

**DATE:** March 9, 2022

**FILE:** 5360-01

**TO:** Chair and Directors  
Comox Strathcona Waste Management Board

**FROM:** James Warren  
Deputy Chief Administrative Officer

Supported by James Warren  
Deputy Chief Administrative  
Officer  
*J. Warren*

**RE: Bevan Road Multi-Use Trail Statutory Right of Way**

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### **Purpose**

To seek authorization from the Comox Strathcona Waste Management (CSWM) Board (Board) to register a six metre wide Statutory Right-of-Way (SRW) for establishment of a multi-use trail parallel to Bevan Road as a condition of the rezoning application for a portion of the Comox Valley Waste Management Center (CVWMC) to permit the construction of the secondary leachate pond.

### **Recommendations from the Deputy Chief Administrative Officer:**

1. THAT the Board authorize staff to register a six metre wide Statutory Right-of-Way agreement along the lands to be rezoned for a multi-use trail parallel to Bevan Road as per the staff report dated March 9, 2022 pursuant to Bylaw No. 90, being “Land Use Agreements Delegation Bylaw No. 90, 2009.”
2. THAT the Board directs staff to proceed with the Notice of Disposition for granting a statutory right of way in favour of the Village of Cumberland for the establishment of a multi-use trail along the Bevan Road frontage as per the staff report dated March 9, 2022.

### **Executive Summary**

The existing leachate management system is challenged to meet current leachate treatment demands during the wet winter months, which will be even more pronounced as the landfill development progresses to Cells 2 and 3 when the precipitation will generate leachate in excess of what can be currently stored or managed. The critical periods have been identified during the filling of select waste in Cell 2 prior to Cell 1 closure, and filling of Cell 3 prior to Cell 2 closure.

To that end, staff has included a secondary leachate pond in the newly acquired parcel to the north of the landfill, as part of the Cell 2 construction project to provide additional leachate handling and storage capacity. The siting of secondary leachate pond will require rezoning from I-2 Heavy Industrial to I-4 Refuse Industrial. As a condition of the rezoning, the Village of Cumberland (Village) is requiring a registration of a six meter SRW parallel to Bevan Road to advance the Village’s vision of greenway and bikeway transportation infrastructure to decrease greenhouse gas (GHG) emissions and support renewable energy use.

This report details the rationale in support of the SRW for the multi-use trail along the lands to be rezoned, as it is consistent with and supported by the Comox Valley Regional District (CVRD) Active Transportation Plan, the CVRD Regional Growth Strategy, the Village Bevan Industrial Lands Concept Plan, the Village Official Community Plan (OCP), as well as the CSWM Solid Waste Management Plan.

Prepared by:

***V. Schau***

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Vivian Schau  
Senior Manager  
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Concurrence:

***M. Rutten***

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Marc Rutten, P.Eng.  
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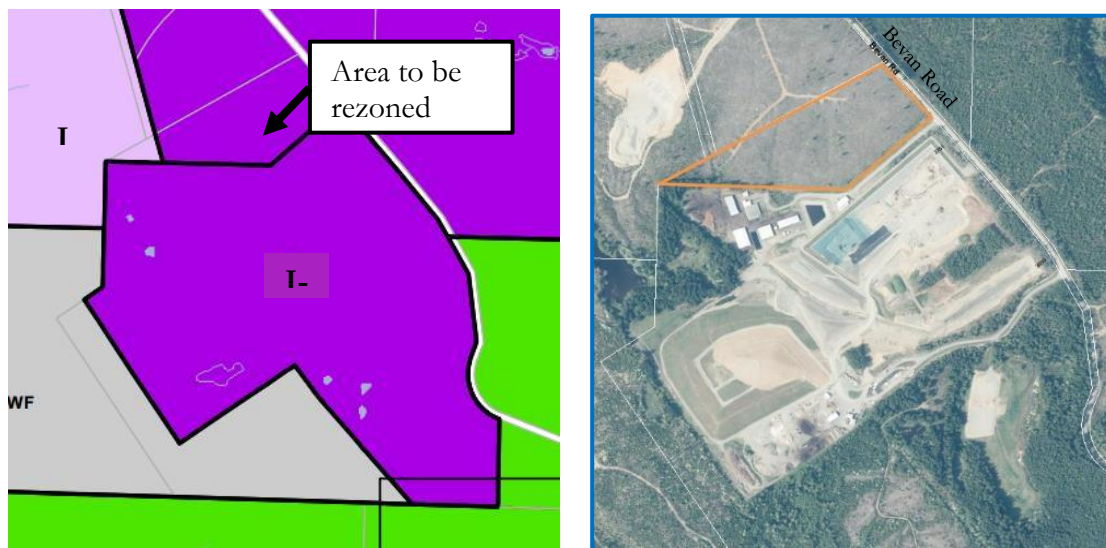
### **Background/Current Situation**

