- PRRD:** No-only enforce based on complaints
- COMMENT:** Other besides bylaw enforcers will be able to enforce the bylaw.
- COMMENT:** Arizona rooms in winter?
- ANSWER:** Yes allowed just not attached or enclosed.
- COMMENT:** Owner could supply storage areas for campers
- ANSWER:** Yes but as long as it is permitted in zoning. I.e. Golf course has it for carts.
- COMMENT:** Clarify 20 ft. is that appropriate, what is consensus.
- COMMENT:** Enough but what can go in the area needs to be clarified
- PRRD:** Read definition of buffer
- COMMENT:** Can it include patios? 20 ft. is from outside of units.
- COMMENT:** Need a vertical setback (side of camping unit) so not things on ground:
- PRRD:** Zoning has exceptions that we could do.
- COMMENT:** 20 ft. is lots.
- COMMENT:** Should be from lot lines
- PRRD:** Municipalities are 10 ft. between buildings  
20 ft. between sites but 10 ft. between verticals  
So from wall to wall with exceptions or 10 ft. - no exceptions.
- QUESTION:** How do operators deal with recycling? Bylaw requires separation but will be followed
- COMMENT:** Up to operators
- COMMENT:** Shouldn't be mandatory. "Recycling can be available
- COMMENT:** Spacing  
New RV with 8 wide w 4 ft. slide with 6 ft. Arizona room is 18 ft. of space.
- COMMENT:** Up to operator to place them where there is sufficient area.
- PRRD:** Vertical setbacks would allow for that, will be reviewed.

**Topic: Noise**

- COMMENT:** Operator should enforce their own noise- have their own rules.

**3. TERMINATION OF PUBLIC HEARING**

- The Chair terminated the Public Hearing at 7:11 pm





**PEACE RIVER REGIONAL DISTRICT**  
**PUBLIC MEETING – Minutes**

**R-5**

**Proposed Draft Campground Bylaw**

March 3<sup>rd</sup>, 2016 @ 7:00 p.m.

**Peace River Regional District Office, Dawson Creek, BC**

**ATTENDANCE:**

**PRRD:** Claire Negrin, Assistant Manager of Development Services  
Kole A. Casey, South Peace Land Use Planner

**Public:** Steve Erickson  
Gordon Miller  
Chad Hayward  
Martha Hayward  
Bruce Simard (PRRD)  
Devon Bacon (PRRD)  
Jodi Hammer  
Harold Hammer  
Michael Jabbat  
Howard Moody

**1. INTRODUCTION TO PROPOSAL**

- Introduction provided by Kole Casey

**2. WRITTEN LETTER**

- Letter read (email previous received (attached to minutes below))

**3. PUBLIC MEETING DISCUSSION**

**QUESTION:** Why do we need it?

- Safety for general public?
- Under what land?

If RV's were jammed in people would choose not to stay there  
Let people decide- wouldn't it be easier.

**QUESTION:** How many complaints? If not then why?

**COMMENT:** Some of these policies are provincial jurisdiction

**QUESTION:** Have there been complaints regarding propane tanks?

**QUESTION:** Are some of the campgrounds within city limits

**ANSWER:** No jurisdiction in municipalities

**QUESTION:** Who was complaining?

**ANSWER:** The pig concern was brought up by the Director of Area 'C' & fire chief. Regarding statistics- when an application comes through- residents are concerned with noise/garbage/privacy & safety.

**QUESTION:** So no one from public was concerned.

**ANSWER:** Originally based on a bylaw enforcement file. (check with Bylaw on # of complaints)

**QUESTION:** There is a fire chief in Charlie Lake- he has no jurisdiction

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- ANSWER:** Yes he has jurisdiction in Charlie Lake.
- QUESTION:** So what do you do instead of Propane tanks,
- ANSWER:** Not that you can't have them- they just need to be safe.
- COMMENT:** CSA codes are difficult to access for the general public- cost money. Standards are good to bring to attention but are a bit too much.
- QUESTION:** Will this take into consideration of festivals and events?
- ANSWER:** Up for discussion, that would be considered a special event and would go through the process instead.
- COMMENT:** Why for official park and not for special events.
- ANSWER:** Not covered by this proposed bylaw.
- QUESTION:** Are there any exceptions? Does this apply to family that come and stay on land?
- ANSWER:** Hasn't been considered? Should it be?
- COMMENT:** No-bylaw shouldn't come into effect- will be a burden on taxpayers.

**Topic- Grandfathering:**

3 Options:

1. Existing campgrounds all grandfathered.
2. Existing campgrounds grandfathered until they are changed.
3. Existing campgrounds have a period of time to come into compliance.

- QUESTION:** So existing campgrounds wouldn't have to change? Could break a business- would have to lose sites but understand new sites and expansion.
- COMMENT:** In favour of grandfathering until expansion.
- QUESTION:** If 15 sites are existing, 5 are new - would only 5 new comply or now all 20 must comply?
- ANSWER:** Up for discussion.
- COMMENT:** In favour of grandfathering due to financial hardship-could be costly.
- QUESTION:** Would you have to apply for permits?
- ANSWER:** Up for discussion. Some campgrounds in BC require permits. In building inspection area would need a building permit.
- COMMENT:** If new bylaw- 15 sites but you have people come in for reunion, festivals, etc..
- ANSWER:** Not presently in bylaw- is considered a special event. Bylaw is specifically for private campgrounds (commercial)
- COMMENT:** Bylaw needs to be clear what it applies to. Because people are finding ways around the regulations.
- COMMENT:** Bylaw should not apply to special events.
- COMMENT:** These sites will self-police- public will choose whether they want to stay.
- PRRD:** Greenspace rules would prevent units being too close.
- COMMENT:** Public can stay in close together sites if they like. Demand for close or far sites will determine what or who comes- leave it up to the operator.
- COMMENT:** If public is comfortable staying where there are pigs that is their issue- user beware.
- COMMENT:** Makes no difference.
- COMMENT:** These issues can be sorted by the operator.
- PRRD:** What are your thoughts on additions?
- COMMENT:** Nothing wrong with them.

