



Islands Trust

PENDER ISLAND(S) WASTE & RESOURCE
MANAGEMENT COMMISSION

ORIENTATION MANUAL

September 2015

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APPROVED

September 10 2015

PENDER ISLAND(S) WASTE AND RESOURCE MANAGEMENT COMMISSION TERMS OF REFERENCE

BACKGROUND

Both North and South Pender Islands have a need for appropriate and permanent location(s) to manage solid discarded materials, including waste, recycling, and reusable waste – “resources.” While there is appropriate zoning for the North Pender Island Recycling Facility on Otter Bay Road, there does not exist an appropriate zone designation on North or South Pender Islands for other types of waste/resource storage and transfer. Historically, waste management has operated in contravention of land use bylaw regulations or been permitted under the authority of Temporary Use Permits. New Capital Regional District restrictions on food waste at Hartland Landfill may require consideration of community composting facilities. Land use regulations should be drafted with the recognition that sites chosen for solid waste/resource storage and transfer may also need to be suitable for locating organic waste materials. The CRD is undergoing a regional process to update its “Integrated Solid Waste and Resource Management Plan,” which may offer opportunities for a coordinated approach. The Pender Island(s) Waste and Resource Management Commission (referred to in this document as “the Commission”) is appointed to represent the local North and South Pender Island communities; the intent is to ensure the process to develop land use policy and regulations for waste/resource storage and transfer is steered by the community itself.

1. The Commission will be advisory to the North Pender Island Local Trust Committee; it is authorized as a Special Advisory Planning Commission under the *North Pender Island Local Trust Committee Advisory Planning Commission Bylaw 166*, as amended by Bylaw 200. All advice given to the North Pender Island Local Trust Committee will also be shared with the South Pender Local Trust Committee at the same time.
2. The North Pender Island Local Trust Committee shall by resolution appoint up to 11 members to the Commission.
3. A quorum for a meeting shall be 50% of the members appointed.
4. All Commission deliberations must take place at a meeting of the Commission, and such meetings must be minuted and open to the public.
3. Each Commission meeting agenda will make provision for 20 minutes at the beginning of the meeting to receive comment from the public on agenda items for that meeting. The Commission meetings themselves are not intended to be community consultation events, and in the interest of time and agenda management, the Chair may limit community input during the Commission meetings. The Commission will be hosting additional events specifically designed for public input.
4. The Commission will consider community advice in making its final recommendations, while also recognizing that the Islands Trust has authority over land use; all recommendations in respect of operations and service provision (particularly by the Capital Regional District) will be in the form of broad policy objectives or advocacy under Section 878(2) of the Local Government Act.

5. The role of Commission is to identify the questions and give answers needed to address the following points in land use policy, bylaw regulation, and advocacy:
 - a) WHAT discarded materials are to be considered in the work of Commission;
 - b) WHERE discarded materials are to be sorted, stored and transferred, and also may include recommendations on appropriate locations and regulations for the processing of organics on North Pender and South Pender Islands;
 - c) HOW the services to collect, sort, store, and transfer discarded materials may be provided. This may include recommendations on how the waste/resource operations are regulated and provided, whether by private local operators, land owners, not-for-profit organizations, regional district services, or by a combination of approaches.

6. The Commission shall, as part of its review, with assistance from Islands Trust staff, address the following:
 - a) Background research, context, best practices, and lessons learned.
 - b) Consider the elements of the solid waste and resource stream and make recommendations on the scope of waste & resource management – for example, what types of materials should be stored, transferred, or processed on Pender Island(s). The processing of organic materials could be included in this review.
 - c) Inventory existing industrial land and land previously, currently, and potentially used for waste management activities, including the existing recycling facilities.
 - d) Consult with target stakeholders (including, but not exclusively, waste management operators and industrial land owners).
 - e) Facilitate and participate in community consultation events aimed at reaching community consensus on the location and scope of waste management on the Penders.
 - f) Develop criteria for the siting of waste and resource management facilities.
 - g) Evaluate land/sites according to research and criteria. Identify any new sites.
 - h) Make recommendations for any new Official Community Plan policies and Land Use Bylaw regulations for waste and resource management on the Penders,
 - i) Make recommendations for where to locate current/future waste transfer facilities.
 - j) Provide recommendations to the Capital Regional District on the Integrated Waste and Resource Management Plan.
 - k) Present recommendations in a final report to the North Pender Island Local Trust Committee in accordance with the timelines shown in Schedule 1.

