

To: Electoral Area Services Committee

Date: 2018-09-05

From: Margaret Thornton, Director of Planning and Development

File No: 3095-20 2018-01

**Subject: Application for a Temporary Use Permit at 57951 Laidlaw Road, Electoral Area "B" for pipeline construction storage**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Temporary Use Permit 2018-01 for pipe storage and related temporary infrastructure at 57951 Laidlaw Road, Electoral Area B subject to a \$75,000 security, and consideration of any comments and concerns raised as a result of neighbour notification;

**AND THAT** the mail out notice be expanded from 150 metre radius to the entire Laidlaw community for the area south of the Hope municipal boundary to Laidlaw Road.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

## BACKGROUND

### Proposal Description

To permit the use of 57951 Laidlaw Road, Electoral Area B for temporary pipe storage and related storage for the Trans Mountain pipeline project construction.

PROPERTY DETAILS			
Electoral Area	B		
Address	57951 Laidlaw Road		
PID	013-110-578		
Folio	732.06208.000		
Lot Size	45.53 acres		
Owner	Coquihalla Developments	Applicant	Trans Mountain Pipeline (Catt)
Current Zoning	Park Reserve (P-2) & Campground-Holiday Park (CHP)	Proposed Zoning	No change

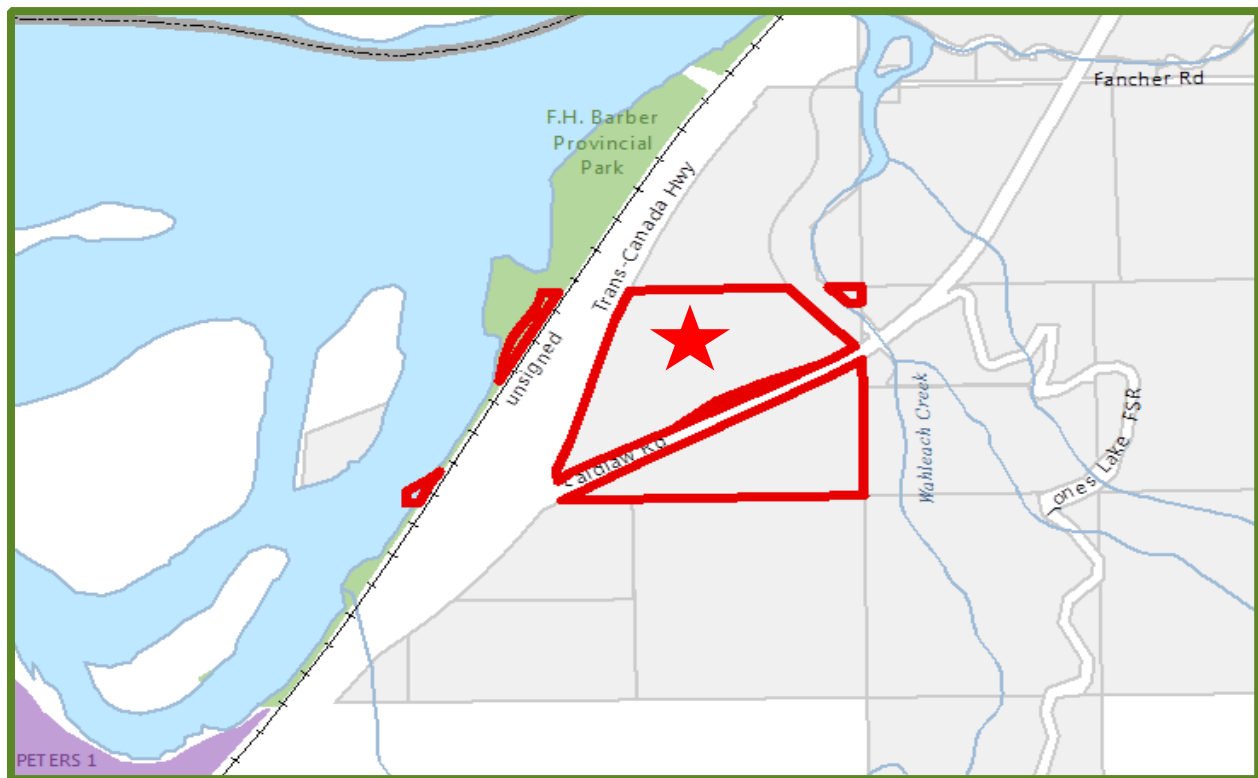


<b>Current OCP</b>	Resort (RT) and Limited Use (L)	<b>Proposed OCP</b>	No change
<b>Current Use</b>	Vacant and cleared	<b>Proposed Use</b>	Temporary Storage for pipeline construction
<b>Development Permit Areas</b>	DPA 3-BC, DPA 4-BC, and DPA5-BC		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Park Reserve (P-2) & Campground-Holiday Park (CHP), Vacant Land
<b>East</b>	>	Agricultural (AG-1), Vacant Land
<b>West</b>	<	Park Reserve (P-2), Railway (CNR) & Trans Canada Hwy.
<b>South</b>	v	Limited Use (L-1), Vacant Land (forested)

#### NEIGHBOURHOOD MAP



#### PROPERTY MAP





## DISCUSSION

The application is for a Temporary Use Permit (TUP) for pipe and material storage associated with the construction of the Trans Mountain pipeline project. The activities would occur on the portion of the property located at the north-east corner of Laidlaw Road and the TransCanada Highway 1 as shown on the site plan below. The proposal includes an accessory office and washrooms in modular buildings.

The application includes a number of detailed reports that are attached, and summarized as follows:

Issue	Report	Date	Author	Summary
Archeology	Summary of the Archaeological Impact Assessment of the Proposed Coquihalla Development Stockpile Site, Office and Yard	July 27, 2018	Stantec Consulting Ltd	Field review conducted. No archaeological materials or areas with archaeological potential were observed.
Drainage	Drainage & Site Grading Plans	November 23, 2017	Amec Foster Wheeler	A perimeter ditch will be established with a berm to contain drainage on site, and 2 sediment containment ponds at the north and south on the site.