**April 29, 2016**



- PRRD:** Campgrounds are being used as work camps, long term.
- COMMENT:** Not today- but that money is going into local economy.
- QUESTION:** Difference between storage under RV or in shed?
- PRRD:** Actual units cannot be stored- campsites cannot be used to store things.
- PRRD:** Up to operator?
- COMMENT:** Operator should monitor what users are doing.
- PRRD:** Storage of flammable is a concern of fire chief.
- COMMENT:** Northern Lights RV fire: units were 15 feet apart and the fire did not spread.  
Another example is that with the additions- users drive away and leave them behind for operator to remove.
- COMMENT:** Want regulations to specify no additions.
- PRRD:** That moves from camping to temporary housing. Special event s are generally short term but temporary housing have different issues. Focus of bylaw is campgrounds.
- COMMENT:** As private operator you can kick people out who are messy or being a disturbance.
- Picture:** Showing sites originally designed for older trailers- does not consider slide outs or awnings- should they be permitted in greenspace?
- COMMENT:** Some existing sites are tight but they were built that way- is a lot of work and cost to reconfigure.
- COMMENT:** Up to operator to determine where users can go- and up to operator to keep site clean.
- PRRD:** Yes all campgrounds are different so regulations should try to accommodate.
- COMMENT:** Greenspace- tree buffer. 2.5 inches at shoulder- increase cost and maintenance but often seeding's grow better. Too much, expensive.
- PRRD:** Those regulations come from our existing regulations.
- COMMENT:** Not against regulations but if considering tourist trade- have these for tourism but it shouldn't be policed- better to help tourists know what to expect.
- ANSWER:** Like Good Sam, BC tourism etc.
- COMMENT:** If it goes through:  
Clarify- campground definition; needs more about festivals being excluded, need to discuss timelines (one week) so that weekend event are not covered by bylaw.  
Campsite; can see purpose but it restricts group camping or family camping.
- COMMENT:** One unit per site is not realistic.
- PRRD:** Yes is under consideration
- COMMENT:** Workcamps should also have items like volunteers. Sagitawa uses volunteers.
- PRRD:** Bylaw does not regulate work camps- definition only to differentiate it from campgrounds.
- COMMENT:** General: water supply and sewage. What if person uses water truck and sani-truck, what if each unit does? Make sure it is not too restrictive. Let it police itself.  
Camping unit; reword so that special events outside of designated sites.  
Roads can police themselves (7.2c) people will not want to stay there if access is poor.  
All of 7.2 should police themselves- don't legislate it, leave it up to them.
- PRRD:** Those are more for emergency access.
- COMMENT:** Yes agree that access is a Health and safety issue.
- COMMENT:** Violations:- each day issue offense, that could get carried away
- PRRD:** Generally it is not the case.



**COMMENT:** Prefer one violation per occurrence.

**COMMENT:** Leave it open to interpretation.

**COMMENT:** This area is experiencing a heavy work force- it will only take one incident of a PIG being hit- for lives to be lost. See a need for standardization. Because of work sites we are putting limits on campgrounds. The bylaw protects people and general public. Public has a right to safety and campgrounds are accessed by public.

**Topic: Duration of stay**

**PRRD:** Currently in zoning bylaw, 21 day/30 day, Extended 90/180.

**PRRD:** As campground- 14 is lots, as workcamp 3 months or more appropriate.

**COMMENT:** Should be able to apply for extended stay.

**COMMENT:** Lots of people stay and lengths of stay should be managed by operator. Operator needs to balance peoples fun with health and safety. Often workers are gone during the day and are not intrusive on the site. Should have something about requiring number of staff based on number of sites. Guidelines are appreciated.

**COMMENT:** If goes through;

- Alter definition of campground
  - Rental site for profit
  - Excludes non-profits because volunteers stay/live
  - If whole campground is rented by a single group- regulations don't apply.

**PRRD:** Add section of events?

**COMMENT:** Yes would help

**QUESTION:** Has duration been removed?

**ANSWER:** If found in zoning bylaw but is up for discussion.

**4. TERMINATION OF PUBLIC HEARING**

**April 29, 2016**





PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

- Widening the area from Trailer to trailer of all Regional & private.
- Negative comments to be family written down also possible to management
- Make sure you main composed & aim tracking Garbage dumping
- Sign of Regulation.

Submitted by:

S. Franklin

Contact Information:

Husband coffee talk



**Thank you for your input!**

Please submit your comments by March 21, 2016.

For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

If you have any questions, please contact:

Kole Casey, Planner

Email: [kole.casey@prrd.bc.ca](mailto:kole.casey@prrd.bc.ca)

Phone: 250-784-3205 PRRD Office: 250-784-3200

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April 29, 2016





PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

NOT IN SUPPORT

AS A TAX PAYER, THIS IS NOT  
GOOD USE OF PUBLIC FUNDS.

TO UN FAIR, DOES NOT COVER  
MUNICIPAL PARKS

Submitted by:

T. Paulley

Contact Information:

**Thank you for your input!**

Please submit your comments by March 21, 2016.



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PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

NO BYLAW! SMALL BUSINESS IS THE  
BACK BONE OF THE COUNTRY! STOP PUNISHING  
THEM WITH STUPID CONTROLLING RULES  
THIS PRRD SEEMS TO LOVE TO CONTROL  
EVERYTHING THEY CAN GET THERE HAND ON

Submitted by: JM Houde  
Contact Information: 250 788-7383

**Thank you for your input!**

Please submit your comments by March 21, 2016.



For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

If you have any questions, please contact:

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PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

I understand that ~~some~~ <sup>concerns</sup> raised concerning existing private campground issues can be addressed by existing authorities. WHY DO WE REQUIRE A PRRD CAMPGROUND BYLAW?

EXISTING AUTHORITIES AND DILIGENT, EFFICIENT OPERATORS SHOULD BE ALLOWED TO ATTEND TO THEIR BUSINESS WITHOUT INTERFERENCE FROM THE PRRD.

Submitted by:

Tom Soloshy

Contact Information:

(250) 788-7820



**Thank you for your input!**

Please submit your comments by March 21, 2016.

For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

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PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

why so much detail - Health & safety should not be  
 Address ~~prescriptive~~ - size of TREES, gravel roads, green space size  
 Too Prescriptive - These are private businesses  
 Gravel Pathways - new applications  
 - EXPANSIONS of 20%? of value  
 must come to code.  
 Note Yatch did a good job capturing comments ✓

Submitted by: BRENT WEISGERBER

Contact Information: 250 401-1762.

RADIO - CHET FM OR  
 Thank you for your input!

CBC + Facebook  
 Please submit your comments by March 21, 2016.



For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

If you have any questions, please contact:

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PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

*Coffey Creek RV.*

*We have done everything above & beyond our expectations, with the influence of the PRRD (Thank you).*

*We would just like to be finished so we can move on.*

Submitted by: Donna Suisdahl  
 Contact Information: 250 794 8436



**Thank you for your input!**

Please submit your comments by March 21, 2016.

