

TO: Regional Board of Directors

FROM: Director Fedrigo

DATES: October 5, 2023 & November 16, 2023

RE: Public Hearing Report - Amendment Bylaw No. 2800.24, 2023

Purpose of Bylaw:

The proposed amendments to the Okanagan Valley Zoning Bylaw No. 2800, 2022, are related to the proposed development of a composting operation at 1313 Greyback Mountain Road.

Notification of Public Hearing:

The Public Hearing for Bylaw No. 2800.24, 2023, was convened on Thursday, October 5, 2023, at 7:00 pm, at 2965 South Main Street, Penticton, BC (Penticton Seniors' Drop-in Centre).

The public hearing was recessed on October 5, 2023 and reconvened on Thursday, November 16, 2023, at 9:00 a.m. at 101 Martin Street, Penticton, BC (RDOS Boardroom).

In accordance with Section 466 of the *Local Government Act*, and Section 94(1)(b) of the *Community Charter*, a notice regarding the public hearing was posted in a public notice posting place at 101 Martin Street, Penticton, BC V2A 5J9.

In accordance with the Regional District's *Public Notice Bylaw No. 2977, 2022*, the time and place of the public hearing was notified electronically as follows:

- by posting the notice on the Regional District's website; and
- by distributing the notice through the Regional District's email subscription service (VoyentAlert!) on September 21, 2023

Copies of reports and correspondence received related to Bylaw No. 2800.24, 2023, were available for viewing at the Regional District office during the required posting period.

Public Hearing Overview:

Pursuant to Section 464, 465 & 468 of the *Local Government Act*, Chair Fedrigo called the Public Hearing to order at 7:00 p.m. in order to consider the amendment bylaw.

Members of the Regional District staff present at this part of the public hearing included the following:

- Shannon Duong, Planner II
- Colin Martin, Planning Technician

There were seventeen (17) members of the public present on October 5, 2023.

Four (4) written briefs were submitted at the public hearing on October 5, 2023.

Summary of Representations (October 5, 2023):

Chair Fedrigo called a first time for briefs and comments from the floor and noted that a binder is available which includes all written comments received to date and anyone wishing to review the comments could do so.

S. Duong, Planner, outlined the proposed bylaw.

S. Duong, Planner, noted that when the bylaw is brought forward for the Board's consideration of 3rd reading, staff will be recommending to the RDOS Board that Amendment Bylaw No. 2800.24, 2023 be read a third time, as amended, to include the following text which was inadvertently omitted from the amendment bylaw:

3. *The Official Zoning Map, being Schedule '2' of the "Okanagan Valley Zoning Bylaw No. 2800, 2022", is amended by changing the land use designation on the land described as Sublot 8, District Lot 2711, SDYD, Plan KAP1190, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Resource Area (RA) to Resource Area Site Specific (RAs).*

Chair Fedrigo asked if anyone wished to speak to the proposed bylaw.

Victoria Lynn Kryzanowski of Lot A, District Lot 2553, Plan KAP37672 expressed opposition to the proposed bylaw; specifically referencing concerns of potential contamination of their lands as a result of the proposed composting facility development.

Concerns were also expressed regarding the scheduling and notice of the associated public meetings.

Richard da Silva of 510 Naramata Road, Penticton expressed opposition to the proposed bylaw; specifically referencing notice of public meetings and not having questions not fully addressed, potential traffic impacts of the proposed composting facility development, comments within environmental memo, and potential liability to adjacent properties (i.e., contamination) with respect to the proposed development.

George Niddery of 1362 Greyback Mountain Road expressed opposition to the proposed bylaw; specifically referencing concerns regarding hydrology and groundwater impacts. Additional concerns were expressed regarding potential downstream contamination of water and waterbodies as a result the proposed development.

Jesper Work of Spiller Road, Penticton expressed opposition to the proposed bylaw; specifically referencing concerns regarding potential fire hazards, traffic impacts, potential contamination, community opposition, impacts on aesthetics of the area.

