



DATE OF MEETING: July 25, 2019
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: Bylaws 214, 215 – Land Use Planning for Waste Transfer

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Rescind Second Reading of Bylaw 214, cited as North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017.
2. That the North Pender Island Local Trust Committee Rescind First Reading of Bylaw 214, cited as North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017.
3. That the North Pender Island Local Trust Committee Rescind Second Reading of Bylaw 215, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017.
4. That the North Pender Island Local Trust Committee Rescind First Reading of Bylaw 215, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017.
5. That the North Pender Island Local Trust Committee revise Bylaws 214 and 215 as shown in the drafts attached to the staff report prepared for the meeting of July 25, 2019

REPORT SUMMARY

The purpose of this report is to provide an update on revisions made by the LTC to the bylaws for the Land Use Planning for Waste Management project.

BACKGROUND

For background on the project, see previous staff reports and related information posted on the LTC projects [webpage](#).

At the July 4th meeting, the LTC reviewed the proposed changes to the bylaws and passed the following resolutions making further revisions:

NP-2019-066

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to remove item 2.7 from the draft Bylaw 215.

CARRIED

NP-2019-067

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request that staff include the Mainroad site and the MacDonald Farm site, as previously identified, for limited transfer in the draft Bylaws 214 and 215.

CARRIED

Trustee McConchie opposed

NP-2019-068

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request that staff replace the phrase “waste management” with “discarded materials management” in key definitions in the draft Bylaws 214 and 215.

CARRIED

The LTC also scheduled a community information meeting for the September LTC meeting, and endorsed the [project charter](#).

ANALYSIS

Bylaw 215 has been revised to delete the proposed amendment to the I1(b) zone which would have added agriculture as a permitted use to that location.

The I2(a) location (‘Mainroad’ property) has been re-inserted, along with re-inserting a portion of the ‘McDonald Farm’ property. The LTC should review the maps and confirm that this is the location that should be considered (earlier versions of the bylaw had the use located more centrally on the property).

The final resolution refers to replacing the term “waste management” with discarded materials; “waste management” is not used in the bylaws, but based on the discussion at the meeting staff have revised the bylaws to:

1. Use the heading “discarded materials” for all aspects of the activities, including refuse being transferred to the landfill, recyclables/renewables and compost;
2. Define and use the term “solid waste” to solely refer to waste being landfilled (i.e. garbage).
3. Ensure that the various types of facility specify solid waste, recyclables, organics, or compostables depending on the type of facility.

Bylaw 214 (OCP amendment) has been revised to

- Replace the term “Solid Waste” with “Discarded Materials Management” in the headings.
- Replace reference to disposal of solid waste in the background section to management of discarded materials.
- To distinguish solid waste from recyclables throughout.

Bylaw 215 (LUB Amendment) has been revised to add clarity to the definition of ‘solid waste’ to distinguish that term from renewable and recyclables.

The TUP guidelines were also reviewed and the first guideline includes 'composting' as a potential use that can be considered by TUP application.

In summary, the bylaws now would:

- Zone the existing drop-off at Medicine Beach Market (C1(e) zone) for that use.
- Zone the three existing Industrial sites for limited waste transfer (the two industrial zones on Otter Bay Road and the Mainroad site).
- Zone and designate a portion of the McDonald Farm property for limited waste transfer as a new Industrial zone.
- Establish 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.

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

Finally, if the LTC is satisfied with these versions of the bylaws this is the opportunity for the LTC to rescind First and Second Reading of the bylaws and accept the revisions. This would reduce confusion around having two sets of bylaws and simplify the making of further changes until such time as the LTC is ready proceed with the legislative process of readings.

Consultation

The LTC has already scheduled a community information meeting for the September LTC meeting.

Rationale for Recommendation

Introducing changes to the OCP and LUB related to 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 industrial sites, and potentially a portion of the Rural McDonald Farm property, 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 for application by TUP would provide the opportunity to test any new proposals for limited waste transfer and public drop off waste transfer in other locations.

ALTERNATIVES

1. Leave Bylaws 214 and 215 at Second Reading

The LTC could rescind the readings and make amendments at a future meeting.

2. 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 ...

3. 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....

4. 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:

- Community information meeting is scheduled for September 5th LTC meeting
- Staff to prepare information material and provide for feedback opportunities
- Consider potential further revisions resulting from feedback at the September meeting

Submitted By::	Robert Kojima, Regional Planning Manager	July 12, 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.

