

DATE OF MEETING: January 31, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
SUBJECT: Waste Transfer - Bylaws 214 & 215

RECOMMENDATIONS

1. That the LTC request staff to report back with a range of options to amend proposed bylaws 214 and 215.

REPORT SUMMARY

The purpose of this report is to provide the Local Trust Committee (LTC) with a summary of the Land Use Planning for Waste Management project, its current status and provide options and a recommendation how to proceed with a process to consider amendments to the bylaws.

BACKGROUND

The issue of siting of waste transfer facilities has been a long standing one, with private operators' facilities permitted through the use of Temporary Use Permits or deferred enforcement. Specific rezoning proposals have resulted in community conflict. In response, last term the LTC made it a priority to undertake a comprehensive approach to planning for waste and resource management in early 2015.

In 2015 the LTC of the day established a special Advisory Planning Commission (APC) to provide advice to the LTC on potential locations, regulations and the scope of private operations. At the same time, and working with the APC, staff undertook a process to establish criteria and to identify potential sites with the assistance of a consultant. The final report (**December 2016**) assessed 15 potential sites, and recommended that the LTC further consider 7 of those sites.

In April 2017, following site visits, analysis, and deliberation, the LTC further narrowed down the sites to 5 and directed staff to prepare bylaws that would amend the Official Community Plan (OCP) to establish enabling policies and a development permit area (DPA), and amend the Land Use Bylaw (LUB) to rezone the sites for three different levels of service:

- 2 to allow for full service use ('McDonald Farm' and Mainroad yard)
- 2 for limited waste transfer ('Burdett' and 'Henshaw')
- 1 for public drop-off only (Medicine Beach market).

The LTC gave first reading to the bylaws in September 2017. In January 2018, the LTC made amendments to the bylaws, including removing the property on Razor Point Road ('Burdett') based on the Agricultural Land Commission (ALC) decision of September 2017 to not extent a temporary non-farm use approval. Without ALC approval, the LUB cannot be amended to permit a non-farm use for the portion of that site within the Agricultural Land Reserve (ALR).

The proposed bylaws were further amended in April 2018, and a community information meeting and public hearing was scheduled for September. Following the community information meeting, at which the vast majority of meeting attendees voiced strong concerns about the removal of 4606 Razor Point Road from the proposals for waste transfer uses, the public hearing was cancelled. The LTC has also written to the ALC in October requesting that the ALC renew the permission for non-farm use on the industrial zoned portion of the property. To date the ALC executive committee has not considered the request, but staff have received confirmation that the request will be placed on a future ALC Executive Committee agenda.

In summary, proposed bylaws 214 and 215 have received second reading but have not proceeded to public hearing. Consequently, the bylaws could be amended by the LTC, and proceed to public hearing. For further background, see previous staff reports and related information posted on the LTC projects [webpage](#).

The current LTC confirmed at the last meeting that 'Land Use Planning for Waste Management' would remain a top priority work program project. The next step is for the LTC to consider its options on whether to proceed with the project and if so what the approach should be taken.

OPTIONS

The purpose of this report is seek direction from the LTC on how to proceed with the project (if at all), not to review the specific merits of the various proposed locations and the details of the policies and regulations proposed in Bylaws 214 and 215. As a first step, the LTC should determine the scope and general direction of the initiative; the basic suggested approaches are as follows:

1. The LTC could proceed with the bylaws are currently proposed. They have received Second Reading and direction would only be required to schedule a public hearing. Although given the opposition expressed at the community information meeting this likely not a desirable approach.
2. Make specific amendments to the bylaws and proceed to public hearing. This option presumes that the LTC has a preferred approach to making specific or targeted changes to the bylaws. The LTC would provide direction on the changes, staff would prepare draft amendments, and the LTC could then amend the bylaws and proceed to public hearing. This would be a fairly limited project and could likely be completed by the end of the year.
3. Similar to (2), consider options to amend the bylaws based on the community consultation undertaken to date. However, this would involve staff providing options and recommendations for the LTC to review, LTC deliberation on the options, and then re-drafting of bylaws for review. This approach would be a lengthier process than (2) above, but shorter than undertaking a new process.
4. Undertake a process to review the issues, involving community consultation, and consider a variety of options for amending the bylaws. This would be a more extensive project, involving

significant community consultation and consideration of a variety of potential changes to the bylaws.

