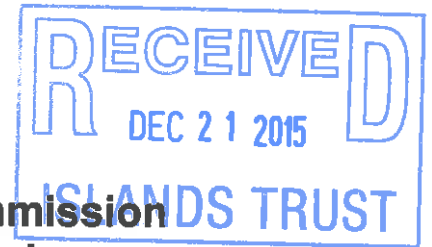




ADOPTED



**Pender Island
Waste and Resource Management Commission
Special Advisory Planning Commission
Minutes of a Meeting**

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DEPUTY SECRETARY

Date: Friday, November 20, 2015 (12:30 p.m.)

Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Elizabeth Montague, Chair
Richard Philpot, Deputy Chair
Dale Henning
Donn Korbin
Jim Petrie
Ursula Poepel
Gordie Duncan
Michael Sketch
Davy Rippner
Ron Underhill

Staff Present: Justin Starke, Island Planner
Shannon Brayford, Recorder

Regrets: John Pollard

Others Present: Trustee Masselink
Anke Bergner of the Capital Regional District (CRD)
Russ Smith of the CRD
Ten (10) members of the public were present

1. CALL TO ORDER

At 12:31 Chair Montague welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

By general consent the agenda was approved as presented.

3. APPROVAL OF MINUTES

By general consent the minutes of October 16, 2015 were adopted.

4. COMMENTS FROM COMMUNITY MEMBERS

Chair Montague recognized Member Petrie, who made the following motion:

NP-SAPC-2015-018

It was MOVED by Member Petrie and SECONDED by Member Henning THAT the Commission limit presentations to fifteen minutes on any subject in an effort to utilize time effectively.

Member Petrie spoke to his motion and commented that the Commission was falling behind schedule and that this motion would encourage effective use of their time.

Member Sketch commented that the Chair and Co-Chair should continue to allot time based on their judgement.

Chair Montague provided an overview of the objectives of this meeting and recommended the motion be held until the next meeting. Co-Chair Philpot offered support of this suggestion.

By general consent it was agreed to postpone motion NP-SAPC-2015-018 indefinitely.

John Aftias was acknowledged by the Chair. He commented on one of the proposed waste transfer station sites and the impact this site would have on his adjacent property. Mr. Aftias noted that this proposed site would threaten his property's water source and that the area surrounding his property was already too heavily zoned for industrial use. He presented the commission with a copy of a past hydrology report and invited commissioners to visit the property.

Chair Montague invited Planner Starke to provide feedback.

Planner Starke thanked Mr. Aftias for the information and offered assurance that the issues that concerned him were part of the Commission's deliberations.

Member Sketch asked how long Mr. Aftias had been on the property and was answered "16 years". Member Sketch also asked if proper drainage would address his concerns and Mr. Aftias answered that it might help, but that the water issue was not his only concern.

Ron Henshaw introduced himself and thanked the Commission for their work. He remarked that as an operator he was willing and wanting to work with the Commission. Mr. Henshaw addressed Mr. Aftias and assured him that he was not pushing the Commission to recommend that or any other particular site, but did acknowledge the limitation of industrial lands on Pender Island.

Chair Montague acknowledged Member Henning.

Member Henning rose and asked that the document he was about to read be recorded in the minutes. Points from Mr. Henning's presentation included the following:

- An overview of the format for the community comments portion of the meeting in which Members could also make presentations.
- An overview of the Commission's Terms of Reference Item 13 which compels Members to disclose conflicts of interest.
- A report of Member Henning's conversation with the Islands Trust Office of Advocacy and Policy during which he confirmed that policies related to bias apply to this Special Advisory Planning Commission (SAPC).
- A report that Member Henning discovered public documents on the Agricultural Land Commission's (ALC) website which listed Member Sketch and Chair Montague as "affected parties" in ALC file #53097.

Member Henning then called upon the Members of the Commission to identify themselves if they are participating in any way in ALC file #53097.