For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

If you have any questions, please contact:

Kole Casey, Planner

Email: [kole.casey@prrd.bc.ca](mailto:kole.casey@prrd.bc.ca)

Phone: 250-784-3205 PRRD Office: 250-784-3200

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PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

- EXISTING PARKS SHOULD BE GRANDFATHERED.
- ADDRESS LENGTH OF STAY - SHOULD FIT HOW PARKS ARE BEING RUN - SHOULD ALLOW LONG TERM - LESS TRAFFIC
- CAMPGROUND BYLAW SHOULD NOT APPLY TO PARKS ALREADY BUILT - EXCEPT SAFETY ITEMS, WHICH ALREADY APPLY
- ADDRESS THE 20' BETWEEN CAMPING UNITS - SUGGEST MINIMUM 10' FEET BETWEEN UNIT - 20' FEET GREENSPACE TOO BIG 7.3 (C)
- RECYCLING BINS - SHOULD NOT BE MANDATORY (7.1)
- CLARIFY "TIE DOWNS" 7(2)

STERLING MANAGEMENT SERVICES LTD

Submitted by: Robert Herman

Contact Information: 250-787-6860

ROBERT.HERMAN@STERLING-MGMT-CA

**Thank you for your input!**

Please submit your comments by March 21, 2016.



For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

If you have any questions, please contact:

Kole Casey, Planner

Email: [kole.casey@prrd.bc.ca](mailto:kole.casey@prrd.bc.ca)

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PEACE RIVER REGIONAL DISTRICT

## Public Meeting on the Proposed Campground Bylaw.

Please provide any comments you have about the proposed Campground Bylaw.

*I need to see <sup>description of</sup> "extended campground" to include wording such as annual stay, due to the nature of Campground business in the Peace Region. As long as the site is kept compliant within the intended purpose of the bylaw. Sites kept tidy no additions/shoddy temporarily set up skirting etc. not tolerated. There should be no need to limit the duration.*

*in the Zoning bylaw*

Submitted by: Chad Hayward

Contact Information: 250-719-7999



**Thank you for your input!**

Please submit your comments by March 21, 2016.

For more information, please visit our Engage! page at [www.prrd.bc.ca](http://www.prrd.bc.ca)

If you have any questions, please contact:

Kole Casey, Planner

Email: [kole.casey@prrd.bc.ca](mailto:kole.casey@prrd.bc.ca)

Phone: 250-784-3205 PRRD Office: 250-784-3200

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**Doug Field (walk in) ( Groundbirch R.V)****March 1<sup>st</sup> 2016****Waste**

- Garbage bins don't work
  - 45 gallon drum with lid on top is what Mr. Field has (rarely anything in it)
- No real recycling ( Rural Area)
  - All goes into garbage
  - Each system is different for each person
    - Open scope and viable for (wiggle room)

**Roads**

- Gravel road properly graded
- Mot jurisdiction
- Who is the PRRD to tell what a road is safe to travel
- Definition of a properly graded road
- If you don't have good roads, people won't drive on them (properly drained, dust suppression)
- Remove from Bylaw

**Emergency Vehicles**

- Specify
- Above provincial standards?
- All pull through sites
- Over analyze and overkill- make it simple

**Greenspace**

- Restrict bussinesse in economic times
  - Provincial code?
- Some campgrounds will have 20 ft., some won't
- Greenspace has to be lawn?
- Don't need to specify
- 7.3 (b) camping unit into greenspace
  - Kids want a tent in area, won't be able to because greenspace doesn't allow a camping unit on it (tent is considered a greenspace)
- 7.3 (c)
  - Have fire pit in my greenspace
    - No firewood to burn it, is it considered deadbrush?
    - No newspaper either.

**Propane & fire extinguishers Regulation**

- Don't need the specification of propane storage
- Provincial controlled

**Grandfathering**

- Extensions of new campgrounds
  - Give options to meet code with older campgrounds

**Landscaping**

- Alaska highway is above grade of campground

**April 29, 2016**

- Would have to follow up 271 Rd and Alaska Highway (\$)

## Enforcement

- Complaint driven is more economical

## With everything

- Want to see a standard, something I can follow, black and white
- Absolute minimal regulation because provincial is already in place.

Moberly Resort and Marina

C/O Box 2280

Dawson Creek, BC

Dear PRRD

I am co-owner of Moberly Lake Resort and Marina. I attended two meetings regarding the proposed bylaws – one in Chetwynd and one in Dawson Creek.

Thank you to Claire for her accurate note-taking, Dan Rose in Chetwynd for being open and approachable and to Kole Casey for all his efforts and effectively hosting the meetings.

I am not in favor of this proposed bylaw draft.

After managing the Marina for 16 years I am well aware of the seriousness of keeping the area safe and the constant need to consider the well-being of patrons. I also believe strongly in the natural enjoyment of the outdoors and the camaraderie that camping provides. Effective managing requires balancing the safety aspects with the recreational aspects. It is not easy to do it well and almost impossible to do it perfectly.

While I agree that urgent concerns should be dealt with by the appropriate agencies, I do not feel that private owners should have to adhere to these proposed overbearing rules and regulations. Private campgrounds are unique and should be respected as such. I feel the PRRD could act more effectively in this arena as an educational and/or communicational body in regards to private campsites' health and safety operations.

Thank you

Jodi Hammer

**April 29, 2016**

Caron Creek RV Park  
A Division of Caron Creek Farm Ltd.

Po Box 2502, 7545 Hwy 97S  
Chetwynd, BC  
V0C 1J0

March 20, 2016

Public Meeting on the Proposed Campground Bylaw

Peace River Regional District  
Dawson Creek, BC  
V1G 2G4

Dear Sir/Madam,

We would like to address our thoughts and concerns:

Leaning on your statement, we don't see the need to have a bylaw put in place.

Only one occurrence in our region, were a Campground owner was hard to deal with, doesn't justify a bylaw for **everybody (13 Campgrounds)**.

For example:

The cost for the buffer area alone would create an enormous investment (roughly \$10,000).

By planting trees of the suggested size, there is no guarantee for their survival. In addition, trees take tremendous time here in the north, to grow into size.

Partial replanting would probably be on a yearly schedule, which would create a constant investment in new trees besides the fact, that it would take a yearly work-effort in addition to equipment disturbing the lawn-/green areas.

As we already mentioned in the meeting, certain suggested regulations would serve us severe problems.

