

**NORTH PENDER ISLAND ADVISORY PLANNING COMMISSION
MINUTES OF MEETING
MONDAY, DECEMBER 8, 2014 (12:30 pm)
PENDER COMMUNITY HALL
4418 BEDWELL HARBOUR ROAD, NORTH PENDER ISLAND**

PRESENT:

COPIED TO

PLANNER

LTC

LEGISLATIVE CLERK

Val Butcher
Julie Roper
Marika Kenwell
Reg Smith
Sharon Card
Michael Symons
Zorah Staar

Chair
Deputy Chair
Member
Member
Member
Member
APC Secretary



Present by cell phone: Justine Starke Island Planner, Islands Trust

REGRETS: none

PUBLIC: There were approximately forty-three (43) members of the public present.

1. CALL TO ORDER

The meeting was called to order at 12:30 pm, by Chair Val Butcher of the North Pender Island Advisory Planning Commission (APC).

2. APPROVAL OF AGENDA

Moved by Julie Roper, seconded by Reg Smith, to accept the agenda as proposed.

CARRIED

3. APPROVAL OF MINUTES

Moved by Val Butcher, seconded by Sharon Card, to adopt the November 13, 2014 APC minutes as circulated.

CARRIED

4. LOCAL TRUST COMMITTEE REFERRAL

Chair Butcher confirmed that the main purpose of this meeting was APC consideration of the referral by the North Pender Island Local Trust Committee (LTC) of Application NP-RZ-2012.1 (Applicants Michael & Anne Burdett), seeking to rezone part of the property at 4606 Razor Point (also adjoining Hamilton Road) for a Solid Waste Transfer Station and In-Vessel Composter (Note: composting request now potentially withdrawn – see below).

4.1 Introductory Comments by Island Planner

Island Planner Justine Starke was listening and commenting by a cell phone speaker phone. She made an initial statement with the following comments re: NP-RZ-2012.1 (Burdett):

- this is a proposal for a waste transfer facility at 4606 Razor Point Road (with actual access off Hamilton Road);
- Agricultural Land Commission gave a 5-year approval with conditions, for this non-farm use of Agricultural Land Reserve (ALR) land;
- initial rezoning application was to temporarily store recycled materials, compost, and domestic garbage on the site before transfer off-island, but now it looks like in-vessel composting proposal is being withdrawn (see Applicant's statement below), however for application to be officially amended, Applicant would write to Local Trust Committee;
- Applicant proposing that all bins used to store recycled materials, compost, and domestic garbage are to be enclosed in buildings with concrete floors and an internal drainage system;
- proposed drainage plan is in accordance with recommendations of an engineer's report, all effluent resulting from the bins will be collected via a drain to a holding tank;
- Applicants not proposing a system that would involve any leachate being introduced into natural drainage regime of the property, and this will be a condition of zoning;
- if rezoning was approved, and it did involve composting, this would be tightly regulated under a licence from the Capital Regional District (but now it looks like composting request will be withdrawn by Applicant);
- waste management aspect may also be licensed in the future, pending outcome of CRD's current review of a Solid Waste Management Plan;
- a covenant could be a "place-holder" to regulate certain aspects of the solid waste operation, until an applicable CRD Bylaw and license was in effect;
- Staff Report contains details re: traffic impacts, landscaping, hours of operation etc.;
- draft rezoning bylaw has not been given First Reading, and will be considered at a future Local Trust Committee (LTC) meeting;
- APC input would be useful, re: draft bylaw, location, issues that the LTC has authority to control, and conditions under which the LTC should proceed, if at all (remembering that the LTC does not have jurisdiction over how the business will operate).

Note: Staff Reports and documentation on this rezoning application are available at www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications.aspx

4.2 Introductory Comments by Applicants

Applicants Michael and Anne Burdett were present, and had emailed a statement to the Planner and APC yesterday, which they now read at the meeting (summarized below):

- a lot of misinformation spread through our community regarding our application;
- our family owns Industrial land, and this is a land use issue;
- our application addresses environmental concerns of leachate, odour, vector, noise, dust, and traffic;
- we believe we are within the scope of the OCP (Official Community Plan), Land Use bylaws, CRD regulations, as well as obtaining Agricultural Land Commission approval
- it seems in-vessel composting is the biggest concern within our community, so we would like at this time to remove the composting component from our application;
- we're working on a system to truck organics directly off island to Hartland organics area, for community members unable to backyard compost and commercial customers;

- we're asking to combine past operations of our Temporary Use Permits at Port Washington Road and Medicine Beach, to a centrally-located, staffed location for drop-off of bagged household garbage and construction waste, for better monitoring;
- Agricultural Land Commission's Resolution gave approval for a five-year term, saying "Extension of the approval will be contingent upon satisfactory review of the operation by the Commission", which is a safety measure for our community;
- we welcome questions about our application (our phone line is open).