7. The Commission shall elect a Chairperson at its first meeting.

8. The Chairperson should ensure the Commission considers the issues from an enlarged perspective aimed at solutions for the community as a whole.

9. The Chairperson should ensure, to the best of their knowledge and ability, that any options or recommendations are consistent with:
 - a) The Goals (“principles”) of the Official Community Plan;
 - b) the Object of the Islands Trust;
 - c) the policies of the Islands Trust Policy Statement;

- d) the statutory authority of the Local Trust Committee;
 - e) Islands Trust's policies and procedures;
 - f) generally accepted good planning principles.
10. The Chairperson, with assistance from the Deputy Chairperson and secretary, shall be responsible for:
- a) Organizing meetings;
 - b) developing and distributing meeting agendas to Commission members (and copied to Islands Trust staff);
 - c) communicating with North Pender and South Pender trustees and Islands Trust staff at each stage.
11. The Chairperson is responsible for:
- a) Leading and facilitating discussion at the meeting(s);
 - b) ensuring that all points of view are heard;
 - c) ensuring that good order and civility are maintained at meetings and that deliberations are conducted with objectivity;
 - d) ensuring that discussion is relevant and addresses the questions laid out in this terms of reference;
 - e) ensuring the meetings are conducted efficiently and that progress is made in accordance with the timelines established by the work plan attached as Schedule 1.
12. After approval of the agenda at the beginning of each meeting, Commissioners must disclose any conflict of interest the Commissioner may have in respect of agenda items for that meeting. Both the fact of the declared conflict and the nature of the conflict shall be recorded in the meeting minutes. Given the goals of the Commission, the Local Trust Committee is satisfied that this provides an adequate level of procedural fairness.
13. Costs should be limited to rental of the meeting hall, secretarial services, materials such as paper and markers, and light refreshments.
14. At least 2/3 of Commission members shall be residents of the North Pender Island Local Trust Area and the remainder shall be residents of the South Pender Local Trust Area.
15. The Chairperson of the North Pender Island Advisory Planning Commission (NPI APC) or their delegate shall sit as an ex-officio member of the Commission.
16. The Capital Regional District Director for the Southern Gulf Islands shall be invited to participate in a resource capacity in order to provide coordination with the CRD Integrated Solid Waste and Resource Management Plan review.
17. A member of the North Pender Island Local Trust Committee and a member of the South Pender Island Local Trust Committee may be invited to participate in a resource capacity.
18. Islands Trust and Capital Regional District staff may be invited to serve as resources at any meeting. As well, Islands Trust staff will provide any available technical information required for the Commission to carry out its review.

