



Islands Trust

**GAMBIER ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

A BUSINESS MEETING OF **THE GAMBIER ISLAND LOCAL TRUST COMMITTEE**
held at 10:30 am on Thursday, January 30, 2014
at Gleneagles Community Centre,
6262 Marine Drive, West Vancouver, BC

LATE ITEMS, ADDITIONS

**AMENDMENTS/ADDITIONS
TO ITEMS:**

- 14. NEW BUSINESS**
- 14.1 Update to attach to 14.1 : SCRD Staff Report dated January 10, 2014 - *attached*
- 14.6 Sensitive Ecosystems Maps – Trustee Hagedorn – *discussion*
- 14.7 Howe Sound Community Forum Request – *discussion*

SCRD STAFF REPORT

DATE: January 10, 2014

TO: Area F Advisory Planning Commission and Natural Resources Advisory Committee (January 2014)

FROM: David Rafael, Senior Planner

RE: **TEMPORARY USE PERMIT F-01 FOR A CONCRETE BATCH PLANT TO CONSTRUCT THE BOX CANYON HYDRO PROJECT (ELECTORAL AREA F)**

RECOMMENDATION

1. **THAT the Area F APC and NRAC consider the draft TUP and comment on whether there are additional conditions should be required. Also whether there are any issues that need to be addressed before the SCRD Board considers whether to issue the permit.**
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BACKGROUND

At the July 25, 2013 meeting the SCRD Board adopted Bylaw 310.109 to designate the general location of the powerhouse for the Box Canyon project as I9 (Independent Power Project). The bylaw amendment included a provision that the I9 area also be designated as a temporary use permit area.

As part of the process for amending Bylaw 310, the proponents (Box Canyon Hydro Corps.) were advised to apply for a temporary use permit (TUP) for the anticipated concrete batch plant that would be needed to support the project's construction. The SCRD received an application for a TUP for a concrete batch plant for a period of 16 months (from spring 2014 to autumn 2015). The batch plant will be located within the area designated as I9, near the location of the proposed powerhouse and over 30 metres from McNab Creek or any other stream. The applicant provided a letter outlining the proposal and location map (Attachment A) and documents setting out best management practices, specifications for the type of portable batch plant, the proponent's *Construction Environmental Management Plan (CEMP)* and the province's License of Occupation. All of these documents are available from staff and were posted on the SCRD website prior.

The proponent held pre-application discussions with staff to set out the timelines, information requirements and TUP process. The proponent hopes to commence work in the spring of 2014 and desires that the TUP is issued by the end of March 2014 to facilitate this.

A report and draft TUP was considered at the December Planning and Development Committee and at the January 9, 2014 Board the following resolution was adopted:

Temporary Use Permit – Box Canyon Hydro Project

The Planning and Development Committee recommended that the staff report dated December 5, 2013 titled "Temporary Use Permit F-01 for a Concrete Batch Plant to construct the Box Canyon Hydro Project (Electoral Area F)" be received;

AND THAT draft TUP F-01 be referred to:

- a) Squamish Nation;
- b) West Howe Sound Advisory Planning Commission;
- c) SCRD Natural Resources Advisory Commission;
- d) Property Owners of McNab Creek Strata;
- e) Adjacent property owners within 100 metres;
- g) Future of Howe Sound Society;
- h) Gambier Island Local Trust Committee;
- i) Others as identified during the referral period;

AND THAT a public information meeting be arranged for 6:30 pm on Tuesday January 21, 2014 at the Cedars Inn Hotel and Convention Centre, 895 Gibsons Way, Gibsons, BC.

DISCUSSION

Local Government Act (LGA) Requirements

The *LGA* sets out that the local government must give notice prior to consideration of issuing a TUP. Notices must be placed in a newspaper a least 3 days and no more than 14 days before adoption of a resolution to issue the permit; thus before the relevant Board meeting. Staff note that this allows for the notice to be placed prior to the Planning and Development Committee which would also be within the 14 day period for the Board meeting the following week. The notice must state

- (i) in general terms, the purpose of the proposed permit,
- (ii) the land or lands that are the subject of the proposed permit,
- (iii) the place where and the times and dates when copies of the proposed permit may be inspected, and
- (iv) the date, time and place when the resolution will be considered

In addition, notices need to be sent to property owners and tenants of properties within the area specified in a relevant local government bylaw; in the SCRD this is *Bylaw 522* and the notification area will be 100 metres from the property (the boundary of the lease area in this case). Notifications were sent.

No public hearing is required as the land use zone identifies the I9 zone as a temporary permit use area. The *LGA* does not require a public information meeting. However the SCRD's *Planning & Development Procedures and Fees Bylaw No. 522, 2003*, allows for the SCRD to require a public information meeting. Staff consider that given the public interest expressed regarding the rezoning application and in the wider Howe Sound Area, a public information meeting is required.

Information Analysis

The applicant provided a supporting statement and location map (Attachment A). The site is within the area designated as I9. The site is currently described by the applicant as 'rural wilderness' and will be logged in advance of construction activity. It is about 2 km from the residential properties at the mouth of McNab Creek. The proponent describes the type of batch plant that could be used and provides specifications (Attachment B); the applicant commented that if an alternative batch plant is needed it would be of a similar scale and design. Water for batch plant operation will be drawn from McNab Creek and be the subject of a short term use water license from the province; the SCRD should have an opportunity to comment on the water license application as per regular provincial processes; if there is time a subsequent referral will be made to the Area F APC and NRAC. Staff will seek additional details regarding water use from the proponent ahead of the public meeting.

The CEMP sets out the potential impacts of concrete production and provides a description of environmental protection measures; an extract relating to concrete production is included in Attachment C. It acknowledges that there is a risk of fish kills if high pH material leaks into the creek. Once the concrete is cured then this is not a concern. However the risk will be minimized by ensuring best practices are used. The prime contractor and construction manager will be responsible for making workers aware of safe concrete handling. The CEMP notes that clean out pits and washing areas will be located well away from watercourses and that CO2 canisters and diffusers will be available for immediate use to reduce the impact of any release of high pH material into a watercourse.

The best management practices document reflects legislation from Atlantic Canada and at the federal level. Staff will ask the proponent to describe relevant BC legislative requirements and comment on whether the document covers the BC requirements. The document covers activities such as cleaning the equipment, storm water isolation, wastewater management, chemical and fuel management, noise and so on.

TUP Conditions

The draft TUP (Attachment D) sets out that the time period should be 2 years rather than the 16 months that is requested. SCR D staff consider that the additional 8 months should allow for the TUP to accommodate any construction delays due to unforeseen issues. Staff discussed this with the proponent and they agree that this would be a good idea.

Staff suggest that the proponent should be required to agree to an undertaking to remediate the site of the batch plant and the SCR D should require a bond to ensure that this is done. The proponent would need to provide an independent report from a qualified professional (most likely a registered biologist) to confirm that the site was remediated before the bond is returned. At this point in time, staff consider that a bond of \$10,000 could be appropriate. Additional discussion and advice regarding this will be sought during the referral period.

Another condition that could be included could be establishing hours of operation for the batch plant. This could be added if there is a concern about noise arising from operation that could impact the residents of the McNab Creek Strata which is about 2 km away. This will also be considered in more detail during the referral period.

SUMMARY

In light of current information staff support the issuance of the TUP.

Staff request that the Area F APC and NRAC consider the draft TUP and comment on whether there are additional conditions should be required. Also whether there are any issues that need to be addressed before the SCR D Board considers whether to issue the permit.



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