Member Sketch stood saying "I stand on a point of order" and was acknowledged by the Chair. Member Sketch remarked that the Member Henning's presentation was not part of the agenda.

Chair Montague asked Member Henning to relinquish the floor and commented that the issue he was addressing did not represent a pecuniary interest and was therefore not a conflict.

Member Henning commented that he did not want to relinquish the floor, but returned to his seat. Member Henning noted Trustee Masselink's presence and remarked that the Trustee might have some comment on the issue.

Chair Montague acknowledged Trustee Masselink's presence, but remarked that she did not observe the Trustee indicating that he had a desire to speak.

Trustee Masselink confirmed that he would like to speak and made the following points:

- He was observing the Commissioners using public process to deal with unresolved issues around conflict of interest.
- The SAPC was sitting at the pleasure of the Local Trust Committee (LTC) and was not making sufficient progress.
- He encouraged the SAPC to work better moving forward.

Chair Montague thanked Trustee Masselink for his input and respectfully requested that Trustee Masselink allow the Commission to carry forth with their work.

5. INTRODUCTION OF CRD REPRESENTATIVES

Chair Montague provided an overview of the Commission's overall process and the objectives of today's meetings. She noted that this meeting was to serve a

function of information gathering and would therefore not include motions on possible locations.

Chair Montague welcomed CRD representatives Russ Smith and Anke Bergner.

Russ Smith discussed the structure of solid waste management within the CRD and the principles that guide their work. He also offered an overview of the variety of approaches that are currently used in different electoral areas and a detailed description of the approach used on Salt Spring Island. This overview included the following points:

- Salt Spring Island is the only area in the Capital Region with a transfer station bylaw.
- The CRD is the regulator and does not operate the site.

6. COMMISSIONER QUESTIONS TO CRD REPRESENTATIVES

Member Underhill asked whether the CRD has a strategy for waste material handling in the areas under their jurisdiction if the representatives could provide an overview of that strategy.

The CRD representatives responded with the following points:

- The CRD Solid Waste Management Plan does not currently include a plan for Pender Island.
- This overall plan is currently in the process of review and revision.
- The CRD could either include a plan for Pender Island in the update or write a solid waste bylaw under the current plan.
- The CRD is currently involved with Pender Island Recycling Society.
- The overall principles that guide the CRD's Solid Waste Management Plan are provided in the annual report which is not yet available in print, but is available online.

Member Korbin asked whether the CRD purchases land for waste transfer stations, whether this would be a reasonable possibility for Pender Island, and whether the CRD would insist on operating the site if they purchased the land.

The CRD representatives answered with the following points:

- The CRD can purchase land. This socializes the cost and the risk.
- The first step is to have the community invite the CRD to create the service.
- If the CRD purchases the land, this does not necessitate their involvement in operating the facility.

Member Korbin requested an overview of what a Land Use Bylaw from the LTC would provide.

Russ Smith invited Planner Starke to answer the question.

Planner Starke provided an overview of the limitations of an LTC Bylaw, noting that it could not necessitate ongoing operational requirements the way CRD licensing can.

Member Sketch asked if the representatives could estimate an annual parcel tax for a facility in which the CRD provides an all-inclusive service.

The CRD representatives noted the difficulty in making such an estimate as the true cost is impacted by a number of variables. They further stressed that each community is individual and comparisons are difficult.

Russ Smith estimated that the annual parcel tax would be around \$250 and noted that if the CRD was invited to do so they would provide scenarios and estimates to help the community understand the likely costs.

Member Sketch noted that Salt Spring Island is looking to incorporate their facility and that their rationale includes dissatisfaction with the CRD's service. He asked whether the CRD representatives had a solution for Pender Island that might provide greater success.

The CRD representatives answered with the following points:

- The creation of the service is driven by the preferences of the community.
- The CRD can be invited to provide any of the following roles including facilitating the discussions, providing estimates, creating the service, and distributing the cost.

Planner Starke asked how the CRD becomes involved.