The existing leachate management system at CVWMC is undersized to meet leachate storage demands during the wet winter months when approximately 73 per cent of the total annual precipitation falls between the months of October and March. Historical leachate throughput measurements indicate that during filling of Cell 1 the Leachate Treatment Facility (LTF) was operating at near full capacity in the winter months with the highest peak generation typically occurring during the month of January.

The issues with leachate storage and leachate treatment capacity will become more pronounced as landfill development continues to Cell 2 and 3. It is estimated that the highest leachate generation rate is expected during the transition from filling in Cell 2 to Cell 3, at the point in time when the full area of Cell 3 is contributing to leachate generation and Phase 2 final cover has not yet been applied to the side slopes. This is taking into account multiple leachate management strategies to ensure maximum storm water diversion through the use of tarps and alternative daily cover within the cell, as well as additional membrane filters in the LTF to increase throughput capacity. During the period of highest leachate generation, with consideration of potential climate change effects, it is estimated that there will be a significant leachate storage deficit.

With construction and opening of Cell 2 scheduled for 2022, the additional buffer capacity is required to handle the large seasonal rain fluctuations to minimize the risk of overflow and the potential for surface or ground water contamination. A secondary leachate holding pond is planned on the newly acquired property to north of the CVWMC to be able to handle the seasonal fluctuations of rain which will aide in the LTF running at a more steady state throughout the summer. In the future, as new cells open up, the CSWM will undertake progressive closure when the old cells fill up to limit leachate generation.

As detailed in the Policy Analysis section, a site specific rezoning from I-2 Heavy Industrial to I-4 Refuse Industrial is required for siting of the secondary leachate pond, the same zoning as the CVWMC landfill, shown in Figure 1 below. As a condition of the rezoning, the Village is requiring a registration of a six meter SRW parallel to Bevan Road to advance the Village's vision of greenway and bikeway transportation infrastructure to decrease GHG emissions and support renewable energy use.



*Figure 1: Existing Zoning*

### **Policy Analysis**

#### CVRD Active Transportation Plan and Bevan Industrial Lands Concept Plan

Consistent with the CVRD Active Transportation Plan and the Bevan Industrial Lands Concept Plan, providing a safe and accessible active transportation corridor along the Bevan Road frontage of the subject property will be a step towards achieving the key common goals of both plans. By improving connectivity between municipal and rural areas through the completion of an off-road multi-use trail along Bevan Road, it will provide opportunities to encourage residents and employees of the landfill and the Bevan Industrial Lands to use active transportation on their daily trips for work and or recreation. This is expected to contribute to a modal shift and reduction in GHG emissions.