John Bilodeau of 1215 Poplar Grove Road, Penticton expressed concerns with respect to the proposed bylaw; specifically referencing concerns regarding public open house and questions not being addressed, previous agreements made by the regional district, uncertainty/lack of

information regarding the design of the proposed facility, traffic impacts, and potential impacts on a wetland.

Frustrations were also expressed with respect to the previous Agricultural Land Commission (ALC) exclusion application and current process.

Concerns expressed regarding August 8, 2023 Makonis Consulting Ltd. memo.

Grant Willis of 1241 Spiller Road expressed opposition to the proposed bylaw; specifically referencing concerns regarding pollution associated with existing landfill site.

Suggested identifying a new location and demolishing existing the landfill, and discussed the idea of entering into similar agreement that the Westbank First Nation recently entered into involving the former Brenda Mine site.

Alix MacDonald of Spiller Road expressed opposition to the proposed bylaw; specifically agreeing with previous comments and referencing concerns regarding public process surrounding the project and lack of information, public open house and lack of answers to questions, traffic impacts, and potential risks to recreational users. Asked why the proposed composting facility cannot be located at 1655 Reservoir Road.

Jacquie Jackson of 130 Falconridge Drive expressed opposition to the proposed bylaw; specifically referencing concerns regarding the Agricultural Land Commission's response to the proposal which noted that Phase 2 could not proceed without the Commission's approval, as well as the Penticton Indian Band's response to the proposal which noted that the proposal could not proceed without the Band's approval.

Additional concerns expressed regarding the lack of response from the RDOS with respect to previous petitions from community members, as well as water wells below the property.

Noted that a composting facility is needed, but not on prime agricultural lands.

Alix MacDonald of Spiller Road expressed additional concerns regarding access to the proposed facility from the road (i.e., whether it be from Spiller Road or Greyback Mountain Road), and lack of information regarding access.

Jacquie Jackson of 130 Falconridge Drive expressed concerns regarding potential impacts on wildlife.

Richard da Silva of 510 Naramata Road, Penticton indicated that they have reached out to Penticton Indian Band regarding the proposal.

Interest was expressed in submitting feedback following the closure of the public hearing.

Chair Fedrigo indicated that all submissions must be submitted prior to the closure of the public hearing.

Thomas Campbell of 118 Vista Place expressed opposition to the proposed bylaw; specifically referencing concerns regarding how the RDOS planned to close the existing landfill.

Jeff Kler of Spiller Road expressed interest in having notes posted following the public hearing, as well as an extension of the feedback submission period, and time to review the August 8, 2023 Markonis Consulting Ltd. memo and to do an independent review of the memo.

Concerns expressed regarding previous statements made about lack of alternative sites for the proposed facility.

Joanne Kler of Spiller Road indicated general support for overall objectives of the proposed facility (i.e., smell reduction, leachate capturing).

Expressed that they cannot support the rezoning application as it is not possible to take the composting facility separate from the landfill site, specifically noting the need to address existing issues at the landfill site.

Chair Fedrigo asked a second time if there was anyone who wished to speak further to the proposed bylaw.

Grant Willis of 1241 Spiller Road noted that another individual has offered their site in Marron Valley. Expressed frustration regarding site selection, noting concerns regarding landfill.

Jacque Jackson of 130 Falconridge Drive noted the size comparison between City of Penticton and landfill site.

Chair Fedrigo recessed the public hearing at 8:06 p.m. for 15 minutes.

Chair Fedrigo reconvened the public hearing at 8:21 pm.

Chair Fedrigo asked for a third and final time if there was anyone who wished to speak further to the proposed bylaw and hearing none, recessed the Public Hearing at 8:23 p.m., and stated that it would be reconvened on Thursday, October 19, 2023, at 9:00 a.m., at 101 Martin Street, Penticton.

NOTE: At their meeting of October 19, 2023, the Regional District Board resolved to reconvene the Public Hearing on Thursday, November 16, 2023 at 9:00 a.m. at 101 Martin Street, Penticton.

