

# PROPOSED

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 215

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

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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:

<b>TABLE 2: Off-Street Parking Requirements Continued</b>		
	<b>Use</b>	<b>Minimum Number of Parking Spaces Required</b>
(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>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
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>
<b>Site-Specific Zone Reference</b>	<b>Legal Description</b>	<b>Site Specific Regulations</b>
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:

<i>Column 1</i> <b>Site-Specific Zone Reference</b>	<i>Column 2</i> <b>Legal Description</b>	<i>Column 3</i> <b>Site Specific Regulations</b>
I2(e)	Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806	Despite 8.9.2(1), the only use permitted in this location is agriculture and full service waste transfer.

- 2.10 Subsection 8.9.8 – Site Specific Regulations, is amended by deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and full service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(a).
- 2.11 Subsection 8.12.2(1)(a) is deleted and replaced with “recycling and reuse facility.”
- 2.12 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Parcel G (DD47659I) of Section 18, Pender Island, Cowichan District, Except Parts in Plans 2648, 9912, 37908, VIP54314 and VIP72243 from I2 (c) to I2(d), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.
- 2.13 Schedule “D” – Zoning Map, is amended by changing the zoning classification of Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 from Rural to I2(e), as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “1” to Bylaw No. 103 as are required to effect this change.

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<sup>TH</sup> DAY OF JANUARY 2018

READ A SECOND TIME THIS 26<sup>TH</sup> 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\_\_

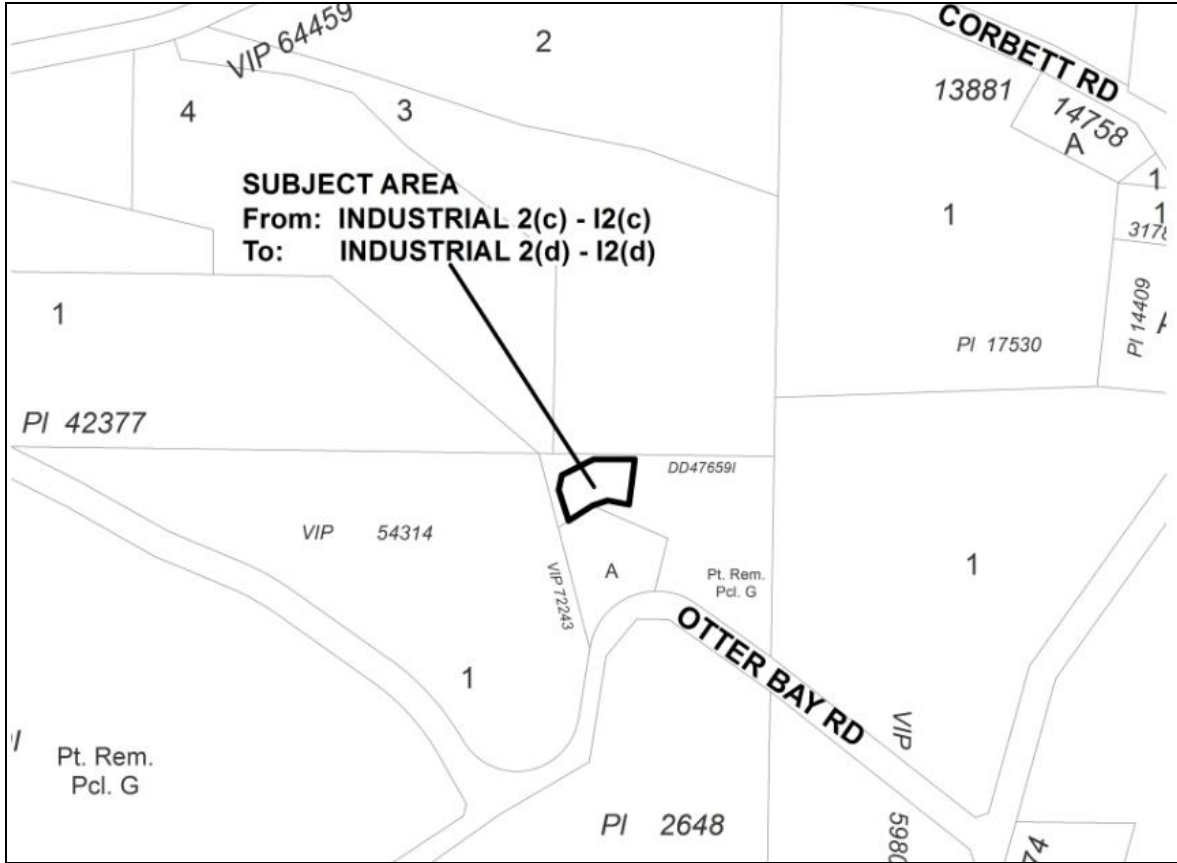
ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 215

Plan No. 1



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 215

Plan No. 2