4.3 Introductory Comments by APC Chair

APC Chair Butcher made an initial statement, noting that the rezoning application NP-RZ-2012.1 (Burdett) was referred to the APC by the former Local Trust Committee (LTC), who had not given the draft rezoning bylaw First Reading. Also, the newly-elected Local Trustees had not yet had a chance for any input on the application or the draft rezoning bylaw.

The APC guidelines made provision for a brief period of public comment during their meetings, and the APC would take these comments into account. However, the proper place for people to convey comments on applications to the Local Trustee Committee was at LTC meetings, or to the Trustees (e.g. via Island Planner Justine Starke, jstarke@islandstrust.bc.ca). The APC was not a decision-making body, and simply provided its own comments and some recommendations to the LTC, which the Trustees were not bound to accept.

4.4 Brief Public Comments

Of the 43 community members present, 9 indicated that they would like to speak. APC Chair Butcher suggested 30 minutes for this period, and there was 3-minute limit per speaker. What follows is a brief summary of the comments made.

Bill Gannon (4610 Hamilton Road) commented as follows: that he lived across the street from the proposed solid waste transfer station, and was very concerned about negative smell, health, traffic, noise, and other impacts from it; that OCP section 2.5.1 provided that "Industrial development which may have a deleterious impact on adjacent land uses will not be permitted"; that this provision was being overridden or ignored, along with the "human impacts" (e.g. on his visiting extended family of 40, and others), and so he was very opposed.

Peter Taylor (4601 Pecos Road) said that his property was 160 metres from the proposed location for the solid waste transfer station, and that he was in favour of the rezoning. He had lived on Pender for 74 years, and did not see a problem with the proposed uses on that site.

Candis Zell commented as follows: that the proposed property failed an environmental assessment; that the previous hydrology model was done for different purposes; that there was an extreme amount of water flowing through the property, above and below ground; that construction waste could contain asbestos, which became airborne; and that to put household and commercial waste next to a restaurant and resort was not a good use of zoning.

Jim Petrie commented as follows: that as an interested observer, he had visited the proposed rezoning site; that he fully supported this application; that there were very demanding regulations for solid waste transfer; that the Applicants had answered every question from the Islands Trust; and that especially given the CRD's January 1 deadline for organic wastes, the Local Trust Committee should move ahead with the rezoning.

Sara Steil commented as follows: that she fully supported the proposed solid waste rezoning; that the Burdetts provided a much needed service, and had done things well so far; that there had been a lot of misinterpretation of information; that in the past on Pender, there had been a great deal of dumping of waste in the forest, and she didn't want us to go back to that.

David Rippner said that he spoke for the Pender Recycling Society Board (PIRS), which felt there should be a solid waste management plan for the Penders (with community participation) before establishing any new waste facility. PIRS wasn't opposing any individual applications, but requested a thorough examination of all factors re: locating and operating these facilities, before any bylaw changes.

Elizabeth Montague commented as follows: that the South Pender Island Local Trust Committee supported a North and South Pender solid waste management plan, involving community consultation; that the correspondence sent to the North Pender LTC re: the Burdett application was not on the website, so it could not be assessed; and that even if the Burdetts did a good job, the proposed rezoning would allow future owners to operate too.

Linda Gannon commented as follows: that her 95-year-old mother-in-law Siobhan Gannon felt that the proposal made no sense; that in addition to Peter Gannon (see above), Oliver Gannon of 4608 Hamilton Road lived adjacent to the proposed site; that Pender needed solid waste transfer, but in an appropriate area, which this was not; that near the Recycling Centre would be better; and that usually this use was away from where people shopped and did business.

Michael Sketch commented as follows: that the Local Government Act required Official Community Plans to include waste transfer, which North Pender's OCP did not; that the APC should return this rezoning bylaw to the LTC, and suggest that before the OCP is amended, there should be a discarded materials management plan, and also a discarded materials management commission (similar to the CRD Harbours Commission).

Island Planner Justine Starke had been listening by cell phone (as well as possible), and said that the above suggestion involved CRD rather than Islands Trust legislation, but it was her understanding that CRD Commissions did have an ability to work on implementation issues.

4.5 Advisory Planning Commission Discussion & Comments

APC Chair Val Butcher noted that there would be additional public consultation in future re: rezoning application NP-RZ-2012.1 (Burdett). At this time, the Chair invited the APC Members to comment. Note: APC Members had previously had an opportunity to visit the site.

APC Member Sharon Card commented as follows:

- community concerns seemed focused on the proposed location, lack of public consultation to date, and the composting proposal (which now appeared withdrawn);
- the proposed location for solid waste transfer could be the best for this purpose, but there should be screening as expeditiously as possible;
- suggested that draft bylaw include a lower height restriction (to match proposed building), hours of operation, site specific regulations about location, and also take into account what happens if Agricultural Land Commission approval was not extended after 5 years.