Summary of Representations (November 16, 2023):

The Public Hearing for Bylaw No. 2800.28, 2023, was reconvened on Thursday, November 16, at 9:00 am, at the RDOS Board Room, 101 Martin Street.

Members of the Regional District Board present at this part of the public hearing were:

Chair Mark Pendergraft	RDOS, Electoral Area "A"
Vice Chair Spencer Coyne	RDOS, Town of Princeton
Director George Bush	RDOS, Electoral Area "B"
Director Rick Knodel	RDOS, Electoral Area "C"
Director Matt Taylor	RDOS, Electoral Area "D"
Director Adrienne Fedrigo	RDOS, Electoral Area "E"
Director Riley Gettens	RDOS, Electoral Area "F"
Director Tim Roberts	RDOS, Electoral Area "G"
Director Bob Coyne	RDOS, Electoral Area "H"
Director Subrina Monteith	RDOS, Electoral Area "I"
Director Julius Bloomfield	RDOS, City of Penticton
Director Campbell Watt	RDOS, City of Penticton
Director James Miller	RDOS, City of Penticton
Director Ryan Graham	RDOS, City of Penticton
Director Doug Holmes	RDOS, District of Summerland
Director Sue McKortoff	RDOS, Town of Osoyoos
Director Martin Johansen	RDOS, Town of Oliver
Director Jason Wiebe	RDOS, Village of Keremeos

Members of the Regional District staff present at this part of the public hearing were:

- Jim Zaffino, Acting Chief Administrative Officer
- Christopher Garrish, Senior Manager of Planning Services
- Lauri Feindell, Recording Secretary

There were fifteen (15) members of the public present in-person at the RDOS Boardroom at 101 Martin St, Penticton, BC, and eight (8) members of the public attending via Webex.

One (1) written brief was submitted at the public hearing on November 16, 2023.

Chair Pendergraft called a first time for briefs and comments from the floor and noted that a binder is available which includes all written comments received to date and anyone wishing to review the comments could do so.

C. Garrish, Senior Manager of Planning Services outlined the proposed bylaw.

Chair Pendergraft asked if anyone wished to speak to the proposed bylaw.

George Nidderly, 1362 Greyback Mountain Road, Penticton expressed opposition to the proposed bylaw; specifically referencing concerns about groundwater contamination and

impacts on neighbouring properties and wildlife, as well as First Nations engagement in the project.

Victoria Lynn Kryzanowski, of Lot A, District Lot 2553, Plan KAP37672 expressed opposition to the proposed bylaw; specifically referencing concerns about potential contamination of their property as a result of the proposal, as well as impacts on the Agricultural Land Reserve (ALR).

Discussed the potential of utilizing the Brenda Mine site.

Mark Hubbard, 1400 Greyback Mountain Road, Penticton queried as to whether the Board is appointed or elected.

Chair Pendergraft confirmed that the Board is comprised of officials elected by the public, with the municipal directors having been appointed to the Board by their respective Councils.

General discussion regarding the purpose of the public hearing.

Mark Hubbard, 1400 Greyback Mountain Road, Penticton expressed opposition to the proposed bylaw; specifically referencing concerns about the ALR, First Nations engagement, and loss of a wildlife migration corridor.

Discussed the potential of utilizing the Brenda Mine site.

Expressed concerns regarding contaminated wells and odour nuisances.

Phil Guertin, 111 Falconridge Drive, Penticton inquired about Phase II of the composting facility proposal.

Chair Pendergraft indicated that the public hearing was not specific to Phase II.

Phil Guertin, 111 Falconridge Drive, Penticton noted that they have been unable to find additional information about Phase II despite it being part of the overall composting facility proposal.

Chair Pendergraft noted that approvals have not yet been obtained for Phase II.

Phil Guertin, 111 Falconridge Drive, Penticton expressed concerns that the project is being pushed forward and referenced a conversation they had with a First Nations Band member regarding the rezoning of agricultural lands.

Inquired as to how access would be provided to Phase I of the project.

Chair Pendergraft noted that access would be provided through the property.