5. Proceed no further with the project as an LTC initiative. The onus would then be on operators or landowners to apply for amendments and/or temporary use permits to be assessed by the LTC on a case-by-case basis. Two operators (Burdett and Henshaw) currently have rezoning applications in abeyance that could be re-opened (subject to ALC approval in the one instance).

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Rationale for Recommendation:

Staff are recommending option (3) above: that the LTC proceed to consider a range of alternatives for amending the proposed bylaws and that as the first step staff report back with options. This recommendation is based on the fact that extensive analysis and consultation was undertaken last term, leading up to a community information meeting. This approach would provide the LTC with the opportunity to consider other alternatives and deliberate on the options without re-starting the process.

Next Steps

If the LTC supports the recommended approach, staff will report back with options and analysis of the different options.

Alternatives:

Submitted By:	Robert Kojima, Regional Planning Manager	January 21, 2019
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ATTACHMENTS

Appendix 1: Proposed Amendments - Bylaw 214

Appendix 2: Proposed Amendments - Bylaw 215

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 214

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

The North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017”.

2. SCHEDULES

2.1 North Pender Island Official Community Plan No. 171, 2007 Schedule “A” is amended as shown on Schedule 1 attached to and forming part of this bylaw.

2.2 North Pender Island Official Community Plan No. 171, 2007 Schedule “B” – Land Use Map - is amended, as shown on Schedule 2, attached to and forming part of this bylaw.

2.3 North Pender Island Official Community Plan No. 171, 2007 Schedule “A” is further amended as shown on Schedule 3 attached to and forming part of this bylaw.

2.4 North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 4 attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	30 th	DAY OF	JANUARY	2018
READ A SECOND TIME THIS	26 th	DAY OF	APRIL	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20__
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

Chair

Secretary

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 1

The NORTH PENDER Island Official Community Plan No. 171, 2007 Schedule "A", is amended as follows:

