

## **COLUMBIA SHUSWAP REGIONAL DISTRICT**

Notes of the Public Hearing held on Thursday November 9, 2017 at 6:00 p.m. at the Scotch Creek/Lee Creek Community Hall/Fire Hall, 3852 Squilax-Anglemont Road, Scotch Creek BC regarding proposed Bylaw No. 830-18, and Bylaw No. 800-30.

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PRESENT: Chair Larry Morgan – Electoral Area F Director  
Dan Passmore – Senior Planner, Development Services  
Christine LeFloch – Development Services Asst., Development Services  
58 members of the public

Chair Morgan called the Public Hearing to order at 6:00 pm. Following introductions, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed Electoral Area F Official Community Plan Amendment (Isley) Bylaw No. 830-18, Magna Bay Zoning Amendment (Isley) Bylaw No. 800-30.

The Planner explained the requirements of Section 890 of the Local Government Act and noted that the Public Hearing Report will be submitted to the Board for consideration at its December 1, 2017 meeting. The Planner explained the notification requirements set out in the Local Government Act and noted the Public Hearing was placed in the Shuswap Market News on October 27 and November 3, 2017.

The Planner provided background information regarding this application and reviewed the purpose of the bylaws. The Planner also informed the attendees of the property owner's offer to enter into a Section 219 covenant to restrict the uses available under the IG zone proposed to sand and gravel extraction only.

The Chair opened the floor for comments.

Dave Cunliffe, 5260 Squilax-Anglemont Road – advised that he was in favour of the proposal and that he was not professionally involved in the application. He stated that gravel as a natural resource was necessary for development and that people don't really have a choice as to where it comes from. He said that 20 truckloads of gravel was required to build a home and if was a large home up to 60 loads are required. He estimated that this particular pit had been in operation for close to 40 years. He talked about the expense of trucking in gravel if there were not a local source. He shifted to talk about the Ross Creek General Store being critical to the Magna Bay/Anglemont area and the owners' contributions to the community. Next he discussed the proposed subdivision and the benefits it would bestow if the portion of the property north of Ross Creek could be removed from the title and sold to another property owner and how this would enhance the salability of the store property itself. He advised that the proposed toy storage use is a benign type of use and fills a central community need. Finally, he stated that he supports economic activity in the area and having jobs available.

Steve Rivette, 2716 Fraser Road – echoed that he thought the proposal for the lands was benign and was a logical addition for the future of the community and was keen to see the proposal move forward. He commented about the extensive studies that the owner has

had done to support the development and that going through this process is good, particularly as this proposal is a well-thought out addition to the community.

Ken Johnson, 7001 Squilax-Anglemont Road – advised that he represents the Ross Creek Landing Development and supports the proposal. He stated that this development proposal would be a great benefit to the community and noted that the gravel pit is particularly useful to the development community in the North Shore. He further stated that the proposed subdivision would be a great help to the property owner in future. He observed that the storage facility would serve the summer residents in the area fulfilling a need he has identified in the community. He finished by advising that the development would increase the economic activity of the area.

Frank Riley, 5514 Richards Road – stated that he was a previous part owner of the property and supports the proposal. He further stated that the gravel pit was important to the area and that toy storage is a good fit for people in the area rather than going to Scotch Creek for such facilities.

Everett Loberg, 2631 Old Crowfoot Road – advised that his neighbor meant to attend as well and couldn't make it because of the weather. He talked about a handshake agreement he was aware of about a buffer along the west property boundary of the pit, which if it remains in place he would be pleased. He stated that the owners of the property have put an awful lot of work into community and that he supports the proposal.

Harley Anderson, Squilax-Anglemont Road – has witnessed many people leave the North Shuswap and advised that any economic development that will create good jobs and keep people in the area is good. He stated that a local source of gravel is a necessary resource to keep families in the area and schools open. He finished by advising that the storage business provides ease for residents and seasonal people.

Ralph Bischoff, 4831 Meadow Creek Road – advised that he is annoyed by the sheer number of people in the summertime that park their boats, cars, trailers and RVs along the side of Squilax-Anglemont Road. He supports the storage business giving a place for these people to park things and get them off the road. He discussed the need to improve safety along the main thoroughfare.

Pat White, 2639 Squilax-Anglemont Road – advised that her main concern with the proposal was in regard to maintaining the cleanliness of the Shuswap Lake environment. She stated that speedboats are harmful to the lake, wildlife and children. While she applauds the paperwork the applicant has done, she stressed that maintaining and improving the lake environment is paramount to any development in the area. She stated that her second main concern was with regard to development on unceded Sepwepemc territory and that the Courts are currently addressing this situation. She advised that more open, inclusive, and non-confrontational dialogue with First Nations with respect to development proposals is needed in order to look to the future. She stated that we are at a critical point for the salmon and wildlife of the area, and while jobs are needed, the impacts must be considered.

