

Date: January 15, 2016 **File No.:** 6500-20-Waste Management

To: North Pender Island Local Trust Committee
For the meeting of January 28, 2016

From: Justine Starke, Island Planner, Local Planning Services

CC: Robert Kojima, Regional Planning Manager

Re: **Top Priority Update: Land Use Planning for Waste & Resource Management**

Background

The issue of where to locate waste transfer facilities on the Penders has a long standing history and in recent years opposition to specific rezoning proposals have resulted in high tensions and conflictual community debates. In response to community calls for a comprehensive approach to planning for waste and resource management, the Local Trust Committee made this topic a top priority in early 2015.

The Waste and Resource Management Special Advisory Planning Commission (WRMC) was established to research best practices, conduct community analysis, and give advice on the ideal locations and preferred scope of waste management that should be pursued on the Pender Islands. Specifically, the objectives include:

- To develop criteria for siting waste transfer facilities
- To inventory existing industrial land.
- To reach community consensus on the location and scope of waste management on NPI
- To map proposed locations for current/future waste management facilities.
- Collaboration with CRD to ensure a comprehensive understanding and approach.

It has been difficult for the Commission to make progress on its mandate while being challenged by procedural concerns of bias. An undercurrent of anxiety regarding the outcome of the open rezoning applications on specific properties has caused tension amongst Commission members, as well as by community participants observing the process. The WRMC has experienced some internal struggles related to such concerns and with divisions over some members support for a formal appeal of the [Agricultural Land Commission's 2014 decision](#) to permit waste transfer as a non-farm use at 4606 Razor Point Road (the site of the Pender Island Waste Management application). This appeal was launched by 6 community members, 2 of whom sit on the Commission.

In response, on November 26 2015, the Local Trust Committee went in-camera to discuss the WRMC membership. The LTC rose and reported that it had passed the following resolution:

THAT, given the recorded difficulties with the conduct and progress of the Waste and Resource Management Commission, the North Pender Local Trust Committee requests staff to report on alternative options for examining the waste management process issues on island in the event it is necessary to dissolve the Waste and Resource Management Commission. CARRIED

Update

There have been a number of pieces of correspondence directed to the Local Trust Committee on this issue. In accordance with procedures, much of the correspondence is being posted on the Islands Trust website. Minutes of meetings are also available and offer a more thorough background to the process. <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/waste-management/>

The WRMC has made much progress since the November 26 LTC meeting. It has held two special meetings (January 4 2016 and January 15) with facilitated planning sessions to set land use criteria for waste management. The sessions were facilitated by a volunteer from the commission and enabled a less formal forum for deliberations than the Commission had had up until this point. The sessions were very productive and demonstrated the potential for the commission to be able to work through some of the difficult analysis required for this land use planning exercise. The minutes of both meetings are included in the January 28 2016 agenda package (note the minutes of January 15 are still draft).

Land Use “criteria” are needed to be able to distinguish between different locations with a common understanding of the land characteristics required to best mitigate potential impacts. Using flip charts, criteria were brainstormed and categorized into broad areas of impact: Environment, Location, Size, and Agriculture. Ideas that were considered important but were not useful in establishing the criteria to select ideal locations were placed in a “Parking Lot” or on a sheet labeled “Possible Regulations;” whenever it became clear there were underlying assumptions at play, those assumptions were also discussed and recorded separately.

It became evident that the planning process needs to be based on community and operator preferences for what level of service is appropriate and needed for the Penders. To that end, the Commission began to imagine five scenarios that would require different criteria for land use impacts (scenarios range from the “full meal deal” where one site accommodates the full spectrum of waste/resource management to drop off sites only, with no transfer, sorting, or storage). The Commission plans at its next meeting to classify the criteria and rank them according to which would be relevant for which scenarios, and attempt to reach agreement where there are differences of opinions. The Commission has also indicated it will then be ready to bring this to a community consultation session to get public feedback on the work done so far.

Discussion of Options

At the request of the LTC, this report presents options for pursuing project objectives in the event that it decides to dissolve the Waste and Resource Management Special Advisory Planning Commission. The Local Trust Committee has a remaining budget of approximately \$1500 for the rest of the 2015-16 fiscal period (ends March 31, 2016). It has requested \$7000 from Trust Council for this project in the upcoming 2016-17 fiscal term. A change in approach to this planning process may require additional budgets be explored.

The follow options are available to the Local Trust Committee for pursuing land use planning for waste and resource management:

1. Planning staff lead a community based land use planning process
 - Using workshops, continue the work of the Commission, but in the form of general community meetings rather than meetings of the Commission
 - Use a structured approach to objectively evaluate land criteria and community needs for waste management.

- Draw on other participatory tools of engagement such as clickers, questionnaires, and community mapping exercises.
 - Schedule 3 – 4 community sessions
 - Final report and recommendations be developed by planning staff
 - This option requires more staff resources than currently anticipated with the special APC model, also more local trustee time and involvement.
2. Engage a consultant to facilitate a structured decision making, community-based, land use planning process
 - Develop Request for Proposal or Direct Award a contract to have some work completed this fiscal year, with the majority of the work being conducted in the 2016-17 fiscal
 - Consultant to design process, host community meetings, and develop final report and recommendations.
 - This option would require additional budget to support objectives
 - The process to go to tender and award a contract for consultant work can take up to six weeks, and a consultant would require time to become informed on the context of the issue and the points of concerns within the community.
 3. Conduct a hybrid process with planning staff and consultant
 - Planning staff to design and facilitate basic processes
 - Consultant to facilitate “structured decision making process” at strategic intervals.
 - Consultant to write final report and recommendations, with background information and input from staff.
 - This option may involve more staff time and more budget than is currently assigned.
 4. Re-assign project to the regular Advisory Planning Commission with a narrow scope:
 - The APC would consider the work done to date by the WRMC
 - Refine or endorse the land use criteria established by the WRMC, or establish new criteria.
 - Make recommendations on land use criteria to take to a community process with the broader community or to use to evaluate current zoning applications
 5. Put the community planning process on hold pending outcome of the Agricultural Land Commission’s reconsideration of the Burdett application [NP-ALR-2012.1](#)
 - Consider deciding on [NP-RZ-2012.1 \(Pender Island Waste Management\)](#) and [NP-RZ-2013.1 \(Henshaw\)](#) before continuing with a community wide process.
 - One advantage is that these two sites have already been offered to be used for waste management and are being proposed by operators. A flaw in the broader process the WRMC has been following is the resulting recommendations may point to properties where the owners have no intention of hosting a waste transfer site.
 - LTC could host community consultation sessions for information on the rezoning proposals, perhaps concurrently.
 - This would enable discussion and focus on the source of the tensions that have been underlying and derailing the WRMC process.
 - This would also enable the two sites to be either ruled in, or out. If both were considered viable, there could be supportive and complimentary zoning amendments.
 - If needed, consideration of other sites through a broader process could follow, once decisions were made on the two already proposed.

Staff Comments

The intent of appointing a Special APC to do this work was to have the land use planning process emerge from the community itself. The Commission is intended to be representative of the community; the idea was that the Commission would itself host wider community consultation and planning processes.

The LTC consciously chose the Commission's membership with an awareness of the conflicts that were inherent within it. However, the Commission was not at the same time supported with an appropriate process to ensure its success given the conflicts on the Commission. Robert's Rules provide a commonly understood structure for meeting procedures, but fall short of encouraging a sense of common ground nor do well to resolve existing divisions - and it can favour those with more experience who may end up dominating the process.

As a legislative body of the Local Trust Committee, the Commission is required to follow Islands Trust, Local Government Act, and Community Charter procedures. The deliberations have been most effective when the meeting format has allowed free flowing discussion without the procedural correctness demanded by a formal meeting format. Community wide planning forums similar to the brainstorm sessions had by the Commission are a productive way to keep the conversation focused on considering island wide implications.

An essential problem underlying any conversation about zoning for waste management is the uncertainty regarding the rezoning applications currently on hold. Without a decision on these sites, the discussion seems to be unduly influenced by consideration of implications for those specific sites. Any process the LTC chooses to do this community planning work will be influenced by the strong opinions and heightened emotions around these issues that we have seen play out during the Commission meetings.

Prepared and Submitted by:

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January 15, 2016

Name, Title

Date

Concurred in by:



January 15, 2016

Robert Kojima
Regional Planning Manager

Date