In order to meet your suggested minimum space between campers, we would be forced to shut down every second campsite, which would then create a far higher minimum space than required. From currently 45 sites, it would leave us only 20. The bylaw would therefore reduce our income (which is never guaranteed) by 50% if not more.

Of course there is the other option, to rebuild the entire Campground, in order to make it meet your suggested requirements, but in all honesty, this version is clearly and without any doubts financially impossible for us, completely out of range.

We bought the Caron Creek RV Park just a few years ago, for a lot of money. Ever since, we were/are continuously forced to invest huge amounts of money into the old facilities, in order to make them first of all more attractive for our customer but also meet our personal standards.

'Grandfathering' is certainly a possible suggestion, but making you aware at the same time that even that will create significant problems. Not right away, but at a later time, for example in case of selling the business.

April 29, 2016

We can't see anybody showing even the slightest interest in buying a Campground, when being forced to meet such bylaw rules after the purchase.

The bylaw would clearly in the long run decrease the value of our Campground (amount we invested) by 50% or more.

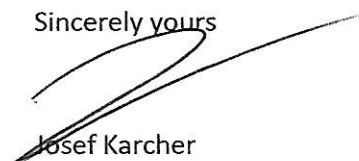
It is hard enough to compete with the Campground in town. In regards of competition, we would like to mention, that it goes without saying, that additional extensive investments can't be passed on our customers, by increasing rates.

Therefore, please accept our deepest concerns and the fact, that we are full of worry about our future existence, since the bylaw would only have very negative impact and consequences for us (50% lose of expected yearly income in comparison additional huge investment, lose of value).

We understand, that there might be the odd Campground owner, that would benefit from 'being educated', but a bylaw for the entire region is in our opinion neither fair nor necessary.

The Caron Creek RV Park invites you to stop in and check the facility any time. We'll welcome you open minded, appreciate your expertise as well as any current concern, should there be one.

Sincerely yours



Josef Karcher

Owner / President / Host of  
Caron Creek RV Park  
Phone# 250-788-2522

April 29, 2016

PEASE RIVER REGIONAL BOARD AND DIRECTORS

Chair McPherson and board

Unanswered questions

STOP PLAYING GAMES.

Mar. 14-2016

If the glove doesn't fit, you must acquit, but in your case the glove fits you must admit. We can keep playing ring around the rosy or we can stop protecting the perpetrators, the choice is yours. This has always been the case, surely by now even the most determine people on the board are realizing that they are endangering their own political career, and for what? To protect two or three staff members and the chair, if for some reason any of you are gullible enough to believe this was an over site by the chair I am sorry. If any of you think three years to answer my questions is reasonable I am sorry. If any of you people think asking the past administrator/ staff for legal advice is reasonable, I am sorry. If any of you think asking the present administrator for answers will help, I am sorry. I made the mistake of asking if he signed by-laws with or without the corporate seal he answered by saying he didn't know if he did or didn't, he could have, maybe, he wasn't sure. So was he being a smart ass or what? He says he doesn't know when the PRRD stop using the corporate seal, he says he doesn't know who decided to stop using the corporate seal. Well, I guess you have to excuse him after all he only takes home in the neighbourhood of \$200,000.00 a year. What can you expect, does anyone know why he's there? I have been to many forums at election time never have I heard " if I get elected I will protect anybody who breaks the rules". As I've said, while you dig a bigger and bigger hole, let's hope it's not for you, this is all just to protect the old regime, I have no plans to go anywhere soon so please answer my questions completely and honestly, without the help of the perpetrators. If for some reason you feel obligated to ask the past administrator for answers you might want to ask him did he fire or ask for the resignation of two staff members, and if it was because they refused to change documents.

I have not been getting any replies to my emails WHY? do you think by not answering this will go away? Absolutely Not I am here for the long haul, mark my word,you're making a big mistake!

Regardless of what one director said they felt this to be a dead issue it is ""NOT""

Walter Stewart

April 29, 2016



Chair and Board of the PRRD.

Mar.6-2016

Comments on your proposed Camp Ground Bylaw

Myself and my wife attended a meeting at the North Peace Leisure Pool meeting room Mar. 2 2016, regarding the Peace River Regional District Campground Bylaw. I, personally was disgusted to see the manipulation by the PRRD the people involved or possibly contemplating being involved in the campground business. What I see is a type of blackmail to control present and future owners and operators involved in this venture. It seems the PRRD have okayed zoning for campground and now I understand the very people who jumped through all the hoops and spent hundreds of thousands of dollars, possibly over a million, are held ransom by what I perceive as a power hungry director. I am referring to is the campground at mile 62. I had the opportunity to see it under construction and what I observed was that it was developed over and above any reasonable expectation. I personally would give it 100% plus! These people have worked their butts off and now, after doing everything first class and according to any standard, I have been told that if the proposed camp ground bylaw is rejected they wouldn't get the necessary permits to proceed. I want to tell you once again I am totally against your proposed camp ground bylaw. Your conniving and what I perceive as heavy handed blackmail tactics used in an effort to control a huge area are unconscionable! WHAT THE ARE ZONING BYLAWS FOR ? Your actions are cruel, dictatorial and very disturbing, your quest for control is unacceptable. When will the madness end?

PS : I believe you were elected by the people for the people, not elected by the people to police, control, deceive, black male or trick the Electorate by pushing another bylaw on the whole Peace River District. If you and your staff are not capable of writing effective zoning bylaws, don't ask the entire area to pay for mistakes that without doubt in my mind were made by the incompetence of the PRRD board and staff.

This is my understanding and feelings on this issue

Walter Stewart

April 29, 2016

From: Marg Keith <margk81@gmail.com>  
Sent: Sunday, March 13, 2016 4:31 PM  
To: Kole Casey; Director Leonard Hiebert  
Subject: PRRD's proposed campground bylaw

Dear Kole and Leonard:

I have read the PRRD's proposed campground bylaw and I have major concerns about this bylaw which I have listed below on March 13, 2016.

Please keep me informed of the Regional District's plans in regards to this bylaw.