Steve Rivette, 2716 Fraser Road – stated that he appreciated what the previous speaker had said, but that all of the background work behind the development has been done. He advised that everybody loves the lake and that what is being proposed in this application would not harm the lake at all.

Ken Johnson, 7001 Squilax-Anglemont Road – advised that most of the newer boats on the lake were not the same old 2 stroke motors that caused a great deal of pollution years ago, but were 4 stroke motors which have reduced pollution significantly. He thought that concerns stated in this regard were invalid.

Greg Darroch, applicant – advised that he was acting as agent for the owner and that he knows the area well. He advised that he had read all of the submissions, and that the public process being followed was in general a good thing, but that land use development gets confusing to the public. He advised that the proposed plan of subdivision is distinct to separate the gravel pit operation from the residential uses adjacent with the buffer of the storage usage. He advised that gravel extraction is a situation that is permitted by the Province regardless of Local Government Zoning, and that the pit currently holds a Mines permit. He stated that the Section 219 covenant that was offered further protects the public by curtailing some of the less benign uses available in the IG zone. He advised that he has a number of storage facilities in the area and that the operation is a known entity and does not create a source of conflict with neighbouring residential uses in any of the areas where one is operated. Further the storage business has been positioned on the land to act as a buffer for the gravel extraction further protecting residents. He stated that he is confident his proposal will protect his neighbours investment in their homes.

Jay Simpson, 2832 Simpson Road – advised that separating the store property, and situating the storage operation in front of the gravel operation was an excellent proposal. He mentioned that the gravel pit has been in operation for 40 years and is a vital resource in the North Shuswap. He advised without a local source the cost of transportation and the inherent pollution caused by this would have more of an impact on the area. He stated that as a tourism related businessman, storage availability for seasonal residents is a critical issue. It is needed in many areas of the North Shuswap to reduce traffic. He supports the application.

Sandi Leroux, 2504 McClaskey Road – stated that she is opposed to the proposal. She noted that the gravel operation has changed over the years, with the machines getting bigger and noisier, more dust and pollution and more traffic. She advised that the owner had replaced a fence on their mutual property line with a barbed wire fence, which is more hazardous without consulting her. She stated that this points to an attitude of "do and ask permission later." She stated that access into the site is a problem with a panhandle road down the backs of her and her neighbours' properties. She questioned the accessibility of the buildings on site to fire equipment. She stated that she wants information on the proposed covenant. She stated that she has been seeking answers to her questions for 7 months and wants to see environmental studies and examples from elsewhere.

Dan Passmore, Senior Planner – advised that the covenant had just been offered by the developer the day before and that the details of the covenant will be negotiated between staff and the developer and would be dealt with prior to adoption of the bylaw.

Sandi Leroux, 2504 McClaskey Road – questioned why the covenant had been offered and what purpose it serves.

Dan Passmore, Senior Planner – advised that the developer had read all of the public input and had offered the covenant to resolve public concerns about a concrete batching plant, and gravel processing which is currently permitted in the IG zone. He advised that

in this regard the developer was responding proactively to public concerns about a potential area of land use conflict.

Sandi Leroux, 2504 McClaskey Road – questioned why the proposal had not been advertised in a local paper, and why she was not allowed to be a delegation at the September 21, 2017 Board meeting. She asked how much gravel is left to be mined in the pit. She stated that she felt as if she was being locked out of the process.

Dan Passmore, Senior Planner – acknowledged that she had requested to be a delegation at the August regular Board meeting, but that such requests concerning active applications are seldom approved by Administrative personnel, as was the case this time. He advised that he had been in communication with her on these issues. He stated that he was not aware of how much aggregate remained in the pit.

Sandi Leroux, 2504 McClaskey Road – acknowledged that she had some communication, but that it seemed deflective and she felt stonewalled about the specific questions she was asking. She wondered how much work happens behind the scenes and why it is not part of the public documents.

Dan Passmore, Senior Planner – referred to the various background documents and reports that were available in the binders present, and which were also made available on the CSR website. The information included a flooding and debris flow study for Ross Creek, a RAR report, and significant information on the gravel pit permit.

Pat White, 2639 Squilax-Anglemont Road – advised that she has noted that water pollution is becoming an issue in the lake with more slimy weeds growing. She stated ironically that she was glad that the new boats do not pollute.

Ivan Mazur, 6807 Squilax-Anglemont Road – advised that he was not objecting to the proposal and that his biggest concern was over the pit being used for a concrete batching operation. He advised that the pit is growing ever larger and that dust control was becoming more of an issue with its operation, but that if the pit were operated properly this would be less of a concern. He advised that information he had viewed had said that a concrete batch plant was part of the proposal.