SCHEDULE 1: PROJECT CHARTER WORK PLAN OVERVIEW		
Meeting	Deliverable/Milestone	Target Date
COMMISSION Meeting #1	Inaugural meeting of Commission – Background presentations and orientation by CRD and Islands Trust staff. Develop understanding of task, terms of reference for the work, and best practices in the literature for achieving goals. Aligns with deliverable 4(a) in the ToR.	August/ Sept, 2015
COMMISSION Meeting #2	Review inventory of existing industrial land and land used for waste management activities (basic information provided by staff). Appoint a subcommittee to meet with the agreed upon targeted stakeholders, as needed. Discuss and agree on objectives and preferred outcomes of the stakeholder meetings. Summaries of the stakeholder meetings will be compiled and reviewed by the Commission in a subsequent meeting.	Sept. 2015
Community Engagement Session #1:	Understanding Waste Management – Roles and Responsibilities (with technical assistance from CRD staff, possible conducted as a joint consultation event). Third party facilitation (either a consultant or staff led, or with a volunteer facilitator from North Pender Island).	Nov. 2015
COMMISSION Meeting # 3:	Review summaries of stakeholder meetings and community engagement session #1. Brainstorm recommendations for what the scope of waste management should be on North Pender Island (what uses should be permitted by zoning?). Develop draft criteria for the siting of waste transfer facilities and begin to consider what the intent behind any new zoning regulations should be. Prepare to present these preliminary findings for feedback at Community Engagement Session #2.	Dec. 2015
Community Engagement Session #2:	Presentation by Commission on preliminary (draft) recommendations for siting waste transfer facilities, as well as proposed uses (scope) to be permitted by zoning on NPI. Small group discussion of findings; participatory process to scope and define waste management on North Pender Island. Includes Community Survey either before, after or during session. Potentially to include a discussion of CRD role/approach to regulating operations.	January, 2015
COMMISSION Meeting #4:	Review results of community process/input to date. Refine/revise preliminary recommendations for scope and criteria. Discuss and prepare for Community Engagement Session #3.	Feb. 2016
Community Engagement Session #3:	Presentation of revised recommendations, apply criteria for siting waste transfer facilities, inventory of Industrial land and existing waste transfer sites. Group process to evaluate according to criteria. Community mapping exercise to identify eligible land for waste transfer facilities. Could benefit from professional facilitator, community mapper.	March, 2016
COMMISSION Meeting #5:	Review summary of findings from community engagement session, revise/refine recommendations, delegate/assign report writing.	May, 2016
COMMISSION Meeting # 6:	Review draft report, direct changes, finalize recommendations.	June, 2016
NPI LTC	Chair of Commission to present Draft Report to Local Trust Committee at regular business meeting. Invite feedback.	June, 2016
COMMISSION Meeting # 7:	Final revisions to report, if required.	July, 2016
NPI LTC	Chair of Commission to present Final Report to Local Trust Committee at regular business meeting.	July, 2016

Background

The North Pender Island Local Trust Committee has initiated a waste management land use planning review of the Penders and has appointed a Task Force/Special Advisory Planning Commission under the [North Pender Island Local Trust Committee Advisory Planning Commission Bylaw 166](#). This orientation manual is intended to provide background information for the Pender Island Waste Management Task Force to undertake the work assigned to it by the Local Trust Committee, in accordance with the Terms of Reference. There are two key issues involved: one is the land use component and the identification of appropriate permanent locations for existing and/or future solid waste and recycling facilities, and the second is consideration of the scope and role for the Capital Regional District to operate, licence, or otherwise regulate waste management on Pender Island.

Current Operations and Proposals

Over the years, waste management has occurred in various locations and operated either with Temporary Use Permits or in non-compliance with the zoning regulations. Currently there are two permitted sites on North Pender Island that provide solid waste management services to the island residents and visitors.

1. [Magic Lake Store \(5827 Schooner Way\)](#)
 - Garbage drop off authorized by Temporary Use Permit according to permit conditions
 - The first TUP was issued in 2009; it was renewed in 2012. A new permit was approved for issuance on July 30, 2015.
 - Property is zoned Commercial (C1e)
 - Operated by Pender Island Waste Management Services

2. [Pender Island Recycling Depot \(4400 Otter Bay Road\):](#)
 - Operated by the Pender Island Recycling Society (PIRS)
 - Property is zoned Recycling Facility (RF), which permits community or local non-profit societies to recover, store, process and ship discarded materials
 - The recycling society operates under a contract with the CRD in lieu of the CRD providing collection services.