2.4 North Pender Island Official Community Plan No. 171, 2007 Schedule “B” – Land Use Map - is amended, as shown on Schedule 4, 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

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

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

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

"Types of Waste Transfer Services can include the following types of services:

- 1) **Full service waste transfer:** The use of land, buildings and structures for receiving, storing, sorting, compacting and transferring residential and/or, commercial waste including recycling and compost. It ~~can~~ may 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 for receiving, storing, sorting, compacting and transferring residential and/or commercial solid waste including or commercial recycling. It excludes commercial composting or, 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.

- 4) **Recycling and reuse facility:** The use of land, buildings or structures for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off"

3. Section 3.3.2 (~~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 **Limited Waste Transfer, Full service Waste Transfer, and Public drop-off Waste Transfer and Recycling and reuse facilities.**

3.3.2.5 Waste transfer uses should be protected from hazardous conditions and should not adversely affect the rural and residential character of the community, the natural environment, or farming.

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

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

3.3.2.8 Full Service Waste Transfer should be permitted by application only.

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

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

3.3.2.10 The Local Trust Committee ~~may~~ should regulate waste transfer uses and designate Development Permit Areas to ensure waste transfer uses:

- a) are screened by vegetation to limit visual impacts;
- b) are located outside community water system supply watersheds, areas with high groundwater vulnerability, and environmentally sensitive areas;
- c) are designed to avoid leachate from entering the natural environment;
- d) are designed to minimize traffic impacts on adjacent neighbourhoods;
- e) are not located on naturally productive agricultural soils;
- f) are designed to minimize fire risk.

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

4. Section 3.3.2 (~~Solid Waste Disposal~~) is amended by adding a new policy under Advocacy Policies:

“3.3.2.16 The Local Trust Committee encourages the Capital Regional District to regulate waste transfer operations on North Pender Island.”

5. The Table of Contents and list of schedules is updated to reflect the changes made by this bylaw.

**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 and commercial recycling.**

The North Pender Island Local Trust Committee recognizes that if not well designed and carefully managed, these uses can have negative impacts on both surrounding neighbourhoods and the natural environment. Waste transfer uses should be protected from hazards and should not adversely affect the rural and residential character of the community and the natural environment, or farming. Development Permit Area Eleven is implemented to help guide the land use planning of waste transfer uses, including commercial recycling -to minimize the potential for negative impacts. Its specific objectives are as follows:

- a. To ensure that the waste transfer uses, including commercial recycling, as permitted on North Pender Island, can develop with the least impact on the natural environment.
- b. To ensure that the waste transfer uses, including commercial recycling, as permitted on North Pender Island, can develop with the least impact on neighbouring properties.

- c. To avoid a level of design regulation that could affect the viability of waste transfer uses, including commercial recycling.
- d. To buffer agricultural land from impacts associated with waste transfer uses including commercial recycling.

5.2.12.3 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted:

- a. Construction of, addition to, or alteration of buildings and structures for waste transfer uses including commercial recycling.
- b. Alteration of land.

5.2.12.4 Designation

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

5.2.12.5 Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw, and development approval information bylaw adopted by the North Pender Island Local Trust Committee or Islands Trust Council.

5.2.12.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a. Subdivision of land;
- b. Maintenance of existing landscaping;
- c. Repair and maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or floor area, no exterior alterations requiring a building permit, and no change in the use of external materials that would result in the alteration of the form and character of the building or structure;
- d. Internal renovations or alterations;
- e. Repair and maintenance of existing roads, parking areas, paths and trails;
- f. Limited waste transfer service, full service waste transfer and/or public drop off waste transfer where a temporary use permit has been issued.

5.2.12.7 Guidelines

The intent of this development permit area is to ensure that development related to waste transfer uses, including commercial recycling, meets the special conditions and objectives described in 5.2.12.2. In considering the issuance of a development permit the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

GUIDELINES FOR THE PROTECTION OF THE NATURAL ENVIRONMENT

General Guidelines for Environmental Protection

- 1) All leachate should be managed to protect natural watercourses and prevent the release of any contaminants from waste transfer uses, including commercial recycling, into the environment.
- 2) All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for waste transfer uses, including commercial recycling, and as necessary to establish fire separation buffers.

Guidelines for Water Protection

- 3) All development associated with waste transfer uses, including commercial recycling, should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.
- 4) All development associated with waste transfer uses, including commercial recycling, should avoid negative impacts on fish habitat and marine ecosystems.
- 5) Waste transfer uses, including commercial recycling, should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6) Waste transfer uses, including commercial recycling, should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.