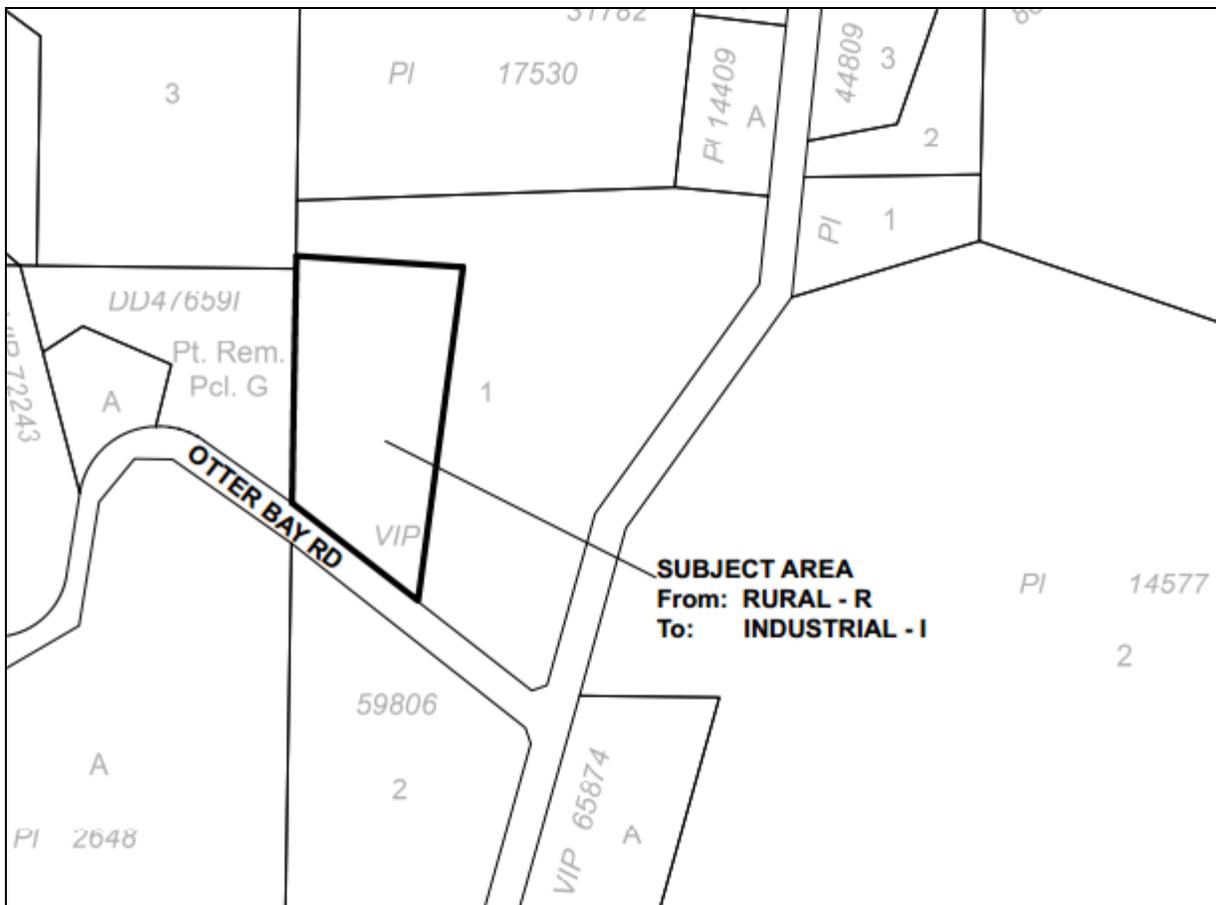
1. Section 1.2 (Goals), is amended by adding a new goal as follows:
 - 19) To minimize waste and maximize recycling and resource recovery in the management of solid waste and discarded materials.
2. Section 3.3.2 (Solid Waste Disposal) is amended by adding new objectives under Solid Waste Objectives as follows:
 - 3) To support the reduction, recycling, and reuse of solid waste and discarded materials.
 - 4) To accommodate the facilities and services that provide North Pender Island with necessary collection, storage, processing, and transfer of solid waste and recyclable materials, while minimizing the impacts on neighbourhoods, community health and the island's environment.
 - 5) To protect the island's environment from contamination by solid waste and recyclable materials.
3. Section 3.3.2 (Solid Waste Disposal) is amended by adding new policies under Solid Waste Policies and re-numbering the Advocacy Policies accordingly:
 - 3.3.2.4 The Local Trust Committee may permit and regulate the appropriate development of sites to provide the community with a range of service options for the storage and transfer of solid waste and recycling.
 - 3.3.2.5 Waste transfer uses should be protected from hazardous conditions and should not adversely affect the rural and residential character of the community, the natural environment, or farming.
 - 3.3.2.6 The Local Trust Committee may regulate waste transfer uses and designate Development Permit Areas to ensure waste transfer uses:
 - a) are screened by vegetation to limit visual impacts;
 - b) are located outside community water system supply watersheds, areas with high groundwater vulnerability, and environmentally sensitive areas;
 - c) are designed to avoid leachate from entering the natural environment;
 - d) are designed to minimize traffic impacts on adjacent neighbourhoods;
 - e) are not located on naturally productive agricultural soils;
 - f) are designed to minimize fire risk.
 - 3.3.2.7 The Local Trust Committee may support both publicly and privately-operated solid waste transfer sites.
4. Section 3.3.2 (Solid Waste Disposal) is amended by adding a new policy under Advocacy Policies:
 - 3.3.2.12 The Local Trust Committee encourages the Capital Regional District to regulate waste transfer operations on North Pender Island.

5. The Table of Contents and list of schedules is updated to reflect the changes made by this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 2

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule B, Land Use Map is amended as follows:



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 3

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule A is amended as follows:

Section 5.2 (Development Permit Areas), is amended by adding a new Development Permit Area following Development Permit Area Ten as follows:

5.2.12 DEVELOPMENT PERMIT AREA ELEVEN – WASTE TRANSFER DEVELOPMENT PERMIT AREA

5.2.12.1 Authority

This development permit area is established pursuant to the following sections of the *Local Government Act*:

- 488 (1) (a) protection of the natural environment, its ecosystems and biological diversity;
- 488 (1) (b) protection of development from hazardous conditions;
- 488 (1) (c) protection of farming;
- 488 (1) (f) establishment of objectives for the form and character of commercial, industrial or multi-family residential development;

5.2.12.2 Special Conditions or Objectives that Justify the Designation

Development Permit Area Eleven encompasses all lands shown on Schedule “Q” which may be zoned by the North Pender Island Local Trust Committee to permit the operations of waste transfer uses, including commercial recycling, and commercial composting. The North Pender Island Local Trust Committee recognizes that if not well designed and carefully managed, these uses can have negative impacts on both surrounding neighbourhoods and the natural environment. Waste transfer uses should be protected from hazards and should not adversely affect the rural and residential character of the community and the natural environment, or farming. Development Permit Area Eleven is implemented to help guide the land use planning of waste transfer uses, including commercial recycling and commercial composting to minimize the potential for negative impacts. Its specific objectives are as follows:

- a. To ensure that the waste transfer uses, including commercial recycling and commercial composting, as permitted on North Pender Island, can develop with the least impact on the natural environment.
- b. To ensure that the waste transfer uses, including commercial recycling and commercial composting, as permitted on North Pender Island, can develop with the least impact on neighbouring properties.
- c. To avoid a level of design regulation that could affect the viability of waste transfer uses, including commercial recycling and commercial composting.

- d. To buffer agricultural land from impacts associated with waste transfer uses, including commercial recycling and commercial composting.

5.2.12.3 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted:

- a. Construction of, addition to, or alteration of buildings and structures for waste transfer uses including commercial recycling and commercial composting.
- b. Alteration of land.

5.2.12.4 Designation

This development permit area is shown on Schedule "Q."

5.2.12.5 Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw, and development approval information bylaw adopted by the North Pender Island Local Trust Committee or Islands Trust Council.

5.2.12.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a. Subdivision of land;
- b. Maintenance of existing landscaping;
- c. Repair and maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or floor area, no exterior alterations requiring a building permit, and no change in the use of external materials that would result in the alteration of the form and character of the building or structure;
- d. Internal renovations or alterations;
- e. Repair and maintenance of existing roads, parking areas, paths and trails.

5.2.12.7 Guidelines

The intent of this development permit area is to ensure that development related to waste transfer uses, including commercial recycling and commercial composting, meets the special conditions and objectives described in 5.2.12.2. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

GUIDELINES FOR THE PROTECTION OF THE NATURAL ENVIRONMENT

General Guidelines for Environmental Protection

- 1) All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from waste transfer uses, including commercial recycling and commercial composting, into the environment.

- 2) All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for waste transfer uses, including commercial recycling and commercial composting, and as necessary to establish fire separation buffers.

Guidelines for Water Protection

- 3) All development associated with waste transfer uses, including commercial recycling and commercial composting, should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.
- 4) All development associated with waste transfer uses, including commercial recycling and commercial composting, should avoid negative impacts on fish habitat and marine ecosystems.
- 5) Waste transfer uses, including commercial recycling and commercial composting, should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6) Waste transfer uses, including commercial recycling and commercial composting, should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.

GUIDELINES FOR THE PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

Guidelines for the Protection of Development from Wildfire Hazard

- 7) All waste transfer uses, including commercial recycling and commercial composting, should be designed to protect such uses from wildfire hazards.
- 8) A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 9) Water supply for fire protection should be provided.
- 10) Emergency vehicles should be able to readily reach all parts of the development.

Guidelines for the Protection of Development from Flood Risk

- 11) Where a property contains a surface water body it should be demonstrated that the waste transfer use, including commercial recycling and commercial composting, is not at risk from flooding.

Guidelines for the Protection of Development from Slope Hazard Risk

- 12) Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the waste transfer use, including commercial recycling and commercial composting, is not at risk of geotechnical hazard.

GUIDELINES FOR THE PROTECTION OF FARMING

General Guidelines for the Protection of Farming

- 13) Where a waste transfer use, including commercial recycling and commercial composting, is adjacent to farm land, the waste transfer uses should be sited and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.

GUIDELINES FOR THE FORM AND CHARACTER OF INDUSTRIAL DEVELOPMENT

Guidelines for General Site Design, Building Location and Access

- 14) Site access to waste transfer uses, including commercial recycling and commercial composting, should maintain the general character of the surrounding neighbourhoods as much as possible.
- 15) All waste transfer uses, including commercial recycling and commercial composting, should be sited to allow vehicles to maneuver without having to block or back onto adjacent streets.
- 16) All waste transfer uses, including commercial recycling and commercial composting, should be sited and designed for traffic circulation that meets anticipated service levels.
- 17) All waste transfer uses, including commercial recycling and commercial composting, should be sited and designed to minimize visual impacts on neighbouring properties and public areas. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual impacts are minimal.
- 18) Storage of waste should be sited as far from adjacent residential and commercial uses as possible.
- 19) Buildings and other structures should utilize existing topography and vegetation and be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

GUIDELINES FOR THE FORM AND CHARACTER OF BUILDINGS AND STRUCTURES

General Guidelines for the Form and Character of Buildings and Structures

- 27) Building mass shall be scaled to complement surrounding residential development and be softened by the use of small-scale elements.
- 28) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas.