In addition, there are two current rezoning applications before the Local Trust Committee with requests for waste storage and transfer uses.

1. 4606 Razor Point Road, with access off of Hamilton Road ([NP-RZ-2012.1/NP-ALR-2012.1/NP-TUP-2015.1](#))

- Owned by Mike and Anne Burdett who operate Pender Island Waste Management.
 - The rezoning application is to amend the site specific Industrial 1(b) zone to permit waste storage and transfer.
 - Land is in the Agricultural Land Reserve, the proposal received conditional approval for five years from the Agricultural Land Commission in 2012. This decision has been appealed and is now under review.
 - The only permitted use currently in the I1(b) zone is boat storage, and the ALC decision clarified boat storage is not a permitted use within the ALR portion of that zone.
 - The rezoning application was put on hold, pending the outcome of this land use planning process; the applicants were encouraged to make an application for a TUP, which they did but it has not progressed at the request of the applicant.
2. 4402 Otter Bay Road ([NP-RZ-2013.1](#))
- Property owned by John Maxwell Allan and June Allan, application by Ron Henshaw.
 - Application is to rezone the site specific Industrial Two - I2(c) zone to include a broader range of uses. The subject property is adjacent to the Recycling Centre and is currently zoned only for “the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment.”
 - The applicant was requested by the LTC to provide more information prior to the application progressing.
 - This application has been put on hold pending the outcome of the current land use review.

Previous Advisory Planning Commission Deliberations

In 2009, the North Pender Island Local Trust Committee considered issues related to waste management and referred the subject to the Advisory Planning Commission for advice. The APC met on June 25, 2009 to discuss. The [minutes of this meeting](#) provide a record of the deliberations.

Regulatory Context

Islands Trust

Under s. 903 of the *Local Government Act*, a local trust committee may regulate the use of land, buildings and structures. Management practices are outside the scope of zoning power; a land use bylaw, for example, can specify physical storage requirements, and the size and siting of facilities to meet community objectives.

North Pender Island Local Trust Area

The [North Pender Island Land Use Bylaw 103](#) includes Industrial Zones and a zone for the recycling centre.

The Recycling Facility (RF) zone permits:

(a) community or local non-profit society owned recovery, storage, processing and shipping of discarded materials.

Neither the Light Industrial (I1) nor the Industrial (I2) zones in LUB 103 permit waste transfer.

The Land Use Bylaw also prohibits:

*3.2.1 The following uses, buildings and structures are prohibited in every zone:
(2) disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the Waste Management Act;
(3) the disposal or storage of hazardous or toxic waste, other than the temporary storage of such waste in the Recycling Facility (RF) Zone and the Industrial (I1) Zone, and for the purposes of this exception "temporary" means that not more than 6 months' accumulation of such waste may be stored;*

The [North Pender Island Official Community Plan](#) contains various goals and objectives that are relevant to the issue.

- *Goal 10: To plan for commercial and economic activities that provide mutual benefits for the community and for visitors, promote an economically diverse community and are compatible with the conservation of resources and the protection of the community character and values.*
- *Goal 16: To remove or remediate existing sources of pollution or contamination of air, land and water, including visual and noise pollution*

Commercial Land Use Objectives and Policies:

- *Policy 2.4.1: Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.*
- *Policy 2.4.5: Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.*

Industrial Land Use Objectives and Policies:

- *Objective 4: To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.*
- *Policy 2.5.1: Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.*
- *Policy 2.5.2: Priority may be given to...the industrially designated land on Port Washington Road...for new or additional industrial development.*

Solid Waste Disposal Services Objectives and Policies:

- *Objective 1: To ensure environmentally safe disposal of solid waste.*
- *Objective 2: To encourage public education on waste reduction, recycling and safe methods of disposal.*
- *Policy 3.3.2.1: Regulations shall permit the continued operation of an island location where waste can be taken for recycling.*
- *Policy 3.3.2.2: The storage and disposal of hazardous and toxic waste on North Pender shall be prohibited.*
- *Policy 3.3.2.3: Regulations shall prohibit the use of land on North Pender as a landfill.*

South Pender Island Local Trust Area

Current Land Use Regulations:

Waste/recycling storage and transfer is not a permitted use in any zone on South Pender and there is no industrially zoned land on South Pender Island. The [South Pender Island Land Use Bylaw 92](#) also prohibits in all zones:

(5) Disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Health Act, Sewage Disposal Regulation or the Waste Management Act.