1. I don't see the need for a campground bylaw within our regional district as fire and safety matters are covered by the BC Fire Code and other provincial and national regulations.
2. I don't see the need to set a minimum size of each campground; the public will choose a site that they prefer, someone with a tent or small camper may choose a smaller site that someone with a 40 foot motorhome. Some campers will choose a site that is an adjoining site with a neighbouring campsite so they can camp with family or friends so the need for a buffer zone is unnecessary for them.
3. I don't see the need for a fence to screen view from the outside of the campground area for all campgrounds; some campgrounds are screened by trees or the lay of the land and don't need a fence.
4. It is better to encourage a wide spectrum of services with corresponding spectrum of camping fees, so families who want a basic campsite with few amenities can find such a facility at a reasonable nightly rate, while those wanting more hookups and amenities and larger lots can choose from campgrounds that charge more for the amenities. This bylaw would force campground owners to invest more in their facilities and have fewer campsites which would likely lead to higher campsite fees for all campers. We need to encourage more families within our regional district to get out and enjoy nature and to spend time as a family unit - the requirements of your proposed bylaw would increase the cost of getting out camping and thus prevent some families from enjoying nature in the Peace Country.
5. The PRRD should not be encouraging "high-end" campgrounds that can meet the new bylaws while the more modest campgrounds will be squeezed out of business because they cannot afford to make the stated improvements OR for a person planning a new campground, he/she cannot afford to plan for the necessary spacing, fencing, buffer zone, recycling services, garbage services, etc. in the proposed bylaw
6. As for # 6 (b) and (c), why is it a problem if someone parks a non-recreational vehicle or equipment in a campsite? Perhaps someone needs to park a boat in a spot on a short-term basis. Surely it's the owner's job to regulate what is parked in each campsite.
7. In conclusion, I feel that the PRRD's proposed Bylaw to establish standards for campgrounds should be cancelled.

From

Margaret Keith

**April 29, 2016**

a landowner in Farmington

[margk81@gmail.com](mailto:margk81@gmail.com)

phone: 250-843-7115

**R-5**

**April 29, 2016**

From: Wayne & Margaret <hilcrest@pris.ca>  
Sent: Friday, March 11, 2016 3:17 PM  
To: Kole Casey  
Cc: Director Leonard Hiebert  
Subject: Proposed Campground bylaw

Kole, As per our telephone conversation. If you need further discussion, please contact me. In any case, I'd appreciate updates on any progress. Thanks.

Comments on proposed campground bylaw in PRRD. March 11, 2016

1. First, I question the need for this bylaw. Health and safety regulations and fire codes already apply to all businesses .

2. Diversity in the types and sizes of campgrounds, and the amenities (or lack of) is surely in the best interest of all those who choose to use them. Not everyone has the same wants or needs, and private campgrounds should be allowed to cater to the customers they wish to attract. Surely user choice is being threatened here. If I don't like what a campground provides, even if that is fairly basic camping , then I can choose not to go there. I don't believe you should be encouraging (nor discouraging) 'Cadillac' campgrounds with all huge sites and fancy amenities that tend to cater to those who have 40foot motor homes. Surely there is room for more basic sites within all campgrounds, and room for those campgrounds which choose to be entirely more basic. Also, since you have no jurisdiction over Municipal and other campsites, you are creating a grossly unfair market.

3. Specifically, the most onerous part of this bylaw is the site size requirement. It is ridiculously large for a MINIMUM size and is offensive to those of us who do not travel in huge luxury units, especially since it allows only sites of this size and LARGER.

4. I question paragraph 6 b &c. Why would you care if someone temporarily parks a piece of equipment in a site? Surely that's a situation for the owner to decide and work out with his customers if they object.

In summary, I believe this bylaw should be scrapped. It does nothing to address any fire or health and safety concerns, and only serves to encourage big fancy new campgrounds to the detriment of more basic ones. It brings to my mind 2 nasty thoughts:

1. that it is being pushed by people who wish to get into the campground business and eliminate competition
2. that the PRRD is again attempting to increase its power by interfering with areas that do not need more legislation.

Wayne Smith, Farmington

[hilcrest@pris.bc.ca](mailto:hilcrest@pris.bc.ca) 250-843-7115

April 29, 2016

To: Gary Pryzner, Director  
Subject: RE: PRRD Engage Consultations - 02/23/2016

From: Gary Pryzner, Director [mailto:sagitawa.director@xplornet.com]  
Sent: Tuesday, March 01, 2016 5:03 PM  
To: Kole Casey <Kole.Casey@prrd.bc.ca>  
Subject: RE: PRRD Engage Consultations - 02/23/2016

Hi Kole...

Unfortunately we have a Board Meeting tonight. And I have another meeting on Thursday.  
I can try to make it on Wednesday.

Our main concern is fixed by the fact that even though we have RV sites, we make about \$200 annually on them. They are not at all a resource for income and therefore are not maintained for the purpose of acquiring more rentals. Our main use of them is for staff who come in the summer.

Gary

---

From: Kole Casey [mailto:Kole.Casey@prrd.bc.ca]  
Sent: February-24-16 4:13 PM  
To: [sagitawa.director@xplornet.com](mailto:sagitawa.director@xplornet.com)  
Cc: prrd dc; Bruce Simard; Claire Negrin  
Subject: RE: PRRD Engage Consultations - 02/23/2016

Hello Mr. Pryzner

Thank you for your email and your input concerning the proposed Draft Campground Bylaw.

Regarding family or group camping, you are correct in stating that there is no mention of this within the Draft Campground Bylaw. Because the Bylaw is in a Draft stage, there is opportunity for changes based on input we receive through correspondence and at our upcoming Public Meetings. All comments that we receive will be considered. We have made note of your concerns but I encourage you to attend one of the upcoming meetings for additional information. I have attached the Public Meeting Notice if you have not seen it already.

Once again I would like to Thank you for your comments and hope to see you at one of the meetings,

All the Best,

**Kole Casey, EPt**  
Land Use Planner  
Direct: 250-784-3205  
[Kole.Casey@prrd.bc.ca](mailto:Kole.Casey@prrd.bc.ca)

**Peace River Regional District**  
PO Box 810, 1981 Alaska Avenue  
Dawson Creek, BC V1G 4H8  
Toll-free (24 hour): 1-800-670-7773  
Office: 250-784-3200  
Fax: 250-784-3201

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From: prrd dc  
Sent: February-24-16 8:42 AM  
To: Bruce Simard <[Bruce.Simard@prrd.bc.ca](mailto:Bruce.Simard@prrd.bc.ca)>; Kole Casey <[Kole.Casey@prrd.bc.ca](mailto:Kole.Casey@prrd.bc.ca)>; Claire Negrin <[Claire.Negrin@prrd.bc.ca](mailto:Claire.Negrin@prrd.bc.ca)>  
Subject: FW: PRRD Engage Consultations - 02/23/2016

Edda Berthold  
Receptionist/Secretary  
Direct: 250-784-3200  
[Reception.dc@prrd.bc.ca](mailto:Reception.dc@prrd.bc.ca)

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From: Gary Pryzner, Director [<mailto:sagitawa.director@xplornet.com>]  
Sent: February-23-16 5:48 PM  
To: prrd dc <[prrd.dc@prrd.bc.ca](mailto:prrd.dc@prrd.bc.ca)>  
Subject: RE: PRRD Engage Consultations - 02/23/2016

To Whom it May Concern...