Phil Guertin, 111 Falconridge Drive, Penticton expressed concerns about the taxpayer money allocated to the project, pace of the project, impact on property values, potential contamination of wells, and impacts on wildlife.

General discussion regarding Phase II information.

Discussed the potential of utilizing the Brenda Mine site.

Expressed opposition to the proposed bylaw.

Jesper Work, 1185 Spiller Road, Penticton indicated they would be reiterating the comments made over the last two meetings through a written submission.

Jacquie Jackson, 130 Falconridge Drive, Penticton expressed opposition to the proposed bylaw.

Noted that themselves and other residents are not opposed to the construction of a composting and biosolids facility and that such a facility is needed; however, they are opposed to it being constructed at the subject property.

Expressed various concerns and comments relating to:

- A perceived conflict of interest of the RDOS being the landowner and having to consider a rezoning on the property;
- Distrust in the RDOS;
- The former ALC exclusion application and the ALC's position;
- Comments made by the Penticton Indian Band regarding the proposal;
- Authorizations required from other involved agencies;
- A petition opposing the proposal;
- Contamination as a result of the landfill;
- The availability of other siting options;
- Traffic impacts on neighbours and recreationalists;
- Access to the proposed composting facility;
- Potential impacts on water reservoir and wells;
- Impacts on wildlife;

Ryan McNichol, 101 Pinetree Way, Penticton reiterated comments previously made regarding Phase II of the project and impacts on the elk herd.

Inquired as to the number of trucks which would be using the road network in relation to the composting facility.

Mark Pendergraft, Chair advised the numbers will be available to the public.

Ryan McNichol, 101 Pinetree Way, Penticton expressed an interest in obtaining the numbers and why the Brenda Mines site is not a viable option.

Andrew Reeder, Senior Manager of Utilities clarified that the trucks currently going to the landfill will be going to 1313 Greyback Mountain Road, and that there would not be an increase in truck traffic but rather a diversion of the current truck traffic.

Ryan McNichol, 101 Pinetree Way, Penticton queried as to whether there would be an expansion of the project out from its current location.

Chair Pendergraft noted that compost and garbage collection would remain in the same area as it currently is.

Andrew Reeder, Senior Manager of Utilities reiterated that there would not be any additional users – the composting facility would service the same service area as the existing landfill.

Chair Pendergraft clarified that the public hearing is not meant to be a question and answer period and reiterated that it is meant to be an opportunity for individuals to state their opinions to the Board.

Ryan McNichol, expressed opposition to the proposed bylaw; specifically referencing potential impacts on the elk herd, and expressed concerns regarding the environmental assessment which was undertaken.

Allan Todd, 1565 Randall Road, Penticton expressed opposition to the proposed bylaw; expressed concerns with the vehicle traffic and noise associated with the composting facility.

George McLean, 1257 Spiller Road, Penticton, expressed opposition to the proposed bylaw; specifically referencing concerns relating to traffic and road conditions.

Brian Kerluke, 1425 Greyback Mountain Road inquired as to why Phase I of the project couldn't start at the existing landfill and expand in the future.

Alix MacDonald, 1278 Spiller Road, Penticton indicated agreement with all the concerns expressed thus far.

Indicated that they are not opposed to composting or biosolids, but that they do not agree to the proposed location due to the contamination issues with the existing landfill.

Expressed concerns relating to pacing of the project, and addressing the existing issues at the landfill.

Mark Hubbard, 1400 Greyback Mountain Road, Penticton agreed with Brian Kerluke's comments regarding the siting of Phase I at the original landfill site.
General discussion.

Expressed concerns regarding potential impacts on California Bighorn sheep and elk in the area and First Nations consultation.

Chair Pendergraft asked a second time if there was anyone who wished to speak further to the proposed bylaw.

Chair Pendergraft asked for a third and final time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the Public Hearing closed at 9:52 a.m.

Recorded by:	Confirmed:	Confirmed:	Confirmed:
			
Lauri Feindell	Christopher Garrish	Adrienne Fedrigo	Mark Pendergraft
Recording Secretary	Senior Manager of Planning Services	Director, Electoral Area "E"	Chair