Geohazard	Memo Site HOP 052	November	Amec Foster	Desktop assessment. Property is



Assessment		16, 2017	Wheeler	suitable for the use intended. A 35m setback from Jones Creek is required. A Development Permit application is required, was submitted and is being reviewed concurrently.
Traffic Impacts	Email TMEP July 29, 2018. Excerpts TMEP submission to NEB (references St. Elmo site)	July 29, 2018	B. Pountney, TMEP	Drawing showing 2 access/egress points from Laidlaw Road. All traffic is directed to and from the adjacent Highway 1 interchange.
Environment	Memo Site HOP 052	November 16, 2017	Amec Foster Wheeler	A 35m setback from Jones Creek is required.
Dust Control	Excerpt NEB Submission	December 2017	TMEP NEB Submission	To identify suitable water withdrawal locations for dust suppression.

In support of the application, the applicant notes:

- The temporary site will be used for pipe storage and related temporary infrastructure.
- This property will not be used to provide any workforce accommodation or related camp services.
- A small construction trailer and portable toilets will be required for workers once the site is developed. Waste will be commercially managed to an appropriate offsite facility.
- Fencing, lighting, security infrastructure (cameras) and related site development activities will be completed in compliance with applicable regulatory requirements.
- Traffic will be managed as described in the Traffic and Access Management Plan approved by the National Energy Board (NEB).
- No hazardous materials will be stored onsite.

The property includes five (5) separate portions divided by roads and watercourses. Only the portion of the property located north-east of Highway 1 and Laidlaw Road will be used for the proposed pipe and material storage, as shown on the site plan. The draft Temporary Use Permit 2018-01 was prepared to clearly specify only this portion of the property for the proposed pipe storage.

### **Temporary Use Permit (TUP)**

A Temporary Use Permit (TUP) is required because the portion of the property to be used is zoned Park Reserve (P2), and this zoning does not permit pipe and material storage. The storage is only required for the duration of the pipeline construction project and is anticipated from September 2018 to December 2020 for this segment of the pipeline construction. The Local Government Act (LGA) allows for Temporary Use Permits that can authorize a use that is not permitted under the Zoning Bylaw for a maximum term of three (3) years. The TUP can be extended only once for another three (3) year term, for a maximum of six (6) years total. As the pipe storage is anticipated for less than three (3) years, the TUP is the most appropriate land use tool, as the intent is for the pipe storage to be temporary for the duration of the pipeline construction. If the use was to be extended beyond six (6) years, a rezoning to permit the pipe storage on a permanent basis is required.