Ouch... that Campgrounds Bylaw would hit us hard in a few ways.

Some of the stuff we already do – (i.e. garbage, sewage), but some not so much.

Example, we just added underground connections to our RV area, turning it into 7 serviced lots. But according to the Bylaws, we would only have room in that tract of land for 3 lots. Ours are not small, and rental groups that come often know each other and park closer than we would think they would want. One family group that comes puts all their RV's in a "wagon circle", forming a little village for themselves. They love it. They fill with water before the weekend and dump in our cleanout after the weekend. Everything is done safe and allows for anyone of them to exit if need be. I do not believe this kind of thing is what you are trying to stop. But as yet, there is no wording in the Bylaws that would exempt us from having to follow them. Or did I miss it?

Gary Pryzner  
Camp Sagitawa



From: Kay Moody <kmoody@pris.bc.ca>  
Sent: Thursday, March 03, 2016 2:04 PM  
To: Kole Casey  
Cc: Director Leonard Hiebert  
Subject: By-law No. XXXX Draft, 2015

Larry and Kay Moody

Box 61, Pouce Coupe, BC, V0C 2C0

March 4, 2016

Mr. Kole Casey

Peace River Regional District

Re: Peace River Regional District By-Law No. XXXX Draft, 2015:

We wish to state some objections to this by-law:

- 1) Please consider with me why some of us choose to live out of town in rural areas where we must bear the expense of clearing our own land; build our own road access; pay to have our own power lines installed; pay to dig our own sewer lagoons and maintain them; make provision for our own source of water; and deal with the expense of driving from our homes to the local trading area.

For many of us, the reason we cheerfully accept the above responsibilities, is because of the belief that the land we live on is ours to do with as we please as long as it has no negative impact on anyone else. In other words, FREEDOM. Basically we look at this type of by-law and say, "What gives you the right to tell me what I can or cannot do on my own land?"

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- 2) One of the reasons stated for the “need” for this by-law is that fears have been expressed that unregulated private campgrounds might inconvenience neighbors. We would like to see statistical evidence supporting this. a) How many complaints have been received in our area regarding inconvenience incurred to neighbors by the presence of private campgrounds?
- b) Have attempts to reconcile these differences been unsuccessful using regular legal channels?

3) Another reason given was safety/protection, of campground clients, surrounding environment, and legal protection for the landowner in case of fire damage lawsuits. Again, please supply the number of these types of situations that have occurred within our Regional District. Furthermore, if these situations did actually occur, was there no way for the parties involved to achieve satisfaction through existing legal processes?

It may be suggested that the by-law conditions are not unreasonable. Most of them are things any one building a campground would do anyway. If the Regional District wished to publish, “Suggested Guidelines for an inviting Campground” or something similar, that might be useful. However, we react very negatively to the belief that everything that happens needs to be regulated. That concept discourages initiative, creates a false sense of security, and creates disrespect for law. Human beings are incredibly creative. As soon as some behavior becomes regulated, people inevitably dream up other behaviors requiring even more laws, which keeps the process going on ad nauseum.

Totally apart from the irritation factor (which is considerable!), the result of this belief that every problem or difficulty or potential possible hazard requires a law, is an ever increasing bureaucracy. Regulations require staff to inform, monitor, and

enforce them. People needing approval or proof of having fulfilled required regulations then need to apply to have inspections done to demonstrate compliance. This causes lengthy, expensive waiting, usually while paying for rental of equipment or contractor time. In response to the inevitable complaints this process generates, the response is often for the enforcing inspecting agency to hire more staff. If this is done, as it often is, the result is that more tax money is required, which removes more from the pocket of the landowner and everyone else. Many of us find this whole process extremely irritating.

To re-iterate:

Most of us who choose to live in rural areas are usually NOT expecting others to look after and protect us. If we need something, we either do it ourselves or expect to pay for it when it happens. We do not expect to be watched and protected and required to pay for years for what might someday happen.

We would appreciate your consideration of these points of view.

Yours truly,

Larry and Kay Moody

April 29, 2016



# Peace River Regional District

## Development Services

### BYLAW ENFORCEMENT REPORT

To: Electoral Area Directors Committee

Date: March 31, 2016

From: Erin Price, Bylaw Enforcement Officer

Subject: Enforcement File Update

#### INFORMATION

Attached is a table summarizing the enforcement files- current to March 31<sup>st</sup>, 2016.

To date, there are 33 Bylaw Enforcement Files in total (Active + Inactive).

#### Active Files- shaded blue:

There are 26 active enforcement files.

3 files are new since the last report.

1 file is a property owner who was found in contempt of court twice and fined (It is possible this file can be closed on May 5, 2016).

#### Inactive or On Hold Files- shaded green:

There are 7 inactive or "on hold" files.

1 has had an extension revision from the ALC until July 23, 2018.

1 involves too many homes for the zone, 2 of the residents are trying to relocate.

The complainant and the other neighbors do not want them evicted and are happy with the current state of the file.

1 has been put on hold pending a new campground regulation bylaw.

2 have been deferred by the RB pending the NPFA OCP revision

1 is applying for a BP, once structure is complete sheds in setback will be removed.

1 has 2 deadlines to meet- April 16<sup>th</sup> and August 16<sup>th</sup>, 2016.

#### Closed Files- shaded orange:

There have been 4 files closed since the last report

1 of these has been opened and closed since the last report.

1 was an old inactive file.