GUIDELINES FOR THE PROTECTION OF DEVELOPMENT FROM HAZARDOUS CONDITIONS

Guidelines for the Protection of Development from Wildfire Hazard

- 7) All waste transfer uses, including commercial recycling, should be designed to protect such uses from wildfire hazards.
- 8) A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 9) Water supply for fire protection should be provided.
- 10) Emergency vehicles should be able to readily reach all parts of the development.

Guidelines for the Protection of Development from Flood Risk

- 11) Where a property contains a surface water body it should be demonstrated that the waste transfer use, including commercial recycling, is not at risk from flooding.

Guidelines for the Protection of Development from Slope Hazard Risk

- 12) Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the waste transfer use, including commercial recycling, is not at risk of geotechnical hazard.

GUIDELINES FOR THE PROTECTION OF FARMING

General Guidelines for the Protection of Farming

- 13) Where a waste transfer use, including commercial recycling, is adjacent to farm land, the waste transfer uses should be sited and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.

GUIDELINES FOR THE FORM AND CHARACTER OF INDUSTRIAL DEVELOPMENT

Guidelines for General Site Design, Building Location and Access

- 14) Site access to waste transfer uses, including commercial recycling, should maintain the general character of the surrounding neighbourhoods as much as possible.
- 15) All waste transfer uses, including commercial recycling, should be sited to allow vehicles to maneuver without having to block or back onto adjacent streets.
- 16) All waste transfer uses, including commercial recycling, should be sited and designed for traffic circulation that meets anticipated service levels.
- 17) All waste transfer uses, including commercial recycling, should be sited and designed to minimize visual impacts on neighbouring properties and public areas. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual impacts are minimal.
- 18) Storage of waste should be sited as far from adjacent residential and commercial uses as possible.
- 19) Buildings and other structures should utilize existing topography and vegetation and be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.

GUIDELINES FOR THE FORM AND CHARACTER OF BUILDINGS AND STRUCTURES

General Guidelines for the Form and Character of Buildings and Structures

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

Guidelines for Lighting

- 22) Lighting should be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's nighttime atmosphere.
- 23) Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 metres in height.
- 24) Light fixtures should focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including

the sea should be avoided. Fixtures should not result in glare when viewed from residential areas.

Guidelines for Signage

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

VARIANCE PERMITS TO MEET DEVELOPMENT PERMIT AREA GUIDELINES

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

**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 or~~ compost. It can include commercial recycling and composting as well as public drop off waste transfer, or public drop off of recycling;

6.5.2 The Local Trust Committee should consider potential impacts of the ~~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 ~~solid~~-waste transfer services into the environment.

6.5.4 All trees and native vegetation should be retained except as necessary to establish the work and storage areas required for ~~solid~~-waste transfer services and as necessary to establish fire separation buffers.

6.5.5 All development associated with ~~solid~~-waste transfer services should avoid negative impacts on riparian areas, natural watercourses, and groundwater aquifers.