Guidelines for Lighting

- 31) Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's nighttime atmosphere.
- 32) Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.
- 33) Light fixtures should focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas.

Guidelines for Signage

- 34) Signs should not be sited more than 5 m above the ground.

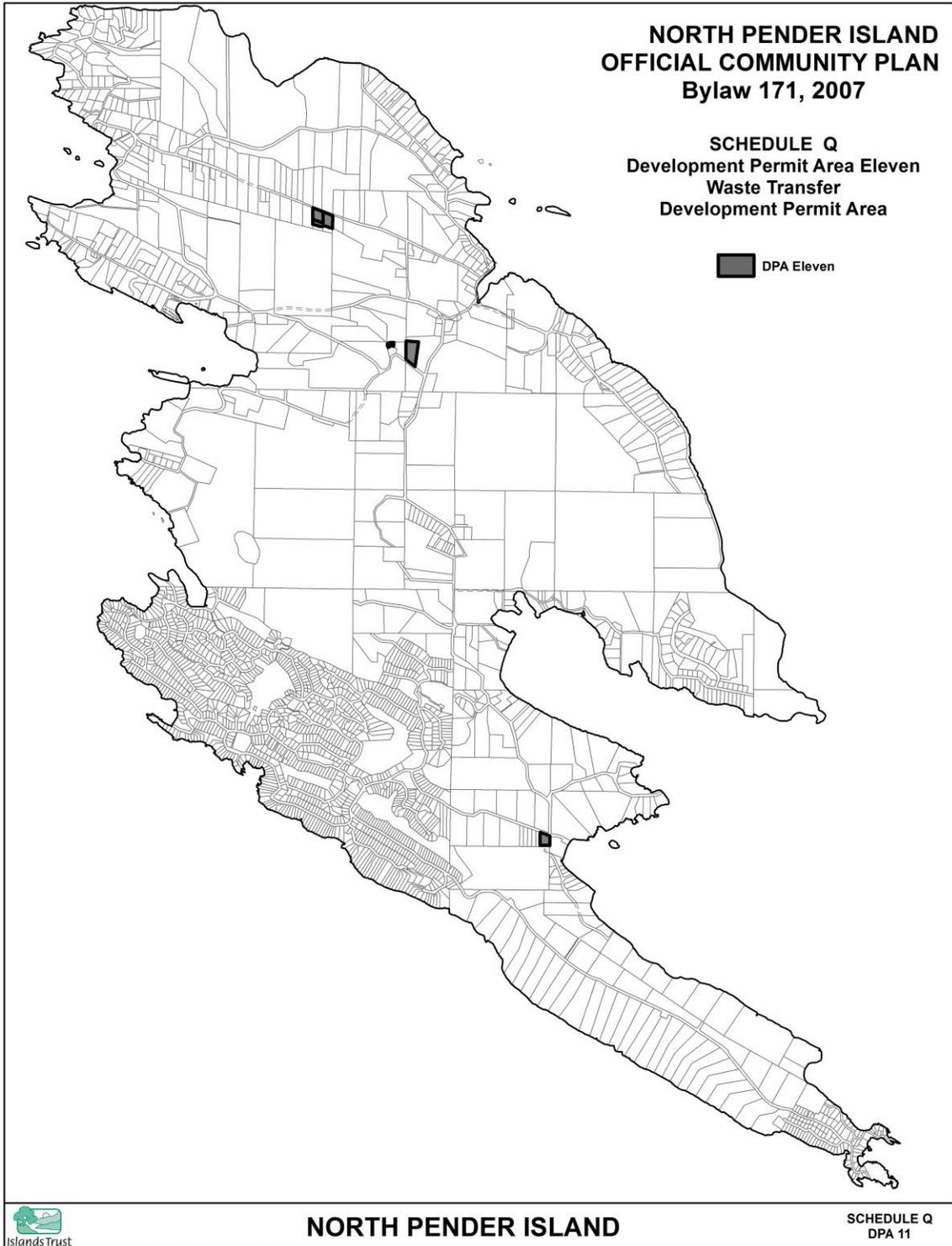
VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

- 39) The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines of this section.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 214**

SCHEDULE 4

The NORTH PENDER Island Official Community Plan No. 171, 2007 is amended by adding a new schedule "Q" Development Permit Area 11 as follows:



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 215

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 103, 1996

The North Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

(1) Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017”.