**April 29, 2016**

Staff Initials: *EXP*

Dept. Head: *Bruce Simard*

CAO: *Ch. G. K.*

Page 1 of 1

# ACTIVE FILES

R-6

## Bylaw Enforcement File Summary Mar. 31, 2016

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	STATUS	CIVIC ADDRESS LEGAL DESCRIPTION	ELECTORAL AREA
1	2007	91	WHITFORD, Jerry	27-Apr-07	Junkyard in residential zone	Met Mr. Whitford at property on Feb. 22, 2016. Will contact him with more information.	12498 256 RD Lot 1 & 2, Plan 27341, Part SW-15-86-19	B
2	2007	132	LUNDQUIST, Lanny	27-Jun-07	Junk yard in C-2 zone	Need to update Board after the expiry of the Bylaw Notice Ticket- on Oct. 5/15. Disputed ticket- working on a Compliance Agreement	7087 255 RD L 1 24-83-18 PI 9697	C
3	2007	203	CLAY, Martin & Wendy	17-Apr-07	Concern regarding a recycling and salvage yard operating in Rolla not in compliance with zoning	2 or 3 of the lots are completely clear of all scrap metals and vehicles. Mr. Clay passed away on or about Dec. 23, 2015. Will contact family soon.	5209 Rolla RD Parcel A (S22581), Blk 1, Plan 10648, 32-79-14; and Parcel B (T18682), Blk 1, Plan 10648, 32-79-14; and Lots 5, 6, 7 & 10, Blk 1, PI 10648, 32-79-14	D
4	2009	96	MEEK, Faye & SINCLAIR, Brandy	10-Jul-09	Non-farm use in ALR & commercial use in A-2 zone	Bylaw Notice Ticket paid, plan for compliance reached to have business moved and property re-zoned by May 31, 2016.	Just off Hwy 97N in FSJ Pt NE 1/4 3-84-19	C
5	2010	64	LEFFERSON, Allan	12-Apr-10	Salvage yard in A-2	March 13, 2015- I spoke to Tammy from Richmond Steel. They are planning to go when it dries up- March 2016 activity on property however not likely to be completely cleaned or remain cleaned up	13492 & 13522 Old Edmonton Hwy Lot 1, PL 28960, 21-77-14	D
6	2010	107	SAMUEL RANCH LTD	19-Jul-10	3 homes	ALC has requested consolidation of a full section with a half section. Property owners are requesting an alternative	13805 Rose Prairie RD Lot 16, Plan 3986	B
7	2011	207	LUNDQUIST, Lanny	15-Nov-11	Unsanitary Premises, 20-30 vehicles and junk yard	There has been some improvement, Mr. Lundquist has sold the tractor that was outside the fence.	9336 Willow RD Lot 2 & 3, Blk 4, 35-83-19 Plan 14402	C

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# ACTIVE FILES

R-6

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	STATUS	CIVIC ADDRESS LEGAL DESCRIPTION	ELECTORAL AREA
8	2012	72	SCHAEFER, Waldemar & Olga	3-Apr-12	Industrial activity in residential area-Charlie Lake	Order amended to prohibit commercial trailers with the trucks. Fines imposed. Burnt out commercial truck had been removed we instructed lawyer not to pursue more fines at this point	13374 Park Front RD Lot 6, Blk 1, 19-84-18	C
9	2012	210	DONALDSON, Hilding	12-Oct-12	Salvage yard in A-2	Spoke to new owner on Feb. 24 and took pictures on site Feb. 25, 2016. Property is noticeably improved and Mr. Donaldson is no longer involved. Will continue to work with new owner	15927 Prespatou RD NE 30-86-19	B
10	2013	91	SHEARS, John	23-May-13	unsightly premises	noticeable improvement, lots 7 & 8 are clean, lot 6 has a renter and is a work in progress	7617 269 RD Lot 6, 7 & 8 PL 13235, 26-83-19	C
11	2013	102	NORNBERG, Neil	3-Jun-13	Salvage yard in R-4 Zone	March 13, 2015- I spoke to Tammy from Richmond Steel. They are planning to go when it dries up	1728 210 RD Lot 2, Plan BCP30608 28-78-15	D
12	2013	164	ZIRA PROPERTIES	03-Sep-13	Property set up as a trucking company	only 3 trucks and 1 trailer remain, sign advertising them for sale, no sign of business currently operating	10782 East Bypass RD Lot 8, 5-84-18 Plan 38300	C
13	2013	206	MAXWELL, Joe	4-Nov-13	Storage of many old vehicles	RCMP reported a person, impersonating a PRRD Bylaw Officer, went to Mr. Maxwell's place of employment and complained to his supervisor that buses could not turn around on Fell Rd. I reported that it was not a PRRD employee.	13305 Fell RD Lot 2, Plan BCP38667 19-84-19	C

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# ACTIVE FILES

R-6

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	STATUS	CIVIC ADDRESS LEGAL DESCRIPTION	ELECTORAL AREA
14	2013	207	WESTERGAARD, William	4-Nov-14	Storage of many old vehicles	have not looked at file yet	12937 Cherry RD Lot 1, Plan BCP 38667 19-84-19	C
15	2014	116	OSTERLUND/ GILLET/UNRUH	23-May-14	Railway repair business	sent Bylaw Notice Ticket No. PRRD 00129- unnecessary delays	Between 6352 & 6342 Daisy Ave Lot 3, Block 2, 34-83-18 Plan 16203	C
16	2014	219	BLAIR, Roxann	17-Sep-14	Junk yard in R-4 zone	RB approved court action if not in compliance within 30 days. Deadline is April 10, 2016.	3992 Blair RD DL 2083	E
17	2014	245	EVENSON, David	20-Oct-14	Junk yard in R-4 zone	ABC Recycling left a "metal only" container which Mr. Evenson filled. Mr. Evenson told ABC not to bring another bin for the garbage.- Sept.29/15 sent warning ticket and letter	1372 210 RD Lot 5, 27-78-15 Plan 11473	D
18	2015	96	STEWART, Andrea	5-May-15	Complaint was of unsightly property but no Unsightly Bylaw in area. Storage of scrap vehicles, scrap metal and ruined travel trailers	Spoke to renters on Jan. 18/16. Vehicles and travel trailers have been removed. Asked for some more vehicles and vehicle parts and scrap metal to be removed. Will follow up in March or April 2016.	6702 Dokkie Access RD Lot A, DL 2980, PR, PL34149	E
19	2015	97	WIDDICOMBE, John & PHILLIPS, Randy	5-May-15	Complaint was of unsightly property but no unsightly bylaw in area. Storage of many old vehicles	John called me and I asked for a written plan for compliance but did not receive one. Will send a letter to all property owners (there are 5 listed)	5907 Hillview Access RD Lot 3, DL 1909, PR, PL 26267	E
20	2015	250	SMITH, Frank & John (both deceased)	6-Nov-15	Dangerous buildings & contents. Vacant land & buildings for years- owners both deceased. Strangers come to dump garbage and vandalize	Opened file, sent initial letter. Contacted Les Dellow(lawyer representing family)?? Asked for his assistance in contacting executor.	7114 Jorgensen Sub Lots 20-23, S31, T78, R15, W6M, PR, PL 13534	D