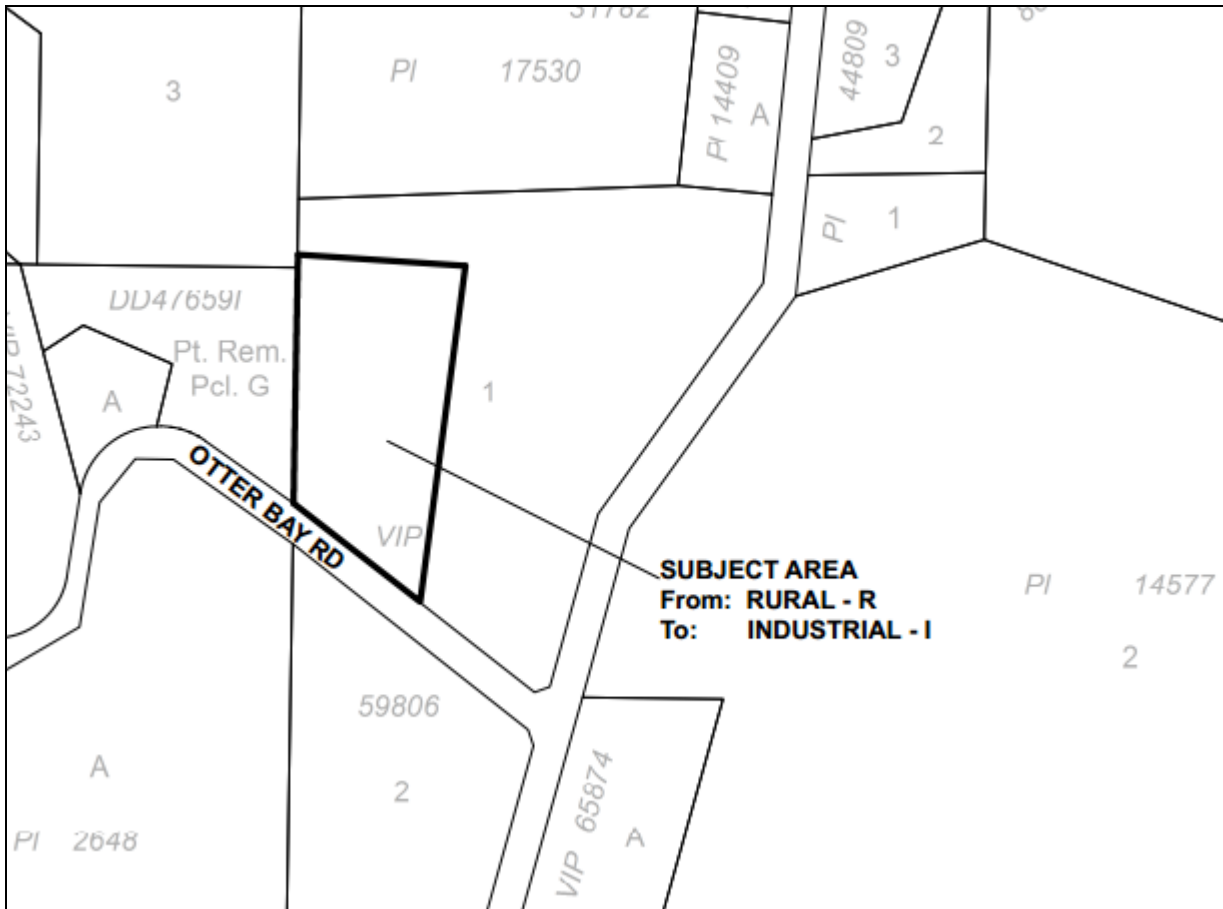
6.5.8 All development associated with ~~solid~~-waste transfer services should avoid negative impacts on fish habitat and marine ecosystems.

- 6.5.9 ~~Solid-w~~Waste transfer services should be designed to control drainage and erosion to prevent undesirable impacts resulting from new impervious surfaces or changes to site drainage.
- 6.5.10 ~~Solid-w~~Waste transfer services should be constructed to prevent stormwater and runoff from contacting solid waste and recyclable materials.
- 6.5.11 ~~Solid-w~~Waste transfer services should be designed to protect such uses from wildfire hazards.
- 6.5.12 A cleared area should be maintained between the perimeter vegetative buffer and all buildings, structures and work areas.
- 6.5.13 Water supply for fire protection should be provided.
- 6.5.14 Emergency vehicles should be able to readily reach all parts of the development.
- 6.5.15 Where a property contains a surface water body it should be demonstrated that the ~~solid~~-waste transfer service is not at risk from flooding.
- 6.5.16 Where a property may be subject to a steep slope hazard according to Islands Trust mapping, it should be demonstrated that the ~~solid~~-waste transfer service is not at risk of geotechnical hazard.
- 6.5.17 Where a ~~solid~~-waste transfer services is sited adjacent to farm land, the uses should be sited, and provide adequate vegetative screening, landscaping, or fencing to adequately separate or buffer the uses from farmland.
- 6.5.18 Site access to ~~solid~~-waste transfer services should maintain the general character of the surrounding neighbourhoods as much as possible.
- 6.5.19 All waste transfer uses, including commercial recycling and commercial composting, should be sited to allow vehicles to maneuver without having to block or back onto adjacent streets.
- 6.5.20 All ~~solid~~-waste transfer services should be sited and designed for traffic circulation that meets anticipated service levels.
- 6.5.21 All ~~solid~~-waste transfer services should be sited and designed to minimize visual impacts on neighbouring properties and public areas. Particular attention should be paid to locating loading docks, garbage and recycling containers and other service areas so that visual impacts are minimal.
- 6.5.22 Storage of waste should be sited as far from adjacent residential and commercial uses as possible.

- 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."

SCHEDULE 4

The NORTH PENDER Island Official Community Plan No. 171, 2007, Schedule B, Land Use Map is amended as follows:



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 non-renewable or non-recyclable refuse materials 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) (v)	Full service waste transfer	10 spaces
(v) (w)	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:

I1(b)	Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD1438081) 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. – Information Note: Boat storage is only permitted within the Agricultural Land Reserve if approved as a non-farm use by the Agricultural Land Commission.
------------------	---	---

2.87 –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)**.

2.98 -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)**.

Plan No. 1