(6) Junkyard, auto wrecking yards, and storage of derelict vehicles, subject to Section 3.11.

(7) Refuse dump and areas of land used for disposal or storage of hazardous or toxic waste

The [South Pender Island Official Community Plan](#) addresses future industrial land uses as follows:

3.3 Industrial Land Use and Development

Background

The processing, fabrication, assembly, storage, and wholesale distribution of materials and goods has never developed on South Pender Island beyond the scale that could be conducted as a home occupation. Consequently, industrial activities have not been a component of South Pender Island land use and development and are not anticipated by this OCP.

3.3.1 Industrial Land Use and Development Objectives

a) To ensure any industrial land use and development is compatible with its immediate surroundings, non-polluting, and does not require undue changes in community services, such as fire and emergency services.

3.3.2 Industrial Land Use and Development Policies

a) In a local trust area designated under the Islands Trust Act with priority on the preservation and protection of unique amenities and environment of the area, the LTC should not consider rezoning for new industrial uses in advance of demonstrated need. The Local Trust Committee may undertake a review to assess existing and future projected demand for industrial land, and on the basis of this assessment, consider re-designating and rezoning land.

b) If the Local Trust Committee considers proposals for new industrial development, the industrial use is to be the predominant principal land use with residential usage being permitted only on an accessory basis and being limited to one dwelling unit per lot for the purposes of accommodating an owner, operator, or an employee.

Advocacy Policies

c) Property owners are encouraged to minimize disturbance to the land and impacts on roadways when undertaking any extraction and use of natural resources from private lands.

6.5 Solid Waste Disposal Services

Background

Solid waste disposal services for South Pender Island consist of the drop-off service for recyclable refuse at the North Pender Island recycling depot operated by the Pender Island Recycling Society, private sector garbage pick-up and drop off locations, and

individual landowner composting and incineration. There is no on-island site for solid waste disposal; however, these services are managed regionally under the Capital Regional District (CRD) Solid Waste Management Plan. The Hartland Landfill, located northwest of Victoria, is the only solid waste disposal facility within the CRD.

6.5.1 Solid Waste Disposal Objectives

- a) To ensure arrangements for disposal of solid waste are effective and environmentally safe.*
- b) To support measures encouraging reduction of solid waste generation.*

6.5.2 Solid Waste Disposal Policies

- a) Arrangements for solid waste disposal currently in effect are to be supported as long as they continue to meet the community's needs.*
- b) Measures that reduce solid waste generation by promotion of waste reducing consumer practices, increased recycling, composting organic materials, and environmentally sensitive disposal methods are to be supported.*
- c) No provision is to be made for disposal on South Pender Island of solid waste originating on the island or from outside the South and North Pender Islands area.*

Advocacy Policies

- d) The Capital Regional District is requested to continue monitoring the solid waste disposal needs of both South and North Pender Islands and to continue providing funding support for the North Pender Island Recycling Society's depot that serves both islands.*

Capital Regional District

The Capital Regional District is authorized under the [Environmental Management Act](#) to regulate waste and recycling operations. The Ministry of Environment has procedural requirements for approving such regulations as part of a regional Solid Waste Management Plan (SWMP). One of the main requirements is an adequate public consultation process.