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## ACTIVE FILES

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	STATUS	CIVIC ADDRESS LEGAL DESCRIPTION	<b>R-6</b> ELECTORAL AREA
21	2015	254	SUNDMAN, Glenn	13-Nov-15	No sewer, furniture and hay bales stacked around holiday trailer being used as a residence, wood stove	Opened file, sent initial letter to complainant, did a property visit	5266 West Arras RD E1/2, S8, TP 78, R17, W6M PR EXC PCL A(A1051), PCL B(PL 17268) & PL H311	D
22	2015	268	PRRD- Montney Centennial Park	25-Nov-15	2 abandoned campers in park	units have been towed. Posted letter at site and sent letter to registered owner	14460 279 RD PT SE1/4, S23, T85, R20 W6M Lying S of Bk F	B
23	2015	288	GOLDEN SUNRISE LAND DEV	14-Dec-15	Industrial Use in C-2 zone, yard lights shine in homes	contacted by a planner on Jan. 29/16- hired by land owner to try to come into compliance.	13076 Firehall RD Lot 1, S17, T84, R19, W6M PL 4750, EXC portions of PL PGP47983 & BCP 5647	C
24	2016	5	STEWART, Bernie	8-Jan-16	Dumping and burning construction waste on A-2 Land	Bernie came to office, spoke to Bruce. He said property 80-90% cleaned up. Only metal left- will clean up in Spring. He understands he is not allowed to do this and said no more will come onto property.	13705 211 RD NE 1/4, S18, TP77, R14, W6M PR	D
25	2016	18	RAZOR VAC TRUCKING LTD	27-Jan-16	Cleaning oilfield equipment in I-1 Zone	Contacted owner. He has land in Pink mtn that this business could move to and be in compliance. He is planning for the move and I will touch base on or about Feb. 22/16	13450 Julia Frt. RD Lot 1, S25, TP 84, R20, W6M, Peace River, PGP47158	C
26	2016	46	EMME, Wolfgang	24-Feb-16	abandoned truck on PRRD property	On March 1st the owner of the truck reported that he had removed the truck from PRRD property. Waiting to visually confirm before closing	19495 Beatton Airport RD Lot 12, DL 777, Peace River, PL 16785	B

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# INACTIVE FILES

R-6

## Bylaw Enforcement File Summary Mar. 31, 2016

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	STATUS	LEGAL DESCRIPTION	ELECTORAL AREA	DATE PLACED ON INACTIVE LIST
1	2011	5	GOERTZ, Howard- sold to WARD	7-Dec-11	Worker Camp	ALC gave new owner WARD extension until July 23/18. Our TUP is on hold until then	Block A, District Lot 1307	B	11-Mar-15
2	2012	109	AKULENKO, Andreas & Olga	28-May-12	four homes on A-2 Zone	Property owner knows no more homes can be placed, 2 of the families are looking for alternate place to live. Neighbours do not want them evicted and are satisfied with current state of file	12728 260 RD SE 1/4, 4-87-19 W6M	B	1-Apr-15
3	2014	104	SILVER SPIRITS INVESTMENTS	20-May-14	Campsite operating long term contrary to C-2 Zone	Text Amendment Application- received Tabled by The Board pending a new Campground Regulation Bylaw that Kole is working on	10688 Alder RD Lot 8, Plan 9723, 2-84-19	B	15-May-15
4	2015	103	GARDNER, Robert	6-May-15	Oilfield equipment storage on A2 land	deferred at Jan. 14/16 meeting pending NPFA OCP revision	9819 240 RD PCL A (46726M), 19-83-18, W6M PR, EXC PL 20464	C	27-May-15
5	2015	251	KILFOYLE, Robert	6-Nov-15	3 Sheds located within Interior Side Parcel Setbacks	will bring in a BP application to add onto his home, move the business into the home and remove the sheds from the setback	12278 Oak Ave. Lot 7, Block 5, S2, T84, R19, W6M, PRD, PL 15012	C	14-Dec-15
6	2015	263	DUSTY ROSE ENT	20-Nov-15	tank farm in I-1 Zone	deferred by RB pending NPFA OCP Revision	9808 240 RD Lot 10, S30, T83, R18, W6M, PR, PL 24226	C	18-Dec-15

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# INACTIVE FILES

R-6

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	STATUS	LEGAL DESCRIPTION	ELECTORAL AREA	DATE PLACED ON INACTIVE LIST
7	2015	265	Dr. BADENHORST	24-Nov-15	3 dwellings on .63 acres, no BP's, ALR Land	Issued a SWN and warning ticket. Bruce and Bailey met with Dr. Badenhorst on Feb. 15/16. He was given 6 months to bring in a BP application for a home with plans. He is working on moving the smallest building out of the setbacks. DP has been issued and DVP application is underway	8931 Old Fort Loop Lot 7, Bk 2, DL 418, Cariboo Situated in the PRD, PL 18222	C	26-Jan-16

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# CLOSED FILES

R-6

## Bylaw Enforcement File Summary Mar. 31, 2016

	YEAR	FILE NO.	LAND OWNER	DATE OPEN	COMPLAINT DESCRIPTION	DATE CLOSED	STATUS	LEGAL DESCRIPTION	ELECTORAL AREA
1	2014	130	WHITE, Jamie and Jennifer	09-Jun-14	Dugout for fracking purposes	6-Jan-16	Site visit revealed that equipment is gone, only 2 white sea cans remain and the use has ceased	5371 West Arras RD NW 1/4 8-78-17	D
2	2016	7	STRACHAN, Don	11-Jan-16	Gravel Pit Operation	12-Jan-16	It is a permitted use in the zoning	9973 Hwy 97S DL 505, PR EXC PLS A1834, 32049 & H760	E
3	2015	276	FAB ALL NORTH SERVICES	3-Dec-15	plumbing deficiencies	13-Jan-16	Building Inspector gave final inspection	10913 Enterprise Way Lot 10, S25, T83, R19, W6M, PRD, PL EPP24591	C
4	2006	279	HOSKYN, Louise & Angela	19-Dec-06	Running 1st Aid business from home in R-3 zone, too many business related vehicles	25-Feb-16	House has been sold and the trucks are all off the property.	12475 Blueberry Ave. Lot 4, Plan 10215, 3-84-19	C

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Updated: May 22, 2015

## ELECTORAL AREA DIRECTORS' COMMITTEE

### DIARY ITEMS

<u>Item</u>	<u>Status</u>	<u>Notes</u>	<u>Diarized</u>
1. Farmer's Advocacy Office	on-going	provide the agenda and meeting notes of the Farmer's Advocacy meetings on a quarterly basis	May 21, 2015

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