Dan Passmore, Senior Planner – clarified that concrete batching is a permitted use in the IG zone proposed for the expanded pit area, but that the covenant offered by the owner would restrict that use from the pit.

Ivan Mazur, 6807 Squilax-Anglemont Road – wondered if this was to be reflected in the Mine permit. He advised that certain industrial uses should not be allowed in a residential area. He added that dust, silica, etc. and more truck traffic were not welcome in the residential area. He stated that if best practices were followed the pit operation would be buffered from watercourses and residences. He finished by indicating that if the concrete batching were not part of the proposal and the pit were operated strictly in accordance with Mines regulations that he was happy.

Dan Passmore, Senior Planner – advised that under a typical extraction permit issued by the Province aggregate could be extracted and some minor processing like screening was allowed, but processing such as crushing was not. He stated that a permit also includes regulations for rehabilitation once the pit is closed. He advised that when the Province is

considering a permit for an extraction permit, there is not a lot of opportunity for consultation with Local Government, also that permits have been issued despite not conforming to Local Government zoning. The Province regards gravel as a critical resource and as such local government concerns regarding land use planning are less vital. Local Governments all over the Province hear of citizen concerns with pit permits all the time but do not have a great deal of control over permitting, but where control can be exerted on an operator, we do our best.

Ivan Mazur, 6807 Squilax-Anglemont Road – questioned if a batch plant will be allowed.

Dan Passmore, Senior Planner – the Province and the CSRD are different jurisdictions. The Province issues extraction permits where the resource exists, and the permit contains the conditions under which the pit is operated. The CSRD can allow the use, as well as others associated with a pit, if it deems fit to do so. In this case, the IG zone allows concrete batching and processing of gravel as permitted uses. However, the covenant will restrict these uses.

Ivan Mazur, 6807 Squilax-Anglemont Road – advised that the covenant is a great thing.

Matt Spooner, 3087 Squilax-Anglemont Road – stated that people were misinformed and that the plan was that the land was never going to be used for a batch plant. He advised that the Company already has a batch plant and that it would not be economically viable to build a second one at this location.

Pat White, 2639 Squilax-Anglemont Road – asked if this would be the final time for input into the issue.

Chair Larry Morgan – advised that once the Public Hearing had been closed that no more input could be received by the Board.

Jabala Spirit, Little River - announced that on behalf of her people she objects to this proposed use on unceded native territory. No consultation has been done with the First Nations people. She does not feel that chiefs and Council speak for all people.

Chair Larry Morgan – advised her that First Nations people had been consulted.

Maria Rimac, 2468 McClaskey Road – stated that there are streams flowing through the property and that the streams contain fish. She noted that activity within the pit had been increasing and that higher levels of siltation were happening to her and her neighbour's water supplies as well as in the streams. She also noted that sand and gravel is strewn over the road from the operation which then runs off into the streams. She advised that the pit has been mined beyond its current permit. She advised that the CSRD orthophotos are out of date, being from 2013 and that new orthophotos would show the intensity of work on the pit. She stated that the property is currently a wildlife corridor and that moose use it to get to the lake. She advised that a 3 m high fence would deny wildlife access to the shore using this corridor. She stated that excessive dust from the pit operation is a form of trespass. She noted that the access road built to the lower area proposed for toy storage crosses one of the streams. She stated that people live and have invested in homes in this area and that as residents they have a right to enjoy their property. She questioned the potential for additional jobs and stated that the operator is not likely to hire more people. She asserted that she has witnessed concrete pumper trucks being cleaned

on the site already. She complained that vegetation has already been removed from the property and that the streams coming off the property enter streams by her property and they all make it down to the Lake. She stated that her neighbour's have tested their water and it cannot be used to brush their teeth. She supports jobs but she resides in the area being impacted. She stated that she and her husband have sent e-mails to CSRD staff and have not received answers.

Chair Larry Morgan – advised Mrs. Rimac that her 5 minutes allotted speaking time had expired and it was time to hear from another.

Frank Riley, 5514 Richards Road – advised that if Bob McClaskey had not subdivided the property no one would be living close by the pit.

Linda Bischoff, 2615 Stevens Road – advised that she supports the proposal.

Maria Rimac, 2468 McClaskey Road – advised that her comments were not personal, but that she doesn't want the proposed business there in her backyard. She thanked the applicant for the offer of the covenant to restrict concrete batching but wondered why it was not available for viewing.

Chair Larry Morgan - advised that the covenant has not yet been drafted.

Maria Rimac, 2468 McClaskey Road – stated that the minutes of the October 19 board meeting were not available to download and that this looks intentional.

Chair Larry Morgan – advised that the intent of the Public Hearing is to listen to input and not to debate the merits of the application. He further advised Mrs. Rimac that her time was up and asked if anyone else wanted to contribute.