(2) North Pender Island Local Trust Committee Bylaw No. 103, cited as “North Pender Island Land Use Bylaw 103, 1996,” is amended as follows:

2.1. Section 1.1 – Definitions, is amended to add the following:

“commercial composting” means the use of land, buildings or structures for commercially processing organic matter through the biological decomposition of organic materials in accordance with the *Environmental Management Act and Public Health Act* and associated Organic Matter Recycling Regulation, and the Capital Regional District Composting Facilities Regulation Bylaw.”

“commercial recycling,” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from commercial, institutional, demolition or construction sources, but not from household residential sources.

“full service waste transfer” means the use of land, buildings or structures for:

- (1) receiving, storing, sorting, compacting and transferring solid waste;
- (2) commercial recycling;
- (3) commercial composting; and
- (4) public drop off waste transfer.

“hazardous waste” means hazardous waste as defined in the Hazardous Waste Regulation under the *Environmental Management Act*.

“limited waste transfer” means the use of land, buildings or structures for receiving, storing, sorting and transferring solid waste and commercial recycling, and excludes commercial composting, public drop off waste transfer, or public drop off of recycling.

“public drop off waste transfer” means the drop off of solid waste and organic materials by the general public.

“solid waste” means refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources.

2.2 Section 1.1 – Definitions, is amended by deleting the definition of “recycling facilities” and replacing it, as follows:

“recycling and reuse facility” means the use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

2.3 Article 3.2.1(2) is amended by deleting “or the Waste Management Act,” after Sewage Disposal Regulation.

2.4 Part 3 – General Regulations is amended by adding a new Section 3.19 as follows:

“Waste Transfer Regulations

3.19.1 The following regulations apply to waste transfer uses:

- (1) All solid waste, recyclable materials and compost materials must be located on impervious surfaces designed with a drainage control system to prevent any release of any contaminants from the materials into the environment.
- (2) All solid waste, recyclable materials, and compost materials must be contained and located within buildings or sealed collection bins.
- (3) Hazardous waste must not be received, collected, stored, or transferred.
- (4) Asbestos must not be received, collected, stored, or transferred.
- (5) All waste transfer uses must be screened from view along non-industrial zone boundaries and along highways, in accordance with subsection 3.13.1(2).

3.19.2 Setbacks:

- (1) No building or structure, or external storage of materials or equipment used for any waste transfer use may be sited within 30 metres of a well, the natural boundary of any lake, wetland, stream or sea.
- (2) No building or structure, or external storage of materials or equipment used for a full service waste transfer use may be sited within 30 metres of any lot line shared with a property in the Rural, Rural Residential or Agriculture zone.
- (3) No building or structure, or external storage of materials or equipment used for a limited waste transfer use or public drop off of waste transfer may be sited within 15 metres of any lot line shared with a property in the Rural, Rural Residential or Agriculture zone.
- (4) No building or structure, or external storage of materials or equipment used for a limited waste transfer use or public drop off of waste transfer may be sited within 3 metres of any front, rear, interior side, or exterior side lot line lot line.

3.19.3 A maximum of one building with a maximum floor area not exceeding 150 square metres is permitted for a limited waste transfer use.

3.19.4 A maximum of one building with a maximum floor area not exceeding 35 square metres, and a maximum height of five metres, is permitted for public drop off of waste transfer.

3.19.5 The regulations in Section 3.18 do not apply to a recycling and reuse facility.

Information Note: Commercial composting facilities must also comply with other regulations including the provincial Organic Matter Recycling Regulation (OMRR), the BC Agriculture Waste Control Regulation, WorkSafeBC and other applicable regulations. The BC Farm Industry Review Board is set up to address issues arising from farm activities including odour.”