## Environment

The property is located within Development Permit Areas DPA 3-BC (Kanaka Creek Resort Development Permit Area for Protection of the Natural Environment), DPA 4-BC (Geological Hazard Development Permit Area) and DPA5-BC (Riparian Areas Development Permit). A Development Permit application was submitted with the Temporary Use Permit (TUP) application and is being processed concurrently. In summary, a 35m setback from Jones Creek will be maintained, and the geotechnical hazard assessment prepared by a Professional Engineer (P. Eng) has determined that the property is safe for the intended use of pipeline construction storage on a temporary basis. A drainage plan prepared by a Professional Engineer (P. Eng) was submitted and shows a perimeter ditch with a berm using the top soil on site to contain the drainage on site. There will be two (2) sediment containment ponds at the north and south on the site.

The FVRD issued a previous Development Permit DP2015-06 in 2015 to authorize tree removal on the property, subject to environmental setbacks.

## Traffic

The application references a traffic study submission to the National Energy Board (NEB). The information provided was for a previous site under consideration on St. Elmo Road. The July 29, 2018 email from the applicant states the following:

- Traffic to and from the site will be managed through the use of traffic signage and flag persons as required.
- Vehicles will access and egress the property onto Laidlaw Road and hence to Highway 1.
- Public access to Laidlaw Road will be maintained during the project.
- Vehicles will access the site between 6:00am and 7:00pm Monday to Saturday. Following the initial transportation of pipe, site traffic volume will be reduced until the start of the pipeline construction in 2019.
- The use of Laidlaw Road will be managed under Ministry of Transportation permit restrictions to ensure load restrictions are appropriate for the road surface.
- Traffic Volumes to include:

Vehicle Type	Average Construction Activities	Peak Construction Activities
Light Vehicles	5 trips during AM 5 trips during PM	20 trips during AM 20 trips during PM
Transport Trucks	20 loads per day	30 loads per day

## Site Reclamation after Completion of the Project

A consultant retained by the applicant will assess the property and document the pre-construction conditions of the site. Following the completion of the project, the property will be returned to its pre-construction condition, or improved. The property will be regraded and then hydroseeded with local species vegetation to match the pre-construction condition. All reclamation work will be completed under the supervision of a certified Environmental Inspector. The lot grading plans indicate that the existing topsoil will be stockpiled. To ensure that the site is reclaimed after use, a security is recommended. This is to ensure there will be sufficient funding for the Environmental Inspector and



the works to grade and hydro-seed the site. The reclamation is recommended to ensure that following the pipeline project another unauthorized industrial or commercial use, such as truck storage, is not established without FVRD review and approvals.

### **Pipeline Construction Authorized by the National Energy Board (NEB)**

The Trans Mountain pipeline right-of-way currently transverses this portion of the property. Trans Mountain has advised that it is their intent to commence site clearing within the existing right-of-way, while this application is being considered by the FVRD Board. All work on the pipeline expansion is exempted from a Development Permit, and is authorized by the National Energy Board approvals. Only the pipe construction storage area, not within the existing Statutory Right of Way, requires the FVRD approval of the Temporary Use Permit (TUP) for use, and a Development Permit (DP) for land alterations.

### **Referrals to Other Agencies**

The application for the Temporary Use Permit was referred to other agencies in accordance with FVRD policy and practices. To date, the following input was received:

<b>Agency</b>	<b>Comments</b>
BC Hydro	No objection to the TUP for TMEP as the lease area is outside of the BC Hydro ROW area and does not affect BC Hydro.

### **Public Consultation**

The applicant hosted a public information meeting on Thursday, August 23, 2018 from 6:30-8:00pm at the Hope Recreation Centre. The FVRD undertook the mail out for this event and included all properties south of the District of Hope boundary to Laidlaw Road. This mail out exceeds the minimum 150 m radius mail out.