On the issue of the Agricultural Land Commission potentially not extending their approval of the solid waste use after 5 years, Island Planner Justine Starke said it was possible that then the proposed rezoning (if approved now) would no longer be able to be utilized, or that the Applicant would make a new ALC application. The ALC report was on the Islands Trust website, and the Applicant was in the process of fulfilling their conditions.

Chair Val Butcher noted at 1:16 pm that two people had been noticed recording the meeting. Those persons said that this was for personal use, and not for public sharing.

APC Member Marika Kenwell commented as follows:

- many email/web comments had been made, including inaccurate, unpleasant ones;
- draft rezoning bylaw laid down which provisions the LTC could choose to approve, and there would have to be additional public meetings before this could happen;
- many community members disliked proposed site being close to a resort and restaurant, and were anxious about what would happen with overall waste management on Pender;
- urgent for LTC to address this anxiety, and Pender should also be part of CRD's regional waste management plan, but in light of this plan, Burdett proposal might not be viable;
- after review, Kenwell believed Burdett location and design would involve sufficient screening with vegetation/trees and two berms (which would also reduce noise);
- compost concerns were about other sites, and now Burdett had withdrawn this request.

In response to the above and other questions, Applicant Michael Burdett commented as follows:

- if CRD regional planning suggested a CRD property for future Pender waste transfer, then private operators would probably bid on that transfer work;
- much of the noise on the proposed property to date had been dismantling the tank farm;
- smaller green bins were proposed to be used on the site (not the largest bins);
- there would also be saw milling noise (along with 3 other neighbourhood mills);
- Applicants currently collected household and commercial compostable material and trucked it off island, and planned to continue this (instead of composting it here);
- after January 1 CRD deadline (no more organics in garbage), there'd be enforcement needed with people including organics in garbage bags, which would be given back.

APC Member Michael Symons commented as follows:

- this was a complex application, involving a clear community need for solid waste transfer but also the issue of the best community design and location to meet this need;
- Applicant was well-qualified to handle waste, but rezoning would allow future operators;
- APC had not been able to see related correspondence not yet received by LTC;
- Application was currently in flux, with composting aspect just having been withdrawn;
- Industrial zoning on property was a historical anomaly, which it did not necessarily make sense to continue (Agricultural or Commercial zoning more appropriate?);
- he supported a solid waste management plan, and didn't agree that proposed site was best one (e.g. near Recycling, or Port Washington industrial area, could be better?).

APC Member Reg Smith commented as follows:

- some basic issues here were noise, operating times, and best location;

- if proposed location was a proper one, covenants could be used to cover a lot of concerns, e.g. re: drainage;
- Applicants appeared to have done a great job with mechanics of the situation, and as long as there were covenant controls, Smith did not have a problem with the application.

In response to a question about controlling solid waste transfer activities, Planner Justine Starke said that rezoning (if approved) would permit certain uses as per the draft bylaw, and the covenant could have additional operational requirements, but this was not ideal because related monitoring was beyond the scope of what the LTC usually did. Therefore, the covenant provisions could be seen as a "place holder" until a CRD bylaw and licensing was in effect.

APC Member Julie Roper commented as follows:

- there was a huge community need for solid waste transfer (versus buried garbage);
- most of her concerns had been re: composting proposal, which now seemed withdrawn;
- Roper was really concerned about correspondence that APC hadn't seen, and felt this was referred to APC too soon, however Applicants had been waiting for a long time;
- from Engineer's assessment, she wondered if more environmental assessment needed;
- almost any property on Pender would have some of the same problematic issues with solid waste transfer, and Applicants had done a good job handling waste to date.

APC Chair Val Butcher commented as follows:

- draft bylaw covered mitigating factors, but newly-elected LTC was not familiar with it;
- perhaps Local Trust Committee should refer this matter back to APC once new Trustees had met, and they could provide full information; and
- more public consultation was also essential.

All APC Members agreed that more public consultation was necessary, for our community to meet as a whole and work together on solid waste issues as "we" (not "us and them"). The APC Members also noted the need to hear input from the new Trustees, and receive full information, after which they would be willing to consider this application again. In addition, APC Members noted the urgency of the situation, given community needs, the January 1 CRD deadline, and the length of time the Applicants had been working on this application.

Moved by Michael Symons, seconded by Marika Kenwell, that the Advisory Planning Commission return rezoning application NP-RZ-2012.1 (Burdett) to the Local Trust Committee, with a recommendation that they give urgent consideration to it, with particular attention to:

- community needs;
- a more global waste management plan or program; and
- a greater opportunity for public consultation.

CARRIED

Moved by Michael Symons, to adjourn the meeting at 2:06 pm.

CARRIED



 Chair



 Date adopted