Textual Amendments – District Official Community Plan and Zoning Bylaw – Relaxation of Separation Distance Requirements from Liquid Waste Disposal Facility

4. Other

a) Textual Amendments – District Official Community Plan & Zoning Bylaw – Relaxation of Separation Distance Requirements from Liquid Waste Disposal Facility

Background:
The Commission will recall considering a textual amendment to the Corman Park-Saskatoon Planning District Official Community Plan (DOCP) and Zoning Bylaw (DZB) at the December 14, 2016 meeting. This item was deferred to allow for a review of best practices and further consultation with the Ministry of Environment, Water Security Agency and R.M. and City solicitors.

Analysis:
The proposed bylaw amendments were referred to the Water Security Agency (WSA), being the regulatory agency for sewage treatment facilities in Saskatchewan. WSA reviewed the bylaws and provided comment that a co-existence agreement cannot allow a greater relaxation than what The Waterworks and Sewage Works Regulations allow. These agreements cannot exempt a municipality from any applicable regulations regarding buffer zones for the construction of sewage works in proximity to individual residences at present nor in the future as development in and around a wastewater treatment facility occurs.

WSA recommended that the impact on future development in the area of an approved sewage treatment facility be considered prior to approving the bylaw amendment and prior to entering into a co-existence agreement. Consideration of what future development may be allowed in proximity to a new sewage works should be considered at the time of approval.

Below is a table of the required Buffer Zone in The Waterworks and Sewage Works Regulations.

<table>
<thead>
<tr>
<th>Type</th>
<th>Facultative Lagoon Buffer Zone (Metres)</th>
<th>Mechanical Treatment Facility Buffer Zone (Metres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Isolated Residence</td>
<td>300</td>
<td>300(\dagger)</td>
</tr>
<tr>
<td>Built-up Residential Area</td>
<td>550(\dagger)</td>
<td>300(\dagger)</td>
</tr>
<tr>
<td>Institutional Area</td>
<td>550(\dagger)</td>
<td>300(\dagger)</td>
</tr>
<tr>
<td>Commercial Area (with no built-up residential area)</td>
<td>300</td>
<td>300(\dagger)</td>
</tr>
</tbody>
</table>

\(\dagger\) WSA may approve a reduced buffer zone subject to certain terms and conditions

Some examples of terms and conditions that could allow for a reduced buffer zone are siting a sewage treatment facility downwind from a residential development or installation of vegetation around the facility. These examples coupled with a history of no odour complaints, dedicated odour control equipment and, in the case of facultative lagoons, an understanding of the loading of the facility would serve to make a case for reducing the buffer zone requirements on a case by case basis.
Based on the comments received from WSA the proposed amendments to the DOCP and DZB have been revised to include wording to make it clear that the relaxation of separation distances in a co-existence agreement cannot allow a greater relaxation than the requirements of *The Waterworks and Sewage Works Regulations*.

With regards to the WSA comments concerning the impact on future development, Administration takes these impacts into account any time such an application is received, whether in the Planning District or elsewhere in the R.M. Additionally, language has been added to the proposed bylaws to indicate that the R.M. and the City have to be in agreement with the relaxation. The previous version had language that only referenced the landowners.

When looking at the best practice regarding the use of co-existence agreements the R.M. has long used such agreements with regards to residential setbacks from Intensive Livestock Operations. The Ministry of Government Relations have also used such an agreement to allow for a relaxation of the 457 metre setback requirement in the *Subdivision Regulations, 2014* from a wastewater facility.

The proposed amendments have been sent to the R.M. and City solicitors for comments. The R.M. solicitor’s comments were that the wording of the bylaw is somewhat vague and that it should be explicitly stated that all landowners of the uses outlined in the DOCP and DZB that fall within the 600 metre separation distance would need to agree with the relaxed separation distance. It was also recommended that wording could be added to make it clear that the relaxation would be subject to the R.M.s prior approval. The R.M. and City solicitors discussed the amendments and determined that the relaxations should be subject to municipal approval. The way the amendment was first drafted appeared to need only landowner and applicant approval. After further discussions with between administrations and confirmation with legal the bylaws have been amended to include wording that relaxations would be subject to Corman Park and Saskatoon approval as well.