The Open House included staff from Kinder Morgan and included display boards and a website information link (copy attached web-link: [https://s3-us-west-2.amazonaws.com/transmountain-craftcms/documents/18-08-23-TMEP\\_Laidlaw-Neighbourhood-Meeting\\_Hope-52\\_Final.pdf?mtime=20180824152412](https://s3-us-west-2.amazonaws.com/transmountain-craftcms/documents/18-08-23-TMEP_Laidlaw-Neighbourhood-Meeting_Hope-52_Final.pdf?mtime=20180824152412) ). At 7pm there was a presentation and a question and answer session afterwards. There were four (4) members of the public in attendance, in addition to Dennis Adamson, Director Electoral Area B and FVRD staff including Margaret-Ann Thornton, Director of Planning and Development.

The public asked for clarification on traffic movements and drainage and remediation after the proposed temporary pipe storage use. The public expressed general comments regarding truck traffic using Laidlaw Road to circumvent the weigh scales, and the former use of the property as the Jones Lake logging camp in the 1940s.

The Temporary Use Permit, if supported to proceed to the Board, will require public notification. It is recommended that the mail out notice be expanded from 150 metre radius to the entire Laidlaw community for the area south of the Hope municipal boundary to Laidlaw Road, and including Shxw'ow'hamel First Nation (Ohamil IR). A map of the recommended expanded mail out notice is attached.



## OCP Designations

The OCP Resort (RT) designation is to encourage integrated planning of resort developments, with self-sufficient servicing for bare land strata holiday parks and tourist commercial operations in designation recreation areas. In the 1980s, there was a proposed Kanaka Creek resort proposal comprised of 69 ha including cabin sites, campgrounds, a golf course, and a lake. The proposal did not proceed and the property remains vacant. The OCP Limited Use (L) designation includes extensive lands which have limited development potential due to their physical or environmental features or geographic location.

The accompanying Development Permit details the environmental protection requirements to the proposed site development. As a temporary use, the proposed pipe storage will not affect the viability of the lands under the current OCP land use designations.

## COST

Temporary Use Permit fee of \$1,500 paid by the applicant. All costs associated with hosting the August 23, 2018 public information meeting were paid by the applicant.

Development Permit fee of \$250 paid by the applicant.

## OPTIONS FOR THE BOARD'S CONSIDERATION

In addition to the recommendation of this report, the Fraser Valley Regional District Board may consider the following options with respect to Temporary Use Permit 2018-01.

### **OPTION 1                      Approval of Temporary Use Permit (Recommendation of staff)**

**THAT** the Fraser Valley Regional District Board issue Temporary Use Permit 2018-01 for pipe storage and related temporary infrastructure at 57951 Laidlaw Road, Electoral Area B subject to a \$75,000 security, and consideration of any comments and concerns raised as a result of neighbour notification;

**AND THAT** the mail out notice be expanded from 150 metre radius to the entire Laidlaw community for the area south of the Hope municipal boundary to Laidlaw Road.

### **Purpose:**

To approve the Temporary Use Permit subject to the submission of \$75,000 security to ensure the site is returned to its original condition.

### **Implications:**

<b>Timeline</b>	This option approves the Temporary Use Permit, to take effect as soon as the required security is provided by the applicant.
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<b>Additional Process</b>	None.
<b>Considerations</b>	Approval of the Temporary Use Permit subject to all requirements detailed in the Permit. Maximum term is for three (3) years.

## **OPTION 2                      Public Information Meeting**

**THAT** the Fraser Valley Regional District Board forward Temporary Use Permit 2018-01 to a public information meeting.

### **Purpose:**

To provide additional public consultation opportunities and to make both FVRD staff and the applicant available to the public to answer questions pertaining to the proposed permits and process. The FVRD Development Procedures Bylaw #0831, 2007 (Section 21 a) provides the FVRD Board with the option of forwarding a TUP application to a public information meeting.

### **Implications:**

<b>Timeline</b>	This option adds additional time to the permit review process, approximately 2-3 months.
<b>Additional Process</b>	Additional process for public consultation is provided for the review of the application.
<b>Considerations</b>	Forwarding the application to an FVRD information meeting will allow for further review and comment from the surrounding community and for the Board to consider and comments and concerns raised at the meeting.

