



DATE OF MEETING: May 30, 2019
TO: North Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Bylaws 214, 215 – Land Use Planning for Waste Transfer

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee endorse the proposed draft amendments to Bylaws 214 and 215 which include:**
 - a. **Policy amendments to the OCP for waste transfer facilities, including development permit area and temporary use permit guidelines**
 - b. **Amendments to the LUB to include definitions and relevant general regulations**
 - c. **Amendments to the LUB to permit public drop-off waste transfer only at the Medicine Beach commercial site**
 - d. **Amendments to the LUB to permit limited waste transfer uses in the three Industrial (I2) zone locations.**
2. **That the North Pender Island Local Trust Committee request staff develop and implement a public engagement process to inform and gather input on the proposed draft amendments to Bylaws 214 and 215.**

REPORT SUMMARY

The purpose of this report is to provide re-drafted bylaws for the Land Use Planning for Waste Management project and some recommendations for proceeding.

BACKGROUND

To date, private waste transfer operators' facilities have been permitted through Temporary Use Permits or deferred enforcement on North Pender. The recycling centre is permitted by zoning, although limited to recycling only. The LTC cannot hold land or operate a service itself nor can the LTC directly regulate the operational aspects of a waste transfer facility (zoning, TUP conditions, and development permit conditions can

indirectly regulate some aspects of operations). The Capital Regional District can regulate operational requirements for waste transfer stations, as has been implemented on Salt Spring, if it were to pass a bylaw to do this; however, the first requirement would be that the zoning be in place for sites. Similarly, the CRD could create a service to operate some or all aspects of waste transfer, but again zoning would be required to be established before a location could be designated. The onus remains on the Local Trust Committee (LTC) and the community to designate land appropriate for waste transfer facilities and zone it accordingly.

Last term the LTC made it a priority to undertake a comprehensive approach to planning for waste and resource management. The objectives of the project included:

- Consultation with residents, operators and other stakeholders
- Identify waste transfer needs
- Inventory existing industrial sites and identifying siting criteria
- Recommendations on potential locations and uses
- Considering amendments to OCP and LUB
- Collaborating with CRD

Steps taken to date:

1. A Special Advisory Planning Commission (APC) was established to provide advice to the LTC on potential locations, regulations and the scope of private operations. At the same time, and working with the special APC, staff undertook a process to establish criteria and to identify potential sites with the assistance of a consultant.
2. A final report ([December 2016](#)) was produced assessing 15 potential sites, and recommended that the LTC further consider 7 of those sites.
3. The LTC further narrowed down the sites to 5 in consultation with CRD staff and proceeded with 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 waste transfer only (Medicine Beach market).
4. 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 extend 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). An effort by the LTC to request that the ALC renew the permission for non-farm use on the industrial zoned portion of the property was turned down.
5. At the January 2019 meeting the LTC considered various options on how to proceed with the project in terms of process. The LTC agreed that given the extent of consultation and work done to date, the preferred approach was to consider potential amendments to the bylaws. The LTC requested staff report back with a range of options to amend proposed bylaws 214 and 215 within three months.

6. At the April 2019 meeting a number of options to amend bylaws 214 and 215 were proposed to the LTC. See staff report in [meeting agenda package](#).
7. The staff recommendation to support Option 3 was supported by the LTC.

NP-2019-040

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to report back with draft amendments to Bylaws 214 and 215 which would include:

- a. Policy amendments to the Official Community Plan for waste transfer facilities, including development permit area and temporary use permit guidelines.
- b. Amendments to the Land Use Bylaw to include definitions and relevant general regulations.
- c. Amendments to the Land Use Bylaw to permit drop-off waste transfer only at the Medicine Beach commercial site.
- d. Amendments to the Land Use Bylaw to permit limited waste transfer uses in appropriate industrial zones.

For further background, see previous staff reports and related information posted on the LTC projects [webpage](#). Essentially the revisions would:

- Zone the existing drop-off at Medicine Beach Market (C1(e) zone) for that use.
- Zone three existing Industrial sites for limited waste transfer (the two industrial zones on Otter Bay Road and the Main Road yard on Port Washington Road).
- Require a development permit area for new work on the zoned sites.
- Require a TUP or rezoning for drop-off or limited waste transfer uses in other locations.
- Require a TUP or rezoning for a full service facility in any location.