Russ Smith answered that the CRD first creates a bylaw and the information on what the community wants could come from a source like this Commission.

Chair Montague asked what percentage of total diversion the CRD had reached toward their goal of 70%.

The CRD representatives replied that the percentage is 56%, but that the Provincial Target for 2020 is 350 kg per capita disposal, which the CRD has already met.

Chair Montague asked whether it would be possible to require operators, as part of their licence, to sort and remove removable materials.

The CRD representatives answered with the following points:

- Materials are kept from the landfills using a combination of banning materials and increasing tipping fees.
- The regulations are not adapted for individual operators, but need to be the same for all licensed operators.

Member Korbin asked why the CRD subsidizes the cost of kitchen waste disposal, charging only \$110 when the true cost is \$140.

The CRD representatives commented that this is a complicated issue, but noted that keeping a consistent tipping fee for kitchen scraps and garbage is part of the reason.

Member Korbin asked if the private service that collects garbage could be expanded to include recycling.

Russ Smith responded that there are not any obstacles from the CRD's part of the process, but that they do not control the revenue piece for recycling and a smaller community may not be able to balance the high cost of that service.

Member Korbin asked whether the CRD anticipates becoming involved with commercial composting.

The CRD representatives responded that they have, in the past, approved a pure compost facility that met with the CRD bylaws. The facility had since been shut down due to non-compliance issues.

Member Sketch provided an overview of Section 838(1) of the Local Government Act and asked which model for CRD commissions was preferable, that commissioners are appointed by the electoral area director or that commissioners are elected within the local community where services are provided.

The CRD representatives were unable to offer any insight.

Member Sketch asked whether the CRD representatives could see an opportunity for a not for profit to manage the facility on property purchased through CRD loans.

The CRD representatives provided an overview of the CRD procurement policy making the following points:

- The first step could be community information which would lead to the writing of a CRD bylaw.
- If the CRD was not going to operate the site then they would use the community information to tender bids and recommend an operator who is able to provide equitable service at the lowest cost.
- There are limitations on which operators can be considered under the CRD procurement policy, but the CRD Director David Howe could also offer recommendations that are different from the staff.

Member Sketch clarified that his question regarded a Not for Profit serving as operator as has been used on Thetis and Hornby Islands.

Russ Smith said that such a solution is possible as long as it is established in accordance with regulations.

Chair Montague asked whether the CRD had educational material and resources that the LTC could use.

The CRD representatives provided an overview of the materials available including their annual report, outreach displays, social media education, the web resource My Recylopedia, and resources for school teachers.

Member Korbin noted that should the CRD licence or operate the facility it may become difficult for them to deal with operating violations, especially if there was financial incentive not to close the facility.

The CRD representatives responded that such a process requires due diligence in consultation with lawyers and that the preferred result is to have the operator start to comply. They acknowledged that closing a facility is difficult, but noted that staff enforces the bylaws and that political decisions do not play a role.

Member Sketch asked whether the CRD would consider allowing commingling of solid and liquid waste if the pathogenic and other risks of that practice was removed.

The CRD representatives advised that integrated resource management is a CRD Board priority. They further explained that one consideration is a Board policy that prohibits the land application of biosolids. .

Member Petrie asked for clarification regarding a facility in Ladysmith that does process solid and liquid waste.

The CRD representatives acknowledged this facility, but noted that the operation is not part of CRD.

7. NEXT MEETING AND NEXT STEPS

Chair Montague noted that an additional meeting has been scheduled for Friday, November 27 at 12:30 pm. She provided an overview of the meeting.

Member Petrie noted that Member Henning had not completed his presentation during this meeting and asked that it be continued at the next meeting.

Chair Montague acknowledged the request.

8. NEXT MEETING AND NEXT STEPS

NP-SAPC-2015-19

It was MOVED by Member Rippner and SECONDED by Member Henning
THAT the Commission adjourn at 2:30 pm.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder