

DRAFT

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 “A” is further 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.

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 _____ DAY OF _____ 20__

READ A SECOND TIME THIS _____ DAY OF _____ 20__

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:

Describe types

1. Section 1.2 (Goals), is amended by adding a new goal as follows:

- 19) To minimize solid waste and maximize recycling and resource recovery in the management of discarded materials.

2. Section 3.3.2 (Solid Waste Disposal) is amended by

- a. By replacing the phrase "Solid Waste" in the headings with the phrase "Discarded Materials Management"

- b. The "Background" paragraph is amending by replacing the phrase "Solid waste produced on North Pender Island is disposed of" with the phrase "Discarded materials generated on North Pender Island are managed"

- c. The "Background" paragraph is amending by adding following the first paragraph:

"Waste Transfer can include the following types of services:

- 1) **Full service waste transfer:** The use of land, buildings and structures for receiving, storing, sorting, compacting and transferring residential and/or, commercial waste including recycling and compost. It may include commercial recycling and composting as well as public drop off.

- 2) **Limited waste transfer:** The use of land, buildings or structures for receiving, storing, sorting, compacting and transferring residential and/or commercial solid waste or commercial recycling. It excludes commercial composting or public drop off.

- 3) **Public drop-off waste transfer:** The use of land, buildings or structures to accommodate the drop of solid waste and organic materials by the general public for transfer to another location.

- 4) **Recycling and reuse facility:** 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."

3. Section 3.3.2 is amended by adding new Objectives as follows:

- 3) To support the reduction, recycling, and reuse of 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, recyclable materials and compost.

4. Section 3.3.2 is amended by adding new 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 Limited Waste Transfer, Full service Waste Transfer, Public drop-off Waste Transfer and Recycling and reuse facilities.

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 Public drop off waste transfer should be permitted in the C1(e) zone. Applications may be considered for public drop off waste transfer in other appropriate locations.

3.3.2.7 Limited Waste Transfer and Full Service Waste Transfer services may be considered by rezoning or temporary use permit application.

3.3.2.8 Existing Industrial zoned lands are the preferred locations for Limited Waste Transfer and Full Service Waste Transfer services.

3.3.2.9 Applications for waste transfer uses in appropriate locations may be considered subject to:

- protecting natural watercourses, trees and native vegetation and soil
- avoiding negative impact to riparian areas, natural watercourses, groundwater aquifers, fish habitat, marine ecosystems, site drainage and groundwater
- protecting the site and uses from wildfire hazards, flooding and steep slope hazards
- ensuring adequate separation from farmland
- maintaining the general character of the area
- minimizing visual, noise, smell impacts on neighbours
- enabling safe and easy vehicle access and movement
- minimizing use of artificial light

3.3.2.10 The Local Trust Committee should 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.

3.3.2.11 The Local Trust Committee may support both publicly and privately-operated waste transfer sites.”

4. Section 3.3.2 (is amended by adding a new policy under Advocacy Policies:

“3.3.2.16 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.

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SCHEDULE 2

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 lands which may be zoned by the North Pender Island Local Trust Committee to permit the operations of waste transfer uses, including receiving, storing, sorting, compacting and transferring solid waste, and commercial recycling.

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 to minimize the potential for negative impacts. Its specific objectives are as follows:

- a. To ensure that the waste transfer uses, including commercial recycling, 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, 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.

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

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.
- b. Alteration of land.

5.2.12.4 Designation

This development permit area includes all land in the Bylaw Area that is zoned I2 (a), I2(b), I2(c) and C1(e). The Waste Transfer DPA is designated as an area for which development approval information may be required as authorized by Section 485 of the Local Government Act. Development approval information in the form of a report from a qualified professional may be required due to the special conditions and objectives described herein.

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;
- f. Limited waste transfer service, full service waste transfer and/or public drop off waste transfer where a temporary use permit has been issued.

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, 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, 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 as necessary to establish fire separation buffers.

Guidelines for Water Protection

- 3) All development associated with waste transfer uses, including commercial recycling, should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.
- 4) All development associated with waste transfer uses, including commercial recycling, should avoid negative impacts on fish habitat and marine ecosystems.
- 5) Waste transfer uses, including commercial recycling, 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, 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, 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, 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, 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, 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, should maintain the general character of the surrounding neighbourhoods as much as possible.
- 15) All waste transfer uses, including commercial recycling, 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, should be sited and designed for traffic circulation that meets anticipated service levels.
- 17) All waste transfer uses, including commercial recycling, 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

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

Guidelines for Lighting

- 22) 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.
- 23) Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.
- 24) 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

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

VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

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

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SCHEDULE 3

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

Part 6 (Temporary Use Permits) is amended to reflect changes to bylaw language as follows:

Section 6.1 “Commercial and Industrial” is removed.

Section 6.2 “Commercial and Industrial” is removed

Part 6 (Temporary Use Permits) is amended by inserting the following as new section 6.5 as follows:

“6.5 In addition to 6.1, 6.2, 6.3 above, and the general regulations (3.19) and off-street parking requirements (6.1.2) identified in the North Pender Local Trust Committee Land Use Bylaw, the following guidelines apply when the Local Trust Committee is considering the issuance of a temporary use permit for a waste transfer service:

- 6.5.1 For the purpose of a temporary use permit “waste transfer service” means the use of land, buildings or structures for receiving, storing, sorting compacting and transferring residential and/or commercial solid waste, recycling or compost. It can include commercial recycling and composting as well as public drop off waste transfer, or public drop off of recycling;
- 6.5.2 The Local Trust Committee should consider potential impacts of the waste service to the surrounding groundwater resources.
- 6.5.3 All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from waste transfer services into the environment.
- 6.5.4 All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for waste transfer services and as necessary to establish fire separation buffers.
- 6.5.5 All development associated with waste transfer services should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.
- 6.5.8 All development associated with waste transfer services should avoid negative impacts on fish habitat and marine ecosystems.

- 6.5.9 Waste transfer services should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6.5.10 Waste transfer services should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.
- 6.5.11 Waste transfer services should be designed to protect such uses from wildfire hazards.
- 6.5.12 A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 6.5.13 Water supply for fire protection should be provided.
- 6.5.14 Emergency vehicles should be able to readily reach all parts of the development.
- 6.5.15 Where a property contains a surface water body it should be demonstrated that the waste transfer service is not at risk from flooding.
- 6.5.16 Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the waste transfer service is not at risk of geotechnical hazard.
- 6.5.17 Where a waste transfer services is sited adjacent to farm land, the uses should be sited, and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.
- 6.5.18 Site access to waste transfer services should maintain the general character of the surrounding neighbourhoods as much as possible.
- 6.5.19 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.
- 6.5.20 All waste transfer services should be sited and designed for traffic circulation that meets anticipated service levels.
- 6.5.21 All waste transfer services 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.
- 6.5.22 Storage of waste should be sited as far from adjacent residential and commercial uses as possible.

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- 6.5.23 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.
- 6.5.24 Building mass shall be scaled to complement surrounding residential development and be softened by the use of small-scale elements.
- 6.5.25 Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas.
- 6.5.26 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.
- 6.5.27 Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.
- 6.5.28 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.
- 6.5.29 Signs should not be sited more than 5 m above the ground.”