Jabala Spirit, Little River – stated that all of the water in the Shuswap Lake system goes past her place, and that the lake is getting siltier due to upstream uses. Native peoples are not here to fight about title issues, but want to protect the natural habitat and thereby their traditional ways. She advised that more consultation needs to be done and that the Little River people do not necessarily share the views of their chief and council. She stated she would like to meet on the issue.

Chair Larry Morgan – advised that once the Public Hearing is adjourned there will be no more opportunity for input to the Board.

Sherry Taylor, 4950 Squilax-Anglemont Road – advised that she agreed with the comments of Mr. Jay Simpson and supports the proposal.

Maria Rimac, 2468 McClaskey Road – asked the Board to please consider the impact of removal of all of the aggregate on the 40 acres of land in the extraction area. She further asked if all reports and submissions would be made public.

Dan Passmore, Senior Planner – advised that all reports and submissions have been published in the Public Hearing binders and have been available for viewing in person at the CSRD offices and on the CSRD website. He then went on to summarize all referral responses received for the crowd.

Maria Rimac, 2468 McClaskey Road – suggested that the Ministries that did not respond were opposed, and that 2 First Nations were opposed.

Chair Larry Morgan – suggested that she read the comments for herself so she has a better idea of what was said. The comments received would go to the Board with all Public Hearing submissions for the Board to consider at third reading. He advised speakers to keep their comments relevant to the substance of the bylaws.

At this point a number of people spoke out at once.

Chair Larry Morgan – restored order and reiterated that staff and the Chair were not there to argue the merits of the application.

Maria Rimac, 2468 McClaskey Road – advised that once the zoning is adopted 40 acres of land will be gone to aggregate, and the extraction will impact her children's lives. As far as she was concerned concrete batching is still on the table and there have been roads built across streams.

Chair Larry Morgan – advised that the covenant has been offered to restrict concrete batching use.

Maria Rimac, 2468 McClaskey Road – asked what about the next operator.

Dan Passmore, Senior Planner – advised that a covenant runs with the title to land and is binding on the owner of the land.

Maria Rimac, 2468 McClaskey Road – asked if a covenant could be changed.

Dan Passmore, Senior Planner – discussed the current process whereby a Public Hearing would be required.

Sandi Leroux, 2504 McClaskey Road – advised that neighbouring property owners have been watching the pit operation and noted that RVs were being demolished and that effluent tanks were buried on the property. She asked where is the accountability for these things.

Chair Larry Morgan – stated he did not understand the question and asked for clarification.

Dan Passmore, Senior Planner – advised the Chair that input received had contained allegations about previous activity on the site. He advised that staff had not investigated the veracity of the claims, but that they are now part of the public record.

Sandi Leroux, 2504 McClaskey Road – questioned why the CSRD would allow that behavior and consider expanding it onto a larger property. She advised that the Board would be held accountable.

Chair Larry Morgan – advised that the Board is aware of their accountability and this is why Public Hearings are held.

Maria Rimac, 2468 McClaskey Road – advised she has pictures of contaminants on the property.

At this point there were a number of interjections until the Chair once again restored order.

Pat White, 2639 Squilax-Anglemont Road – asked if the Board had received the First Nations comments about a need for an Archaeological study and whether one would be required.

Chair Larry Morgan – admitted he did not know.

Dan Passmore, Senior Planner – advised that the owner while excavating was required to contact the Archaeologist Branch upon unearthing any artifact.

Pat White, 2639 Squilax-Anglemont Road – advised that if First Nations asked for a study then they must think something is present.

At this point there were a number of interjections until the Chair restored order.


Ivan Mazur, 6807 Squilax-Anglemont Road – advised that proper management of the pit is a Provincial Government issue. He stated that 3 separate creeks originate on the property and that one is called Lynes Creek. He stated that if the pit operator managed the creek issues more effectively there would be much less public angst. He suggested that the owner needs to do an assessment of the creeks. He advised that managing drainage in and around the pit is critical and that Provincial rules restrict contamination from a pit operation. He concluded by expressing concerns about the current pit operator and speeding trucks on local roadways.

Sandi Leroux, 2504 McClaskey Road – showed pictures of pond on site that was being held back by the newly constructed road. She advised that there was no culvert under the road to channel this water away. She questioned where this water was going to go.


Ralph Bischoff, 4831 Meadow Creek Road – talked about flooding in 1948 and how McClaskey Road was covered.

Hearing no further representations or questions about proposed Bylaw No. 830-18 and Bylaw No. 800-30 the Chair called three times for further submissions before declaring the public hearing closed at 7:26 p.m.

CERTIFIED as being a fair and accurate report of the public hearing.



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Director Larry Morgan  
Public Hearing Chair



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Dan Passmore  
Senior Planner