2.5 Subsection 6.1.2 - Off-Street Parking, is amended by adding new rows to Table 2, as follows:

TABLE 2: Off-Street Parking Requirements Continued		
	Use	Minimum Number of Parking Spaces Required
(u)	Full service waste transfer	10 spaces
(v)	Public drop off waste transfer Limited waste transfer	3 spaces

2.6 Subsection 8.4.8 – Site Specific Regulations, is amended by adding the following in Column 3 of the Site Specific Zone Reference C1(e), following (h): “and public drop off waste transfer”.

2.7 Subsection 8.8.8 – Site Specific Regulations, is amended by replacing the Site Specific Zone Reference I1(b) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite 8.8.2(1), the only permitted uses are boat storage and agriculture. . <i>Information Note: Boat storage is only permitted within the Agricultural Land Reserve if approved as a non-farm use by the Agricultural Land Commission.</i>

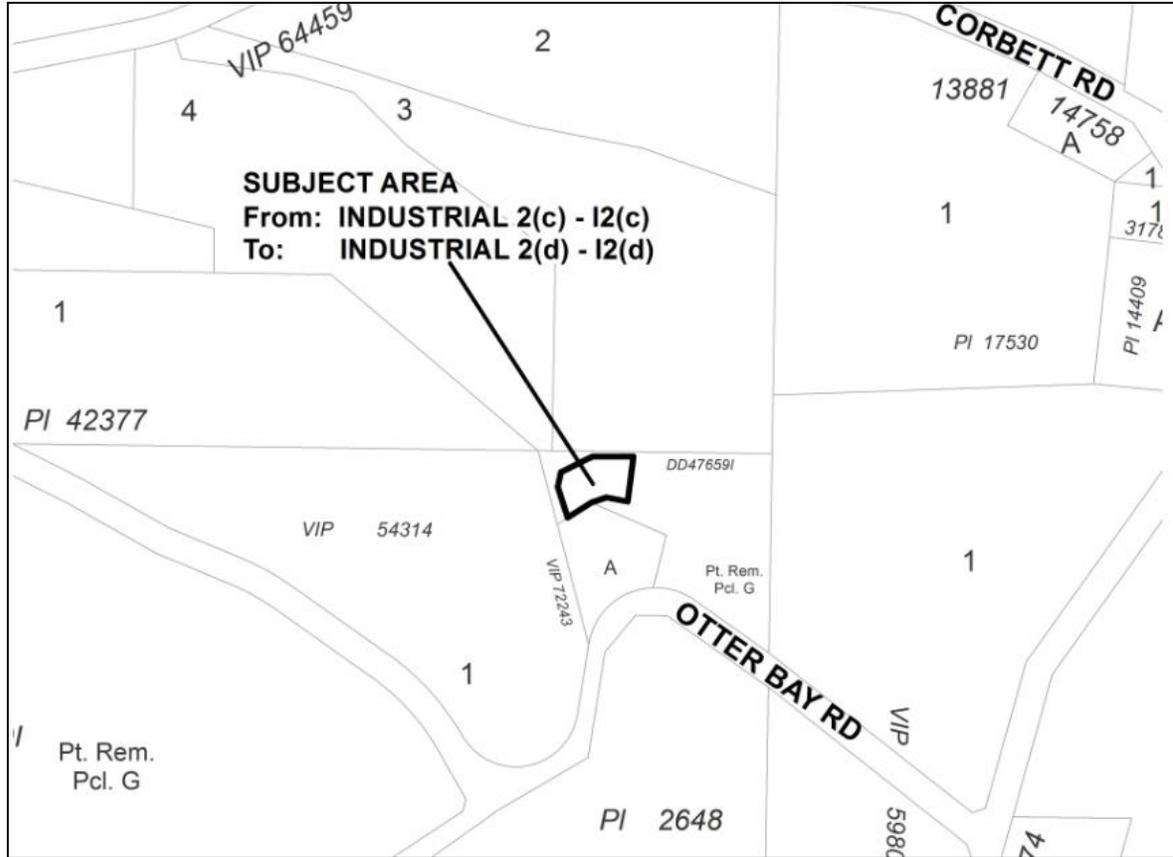
2.8 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone I2(d) as follows:

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Site-Specific Zone Reference	Legal Description	Site Specific Regulations
I2(d)	Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243	Despite 8.9.2(1), the only uses permitted in this location are: limited waste transfer, storage of aggregate, and the fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.

2.9 Subsection 8.9.8 – Site Specific Regulations, is amended by adding a new Site Specific Zone Reference I2(e) as follows:

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 215

Plan No. 2