Staff have prepared the attached re-drafted bylaws that would accomplish the direction in the above resolution.

The LTC also requested that staff look at wording other waste transfer for the uses; staff reviewed legislation and consulted with provincial staff and confirmed that the current terminology is accurate and includes all aspects of the process.

ANALYSIS

The re-drafted Bylaws 214 and 215 are attached with revisions highlighted.

The changes to proposed Bylaw 214 (OCP Amendment) would:

1. Include **OCP goals, objectives, and policies** as proposed in the current bylaw. The revisions would also add descriptions of the different waste transfer uses, insert new policies specifying where zoning would be amended by the LTC to permit drop-off and limited waste transfer outright, and include criteria for consideration during future rezoning or TUP applications.

2. Continue to include the proposed **Development Permit Area**, but designating it by zone rather than by map. Any future rezoning applications could include a concurrent OCP amendment to designate any new site a DPA. The DPA would also exempt future TUP applications from also applying for a DP as the conditions could be included in a TUP.
3. Add new **Temporary Use Permit** guidelines for any future applications, these would mirror the DPA guidelines and provide applicants, staff and the LTC with guidance for future applications.

The changes to proposed Bylaw 215 (LUB Amendment) would:

1. Establish **definitions** for the various classes of facility, as in the current amendment. The definitions would also address deficiencies in the current LUB definition of recycling.
2. Add **general regulations** applicable to all facilities, unchanged from the current version of the amendment.
3. Amend the three **Industrial (I2) zone** locations to permit limited waste transfer and amend the **C1(e) zone** to permit public drop off waste transfer. This would require rezoning or TUP applications for limited waste transfer or public drop off in any other areas; and for full service waste transfer in any location.
4. Finally, unchanged from the current version of the bylaw, it would amend the **I1(b)** zone to permit agriculture in this location, which is principally in the ALR.

If the LTC supports the bylaw changes as summarized above and provided as Attachments, the next step is to bring the drafts back for amendment at the next meeting. This will also provide an opportunity for staff to prepare a blackline consolidation of the bylaws for LTC and public consideration and to further refine the wording and address any minor issues with the amending bylaws. Alternately, if the LTC does not support the approach in the drafts, direction should be given for further changes for review at the next LTC meeting.

Issues and Opportunities

Introducing changes to the OCP and LUB related to solid waste transfer will help address issues that have been unresolved for many years. Zoning the existing public-drop and permitting limited waste transfer on the three industrial sites will provide opportunity for the use to occur in appropriate locations. Regulation through DPA designation will ensure that environmental and other potential impacts are addressed when development occurs on the sites. Providing the opportunity for application by TUP would provide the option to test any new proposals for limited waste transfer and public drop off waste transfer in other locations. Engaging the public will provide an opportunity for input as well as education related to the challenge of waste transfer on the island.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected.

Staff recommends finalizing draft bylaws and then engaging in consultation with stakeholders and the community prior to proceeding to a public hearing. If the LTC is supportive of the revisions currently proposed, the LTC should consider Options for public consultation, including:

1. Undertaking a mail out to residents inviting comment on the proposed waste transfer bylaw changes via email or through the Islands Trust webpage.

2. Organizing a community information meeting specifically focussed on discussing the proposed waste transfer service bylaws.
3. Organizing a community information meeting focussed on discussing the proposed waste transfer bylaws as part of a regular scheduled LTC meeting.

Depending on the extent of amendments required to the bylaws, further referrals to targeted agencies and First Nations may be required.

Rationale for Recommendation

The recommended approach is to put the policy framework into the OCP, including DPA provisions and temporary use permit guidelines for applications. The approach would also amend the LUB to address the drop-off operating by TUP for years, to create and clarify the definitions in the LUB, add relevant general regulations, and permit operators to store and sort on appropriate industrially zoned sites. Publicly accessible full service waste transfer facilities, or limited waste transfer on non-industrial lands, should be considered by application or LTC initiated rezoning once the policy framework is established. The approach would provide guidance in the OCP for future applications, allow existing low impact uses to continue, and would recognize that current industrially zoned land is an appropriate location for limited waste transfer uses.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision.