## **OPTION 3                      Refusal of Temporary Use Permit**

**THAT** the Fraser Valley Regional District Board refuse to authorize the issuance of Temporary Use Permit 2018-01.

### **Purpose:**

To refuse the application for pipe storage under Temporary Use Permit 2018-01.

### **Implications:**

<b>Timeline</b>	This option stops the temporary use application.
<b>Additional Process</b>	If the applicants wish to reapply without amending the temporary use permit proposal, they must wait six (6) months to reapply with the same application.
<b>Considerations</b>	The applicant will not be permitted to store materials outside of the existing pipeline ROW. Storage on the existing ROW is permitted.

### **COMMENTS BY:**

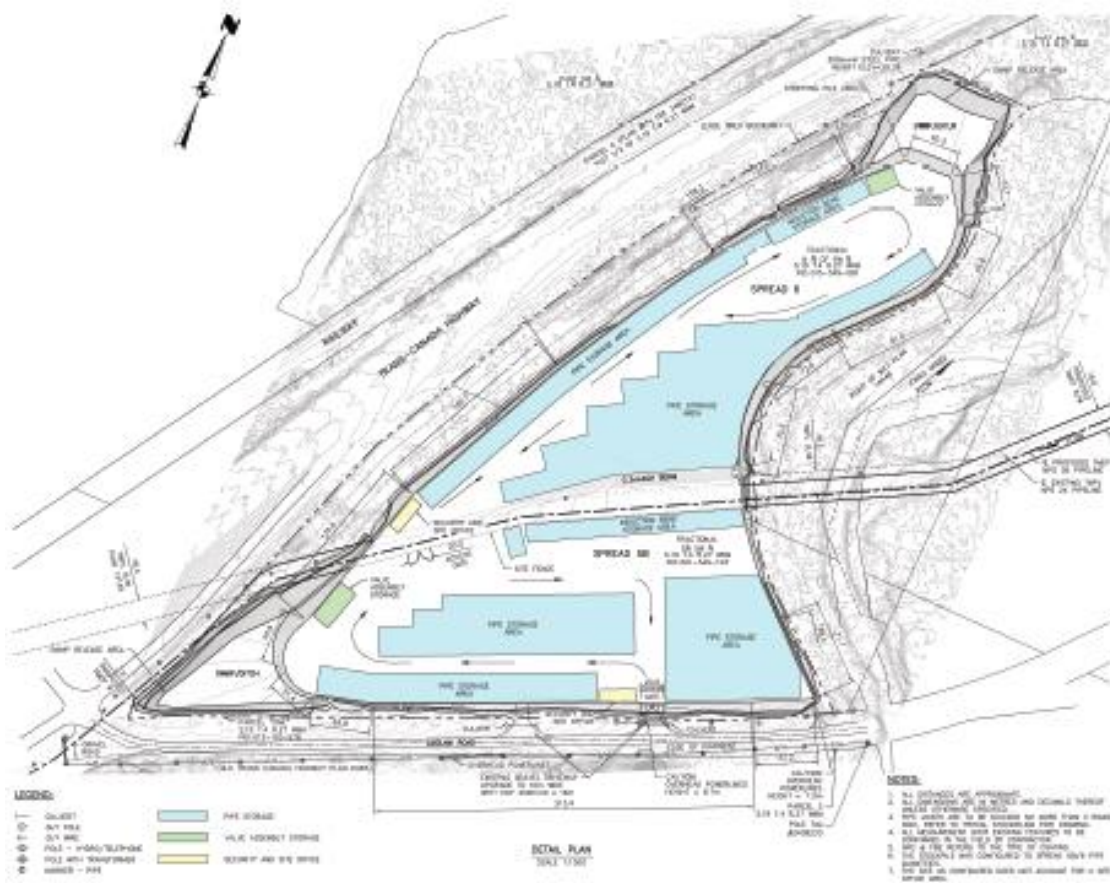
**Mike Veenbaas, Director of Financial Services:** No further financial comments.



**Paul Gipps, Chief Administrative Officer:** Reviewed and supported



Appendix A  
Site Plan





Appendix B  
Mailout Radius