Under this authority the CRD has adopted the [Salt Spring Island Transfer Station Bylaw](#), after obtaining consent from the Minister to include it as an amendment in its current SWMP. Under the bylaw, the CRD issues licenses to facility operators once they have met a number of requirements, including plans for leachate and odour management. Proof of appropriate zoning is a pre-requisite for applying for a license.

The CRD is currently revising its SWMP by developing a new [Integrated Solid Waste and Resource Management Plan \(ISWRMP\)](#). The review is being conducted in three stages:

1. Analysis of existing systems and identification of issues
2. Development and evaluation of options and strategies
3. Plan consultation and adoption

In May 2013, the NPI LTC wrote to the CRD to request that waste management on Pender Island be considered during the SWMP review. The new ISWRMP provides an opportunity for consulting with the community on how best to regulate waste and recycling facilities on North Pender. Current political leadership at the CRD and the LTC have committed to collaboration on this project. Staff at both organizations are participating in ensuring there is a common conversation as both agencies pursue their different pieces of this issue.

Provincial Government

Beyond local regulations, waste management operations also are required to comply with a number of acts and regulations, most notably:

- [Environmental Management Act](#)
- [EMA - Hazardous Waste Regulations](#)
- [EMA – Recycling Regulation](#)
- [EMA – Contaminated Sites Regulation](#)
- [EMA – Organic Matter Recycling Regulation](#)
- [EMA – Storage of Recyclable Material Regulation](#)
- The federal [Transportation of Dangerous Goods Regulations](#)

The Environmental Management Act gives the power to regional districts to make bylaws for the purposes of implementing an approved waste management plan (part 3, section 25, 3). The extent of these powers may include:

- types, quantity and quality of municipal solid waste or recyclable;
- the discarding or abandonment of solid waste and recyclables;
- the burning of any class or quantity;
- the delivery, deposit, storage or abandonment of solid waste and recyclables at authorized or unauthorized sites;
- the transport of solid waste and recyclables materials;
- the operation, closure or post-closure of sites;
- fees;
- requiring owner or operator of a site to be licenced or comply with code of practice;

- setting terms and conditions for issuance of a licence and amending or canceling a licence;
- requiring security from an owner or operator to ensure compliance and/or covering remediation, closure, or post-closure costs;
- requiring containment within a specified height and area limits;
- prohibiting unauthorized persons from handling solid waste and recyclables;
- establish prohibitions, conditions, requirements and exemptions for different classes of persons, sites, operations, activities, or materials;
- requiring owner of solid waste and recyclables materials to pay for proper disposal if a prohibited deposit has occurred; and
- authorizing designated person to enter and inspect a site or vehicle.

Links and Resources

The following links to resources will assist Task Force members in understanding the types of issues that should be addressed as well as offer background and context for the regulations discussed above.

1. Waste Transfer Stations: A Manual for Decision Making (United States Environmental Protection Agency) <http://www.epa.gov/osw/nonhaz/municipal/pubs/r02002.pdf>
2. Guidelines for Establishing Transfer Stations for Municipal Solid Waste (Province of British Columbia) <http://www2.gov.bc.ca/assets/gov/environment/waste-management/garbage/garbage/guidelinesestablishingtransferstationsmunicipalsolidwaste.pdf>
3. Waste Management (Province of British Columbia) <http://www2.gov.bc.ca/gov/content/environment/waste-management>
4. Supporting Information for the Operation of Transfer Stations on Salt Spring Island (Prepared by the SSI Transfer Station Regulation Committee (SSITS)). <https://www.crd.bc.ca/docs/default-source/crd-document-library/bylaws/solidwastehartlandlandfillsitstransferstationscompostingfacilities/2810---supporting-information-for-the-operation-of-transfer-stations-on-salt-spring-islandB.pdf?sfvrsn=0>
5. Capital Regional District Solid Waste Management <https://www.crd.bc.ca/service/waste-recycling/solid-waste-management>

Maps: Pender Island Industrial Zones/Waste Transfer Sites:

North & South Pender Islands