The Village will be requiring a 6 meter wide corridor for the trail construction for all future developments along Bevan Road

#### Village of Cumberland OCP and Zoning Bylaw

Per the Village OCP Bylaw No. 990, 2014, heavy industrial is defined as:

*“Industrial, Heavy means the use of land, buildings or other structures providing for the processing, fabricating, Warehousing, testing, assembling, service, repairs, manufacturing, distribution or maintenance of goods or materials and can include bulk storage, junkyards, wood processing, meat and fish processing and automobile service stations.”*

The subject property is predominately zoned I-2 Heavy Industrial (the western tip zoned Industrial Greenway Reserve) which does not contemplate the use of a leachate pond. It has been determined that since the leachate collection system is an integral component of the landfill operation, the leachate pond is classified as part of the landfill rather than a separate and distinct use. Therefore, a leachate pond falls under the I-4 Refuse Industrial zoning, a use associated with the existing landfill.

As such, the CVRD is required to rezone the I-2 Heavy Industrial zone property to I-4 Refuse Industrial zone for the leachate pond expansion. The rezoning is within the area designated Industrial and the land use designation support the use of the land so therefore, an OCP Amendment is not required. However, as a condition of the rezoning, the Village requires that a 6 meter SRW be registered along the 198 meter Bevan Road frontage for the multi-use trail parallel to Bevan Road.

The SRW will provide the Village the use of the land to connect to an existing 6 meter wide trail along the Acciano Development subdivision to the north, with a goal of a continuous alternative transportation corridor from the Village core to the Bevan Industrial Lands and a connection to the trail network along the Puntledge River for recreational users.

In term of future use of the subject property, the I-4 Refuse Industrial zoning will support diversion activities associated with the landfill. The SRW, as opposed to a land dedication, will provide the CSWM service greater control of the access to the property, will not affect setbacks for future developments and would not require change in land ownership.

### **Options**

The Board has the following options:

1. Direct staff to work with the Village to undertake the necessary work to survey and register the requested 6 meter SRW in connection with the rezoning of the subject property for the secondary leachate pond.
2. Do not proceed with the requested SRW in connection with the rezoning of the subject property for the secondary leachate pond and provide alternative direction.

Option 1 is recommended in order to proceed with the timely procurement and construction of the secondary leachate pond to achieve sufficient leachate storage capacity during peak leachate generation. It is imperative that the CSWM service has the required leachate storage capacity to manage the leachate volumes during the critical periods in the winter months to minimize the risk of an environmental release.

### **Financial Factors**

The CSWM service will be responsible for the costs associated with the survey, legal and registration of the SRW with Land Titles, estimated at no more than \$10,000, and is contained within the 2022 budget for the Cell 2 project. The Village will undertake the improvement work to construct and maintain the trail.

### **Legal Factors**

If the Board approves the SRW, legal would be needed for:

- The final review of the SRW agreement with a focus on the transference of maintenance obligations and liability risk to the Village as it relates to the trail use; and
- Registration of the SRW with Land Titles.

### **Intergovernmental Factors**

The rezoning to permit the secondary leachate pond on the subject property is supported by the CVRD Active Transportation Plan, the CVRD Regional Growth Strategy, the Village OCP, as well as the CSWM Solid Waste Management Plan.

### **Interdepartmental Involvement**

If the Board approves the SRW, the CSWM service will work with the CVRD corporate officer to register the SRW pursuant to Bylaw No. 90.

### **Citizen/Public Relations**

Per the Village's Procedures and Fees Bylaw No. 1073:

- The CSWM posted a public notice sign at the subject property, advertised and held a public information meeting at the landfill on Monday, January 31, 2022. There were 4 people in attendance. The feedback was generally positive; staff received questions and provided responses regarding the 500 meter buffer as required by the Ministry of Environment and Climate Change Strategy, annual reporting to the Province, hydrogeological flow of groundwater towards Morrison Creek and connection to Black Lake.
- The Village mailed notices to properties within a 75 meter radius, advertised the application in the Comox Valley Record, notified Comox Lake Watershed Advisory Group (WAG) and other stakeholders of the public information meeting and sent a formal referral to WAG for comments.