



REQUEST FOR DECISION

To: ACRD Board of Directors

From: Alex Dyer, MCIP, RPP, Planner

Meeting

Date: June 12, 2019

Subject: Open Burning Regulations

Recommendation:

- 1) THAT Regional District of Alberni-Clayoquot Outdoor Burning Smoke Control Regulation Bylaw No. R1032, 2019 be read a first time.
- 2) THAT Regional District of Alberni-Clayoquot Outdoor Burning Smoke Control Regulation Bylaw No. R1032, 2019 be read a second time.
- 3) THAT Regional District of Alberni-Clayoquot Outdoor Burning Smoke Control Regulation Bylaw No. R1032, 2019 be read a third time.
- 4) THAT the Board of Directors direct staff to refer Bylaws R1030 and R1032 to the Ministry of Environment, Island Health and Port Alberni Air Quality Council for consideration.

Summary:

As directed by the ACRD Board of Directors at its February 14, 2019 meeting, ACRD staff have drafted two bylaws to regulate the emission of smoke from residential burning within the Regional District: the Solid-Fuel Burning Appliance Emission Regulation Bylaw No. R1030, 2019 and the Outdoor Burning Smoke Control Regulation Bylaw No. R1032, 2019.

Solid-Fuel Burning Appliances:

At their May 8, 2019 meeting, the Board of Directors gave three readings to the "Solid-Fuel Burning Appliance Emission Regulation Bylaw No. R1030, 2019". The bylaw will regulate wood burning appliances within the ACRD. The bylaw will require that any new installed solid-fuel burning appliance conforms to the CSA/EPA Standard and require that any existing solid-fuel burning appliance be permanently disconnected and removed by July 1, 2023.

Staff are recommending that Bylaw R1030 be referred to the Ministry of Environment, Island Health and Port Alberni Air Quality Council, in conjunction with proposed open burning regulations, before recommending that the Board adopt the bylaw.

Open Burning Regulation:

At the May 8, 2019 meeting, the Board of Directors directed staff to draft a bylaw to regulate open burning in the ACRD.

Staff have drafted the “Outdoor Burning Smoke Control Regulation Bylaw No. R1032, 2019” for the Board’s consideration. The bylaw will regulate open burning within each of the six Electoral Areas and includes varying regulations for campfires, hand-piled category 2 open fires and larger category 3 open fires which exceed 2 metres in height by 3 metres in width.

The bylaw includes provisions for atmospheric venting; time of year and time of day; size of fires; number of fires on a parcel of land; setbacks from combustible materials, buildings and property lines; permitted burning materials; time limited smoke-release periods; establishment of a fuel break; competent supervision; safety equipment; and compliance with provincial and federal regulations.

The bylaw provides exemptions for cooking fires contained within barbeques and cooking appliances, fires maintained by fire services personnel and fires relating to “normal farm practices” and “forest practices” under specific circumstances as defined by relevant provincial legislation. The bylaw also includes provisions for designated officials to enter a property to determine compliance with the bylaw and order non-compliant fires to be extinguished.

Bylaw Enforcement

Adopting regulations for open burning in the Regional District can only be effective if combined with the bylaw enforcement resources required to implement the regulations. It is anticipated that significant bylaw enforcement staff time would be required to administer the bylaw. In order to be effective, planning staff also recommend that contraventions to the bylaw be dealt with through a Bylaw Enforcement Notice ticketing process to gain compliance.

Public Input Component

Prior to adopting any open burning regulation, planning staff recommend that public meetings are held in the Alberni Valley, Bamfield and Long Beach to gather input. Public input could be gathered in conjunction with the open houses for the zoning bylaw update. Following public input, the bylaws could be presented to the Board for adoption in the fall.

Time Requirements – Staff & Elected Officials:

Significant staff time will be required to conduct open houses, respond to public inquires and complaints and to enforce the bylaws after implementation. Enforcement of the bylaws on the west coast will


require significant travel time to respond to complaints.

Financial:

Staff anticipate the cost of enforcement to be significant and anticipate that a 0.5 FTE would be required to implement, monitor and enforce these bylaws. The Board would have to assess this service level over time in making its determination as to whether its objectives were being met. Implementing a Bylaw Enforcement Notice ticketing process will help gain compliance with the regulations but it is not expected to be a cost recovery service with the staff time required to investigate and issue notices.

Options:

1. Proceed with adoption of the solid-fuel burning appliance bylaw and the open burning bylaw with enforcement of both.
2. Proceed with adoption of the solid-fuel burning appliance bylaw and the open burning bylaw with no active enforcement.
3. Do not proceed with the bylaws to regulate the emission of smoke.

Submitted by: 

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Reviewed by: 

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Approved by: 

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