**Setback Comparisons:**

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Planning District Setback Requirements</th>
<th>Water Security Agency Setback Requirements</th>
<th>Subdivision Regulation Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Isolated Residence</td>
<td>600m - measured from property boundary of facility to foundation of dwelling</td>
<td>300m - measured from facility to foundation of dwelling</td>
<td>457m (300m for existing residential development) - measured from facility to property boundary of residential site</td>
</tr>
<tr>
<td>Multi-parcel Residential/ Built-up Residential Area</td>
<td>As above</td>
<td>550m (facultative lagoon), 300m (mechanical treatment facility) - measured from facility to property</td>
<td>As above</td>
</tr>
<tr>
<td>Institutional or Commercial Area</td>
<td>None</td>
<td>As above</td>
<td>None</td>
</tr>
<tr>
<td>Wanuskewin Heritage Park or recreational use</td>
<td>600m</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

Prior to 2012 the provincial requirement for setbacks from a built-up area was 600m
Recommendation:

“That the District Planning Commission supports amending the Corman Park-Saskatoon Planning District Official Community Plan and Zoning Bylaw to allow for the relaxation of separation distances from a Liquid Waste Disposal Facility, as outlined in this report and;

a) That the R.M. of Corman Park pass bylaws to amend the Corman Park-Saskatoon Planning District Official Community Plan and Zoning Bylaw; and

b) That at the time of the public hearing, City Council be asked to consider the Corman Park-Saskatoon District Planning Commission’s recommendations that the amendments to the Corman Park-Saskatoon District Official Community Plan Bylaw No. 8844 be approved.”
A bylaw to amend Bylaw No. 22/10 known as the Corman Park-Saskatoon Planning District Official Community Plan.

The Council of the Rural Municipality of Corman Park No. 344, in the Province of Saskatchewan, enacts to amend Bylaw 22/10 as follows:

1. Section 9: Waste Management and Remediation Objectives and Policies is amended by adding the following sub-sections after section 9.3.9:

   "Relaxation of Separation Distances" 9.3.10. Notwithstanding section 9.3.5, and subject to compliance with the Official Community Plan, the owners of all parcels with single family dwellings, parcels in multi-parcel country residential developments, and recreational use lands located within the required separation distance from a proposed liquid waste facility, may unanimously agree in writing to relax the strict application of the separation distance. Any such agreement shall be registered as an interest on the affected titles."

   "Limits on Relaxation of Separation Distances" 9.3.11. Notwithstanding section 9.3.10, a relaxation of separation distances cannot allow a greater relaxation than the requirements of The Waterworks and Sewage Works Regulations."

   "Prior Approval of Separation Distances Required" 9.3.12. Notwithstanding section 9.3.10, a relaxation of separation distances must be subject to prior approval from Corman Park and Saskatoon.

This Bylaw shall come into force and take effect upon receiving the approval of the Minister of Government Relations.

__________________________________________
REEVE, Judy Harwood

SEAL

__________________________________________
ADMINISTRATOR, Adam Tittemore
RURAL MUNICIPALITY OF CORMAN PARK NO. 344
BYLAW 25/17

A bylaw to amend Bylaw No. 23/10 known as the Corman Park-Saskatoon Planning District Zoning Bylaw.

The Council of the Rural Municipality of Corman Park No. 344, in the Province of Saskatchewan, enacts to amend Bylaw 23/10 as follows:

1. Section 4.8 is amended by adding the following new sub-sections after section 4.8.3. and re-numbering the other sub-sections accordingly:

   “4.8.4. Notwithstanding section 4.8.3. and subject to compliance with the Official Community Plan, the owners of all parcels with single family dwellings, parcels in multi-parcel country residential developments, and recreational use lands located within the required separation distance from a proposed liquid waste facility, may unanimously agree in writing to relax the strict application of the separation distance. Any such agreement shall be registered as an interest on the affected titles.”

   “4.8.5. Notwithstanding section 4.8.4, a relaxation of separation distances cannot allow a greater relaxation than the requirements of The Waterworks and Sewage Works Regulations.”

   “4.8.6. Notwithstanding section 4.84, a relaxation of separation distances shall be subject to prior approval from Corman Park and Saskatoon.”

This Bylaw shall come into force and take effect upon receiving the approval of the Minister of Government Relations.

______________________________
REEVE, Judy Harwood

SEAL

______________________________
ADMINISTRATOR, Adam Tittemore
EPB 415 - Buffer Zone Criteria for Developments in Proximity to Sewage Treatment Facilities in Saskatchewan

What is a Buffer Zone?
Sewage treatment facilities emit odours that can persist at some distance from the source. A buffer zone is the physical distance between (or setback from) the nearest liquid surface within a sewage treatment facility to the corner of the nearest occupied building within a development.

In Saskatchewan, a buffer zone is required between residential, commercial or institutional developments and a sewage treatment facility. This buffer zone helps to foster a living and work environment that is generally free of sewage odours and minimizes health concerns. The setback distances set in The Waterworks and Sewage Works Regulations have been found to reasonably limit the number of complaints received from the public about sewage odour, indicating that the odour was unable to persist regularly at such distances from the source.

Who regulates the Buffer Zone requirements in Saskatchewan?
Both the Water Security Agency (WSA) and the Saskatchewan Ministry of Government Relations have setback requirements for residential development from a sewage treatment facility. Outside of the cities with planning approval authority, the authority to approve or refuse subdivision proposals lies with the Saskatchewan Ministry of Government Relations.

WSA has legislative authority on the construction of water and wastewater infrastructure in the Province. The buffer zone required by WSA, as set out in Table 1 of The Waterworks and Sewage Works Regulations, needs to be met in order for approval to be granted for the construction of wastewater treatment facilities.

At this time, WSA’s buffer zone requirements are larger for sewage lagoons than the setback requirements set by Government Relations. Communities planning for development should verify that proposals meet WSA’s buffer zone requirements. If there is any confusion on this issue, communities should speak with WSA during its planning phases to ensure that buffer zone requirements are met. In terms of consideration for growth in the more distant future available plans should be referred to WSA early on in order to address potential land use conflicts.

What is the required Buffer Zone in The Waterworks and Sewage Works Regulations?
The buffer zone requirements for Mechanical Treatment Facilities are different than the requirements for Facultative Lagoons, as set out in The Waterworks and Sewage Works Regulations. Mechanical Treatment Facilities tend to abate odour more effectively than a lagoon; therefore, a smaller buffer is required. WSA’s buffer zone requirements are shown in the table below:

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<sup>1</sup> WSA may approve a reduced buffer zone subject to certain terms and conditions.
Please note that, under the Subdivision Regulations, 2014, Government Relations requires a 457 metre setback from land used or authorized for use as a wastewater treatment facility or wastewater lagoon; however, this set back distance does not apply to commercial, industrial or institutional development.

**Are there any other factors that should be considered when siting a sewage treatment facility?** In addition to the buffer zone requirements set out in the previous table, siting considerations should include:

- Present and planned land use compatibility;
- Direction of prevailing winds;
- Year round accessibility for vehicular traffic;
- Protection from flooding;
- Suitability for expansion;
- Effluent discharge arrangements; and
- Topography, soil conditions and groundwater regime.

In general, sewage treatment facilities should be located to avoid local objections and as far as possible from existing or pending development. Applicable isolation distances required by road, highway and railway authorities should also be considered.

Facultative lagoons near recreational lakes should be sited as far as practically possible from the lake and recreational areas and should consider applicable shoreline regulations that may be in effect.

**Can the Buffer Zone distances be reduced?**

Siting a sewage treatment facility downwind from a residential development lessens the ability of the odour to spread toward the development, as does the installation of enhanced vegetative surround around the sewage treatment facility. The applicability of either of these factors (or others proven to do the same), coupled with a history of no odour complaints and, in the case of a facultative lagoon system, an understanding of the loading of the facility, would serve to make a case for reducing the buffer zone requirement on a case by case basis.

**Our sewage treatment facility is very close to our community and any subdivision development would fall within the Buffer Zone, what can be done?**

WSA will recommend against development in areas where sewage odours will present an unsafe environment for those who must reside or work in the area. Persistent sewage odours can be quite inhospitable. If your community is unable to obtain a reduction in the buffer zone, or the reduction is not enough, you may have to consider alternatives locations for development. Some options that could be considered include:

- Relocation of the proposed subdivision,
- Relocation of the sewage treatment facility, or
- Alternative land uses in the affected area, such as zoning the area for recreational or industrial use.

**Will an exception be granted if our community was planned prior to these Buffer Zone requirements coming into force?**

Compliance with the buffer zones will not be exempted, but it may be reduced as mentioned above. Existing developments within the buffer zone can remain, it is the new developments that must comply with the requirements. However, if an existing development within a buffer zone is subject to persistent odour complaints, the community will be required to take measures to rectify the odour issues.

**Who can I contact for more information on buffer zone requirements?**

To talk to the Water Security Agency, you can contact an Approvals Engineer within the WSA’s Environmental and Municipal Management Services Division. Approvals Engineers are headquartered in Regina and may be contacted at:

Engineering and Approvals  
Environmental and Municipal Management Services Division  
Water Security Agency  
420 - 2365 Albert Street  
Regina SK S4P 4K1  
(306) 787-0726
To talk to the Saskatchewan Ministry of Government Relations’ Community Planning Branch, you can contact either their Regina or Saskatoon offices at:

#978, 122 3rd Avenue N
Saskatoon SK  S7K 2H6
(306) 933-5740

420 - 1855 Victoria Avenue
Regina SK   S4P 3T2
(306) 787-2725