That the North Pender Island Local Trust Committee request that staff report back to the LTC with additional information on ...

2. Request further revisions to the bylaws

The LTC may request staff to make further revisions to the draft bylaws.

That the North Pender Island Local Trust Committee request staff to make further revisions to the draft Bylaws to....

3. Proceed no further

The LTC may choose to not proceed further with this project. The implication would be that operators apply for OCP and LUB amendments

That the North Pender Island Local Trust Committee proceed no further with Waste Management Project.

NEXT STEPS

If the LTC chooses to proceed, the next steps are for staff to report back to the next LTC meeting with:

- A revised project charter with a timeline and scope of work
- An plan for community consultation on the proposed changes
- Bylaw Amendments for rescinding of current readings and new First Readings

Submitted By:	Narissa Chadwick, Island Planner	May 22, 2019
Concurrence:	Robert Kojima, Regional Planning Manager	May 23, 2019

ATTACHMENTS

1. Bylaw 214 with proposed revisions
2. Bylaw 215 with proposed revisions

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 “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	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:

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 solid waste and discarded materials.

2. Section 3.3.2 (Solid Waste Disposal) “Background” is amended by adding the following the first paragraph:

“Types of Waste Transfer Services

 - 1) **Full service waste transfer:** The use of land, buildings and structures can be used for receiving, storing, sorting, compacting and transferring residential and/or, commercial waste including recycling and compost. It can include commercial recycling and composting as well as public drop off waste transfer, or public drop off of recycling;
 - 2) **Limited waste transfer:** The use of land, buildings or structures can be used for receiving, storing, sorting, compacting and transferring residential and/or commercial solid waste including recycling. It excludes commercial composting, public drop off waste transfer and public drop off of recycling.
 - 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.”

3. 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 including~~ **recyclable materials and compost.**

4. 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 **1. Limited waste transfer 2. Full service waste transfer 3. Public drop off waste transfer**

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

3.3.2.6 Limited waste transfer services should be permitted in appropriate industrial zones. Outside of appropriate Industrial zones, applications may be considered for limited waste transfer services in appropriate locations

3.3.2.7 Full service Waste transfer should be permitted by application only.

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

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

3.3.2.9 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.

3.3.2.10 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.

3.3.2.11 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:

“3.3.2.11 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 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 receiving, storing, sorting, compacting and transferring solid waste, including 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)**

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

- 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

- 35) 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 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 solid waste transfer service:

- 6.5.1 For the purpose of a temporary use permit “solid 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 and 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 solid 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 uses, including commercial recycling and composting , 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 uses, including commercial recycling and composting , and as necessary to establish fire separation buffers
- 6.5.5 All development associated with waste transfer uses, including commercial recycling and composting, should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.

- 6.5.8 All development associated with waste transfer uses, including commercial recycling and composting should avoid negative impacts on fish habitat and marine ecosystems.
- 6.5.9 Waste transfer uses, including commercial recycling and composting, 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 uses, including commercial recycling and composting, should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.
- 6.5.11 All waste transfer uses, including commercial recycling and composting, 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 use, including commercial recycling and composting, 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 use, including commercial recycling and commercial composting, is not at risk of geotechnical hazard.
- 6.5.17 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.
- 6.5.18 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.
- 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 uses, including commercial recycling and commercial composting, should be sited and designed for traffic circulation that meets anticipated service levels.
- 6.5.21 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.
- 6.5.22 Storage of waste should be sited as far from adjacent residential and commercial uses as possible.
- 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.”

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:

“3.19 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:

Column 1	Column 2	Column 3
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 deleting the word “and” before the words “the processing, crushing and storage of gravel” and adding “and limited service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(a).

2.9 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 limited service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(b).

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 limited service waste transfer” to the end of the uses listed in Column 3 of the Site Specific Zone Reference I2(c).

2.11 Subsection 8.12.2(1)(a) is deleted and replaced with “recycling and reuse facility.”

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____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary