

NO: R032

COUNCIL DATE: February 28, 2011

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **February 23, 2011**

FROM: **General Manager, Engineering** FILE: **4520-80(19438-01600)**

SUBJECT: **Application to Remove and Deposit Soil at 19438 - 16 Avenue -
Surrey Soil Removal Area Designation By-law, 2010, No. 17214**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information; and
2. Approve the amendments to Surrey Soil Removal Area Designation By-law, 2010, No 17214 and authorize the City Clerk to bring it forward for third reading.

BACKGROUND

South Surrey Aggregates Ltd. (SSAL), c/o Tyam Construction Ltd., submitted an application to the City to remove 200,600 cubic metres of soil from and deposit an equal amount of soil at 19438 - 16 Avenue. The soil removal operation is classified as a significant extraction operation, which requires approval from the Ministry of Energy, Mines, and Petroleum Resources.

The extraction application was first introduced to Council by way of Corporate Report L004; 2010 – Application to Remove and Deposit Soil at 19438-16 Avenue, a copy of which is attached as Appendix I. This report was considered by Council at its Regular Council Land Use meeting on July 12, 2010. At that same meeting Council granted first and second readings to Surrey Soil Removal Area Designation By-law, 2010, No. 17214 in support of the subject application and set September 13, 2010 as the date for the related Public Hearing.

Residents and community groups appeared before Council at the Public Hearing on September 13, 2010, to express concerns with the application. Following the Public Hearing, Council granted third reading to the By-law and instructed staff to address with the applicant the matters that were raised during the Public Hearing and provide a further report to Council on these matters prior to final adoption of the By law.

DISCUSSION

Since the Public Hearing on September 13, 2010, the applicant and his consultants have been working with staff to address the concerns that were raised during the Public Hearing. The following sections of this report list the concerns and following each is a discussion as to the means by which the concern will be addressed.

1. **Traffic Management:** The applicant has submitted to the City a detailed traffic management plan that includes the following elements:
 - The installation of construction and traffic warning signs on 16th Avenue in both directions from the driveway serving the site. These signs, which will remain in place during the full term of the operation on the site, will alert motorists to the potential for truck traffic to and from the site;
 - A 70-metre pull out will be paved along the south side of 16 Avenue that will allow truck traffic to pull out of the through lanes on 16th Avenue so that regular through traffic along 16 Avenue is not held up by the trucks waiting to enter the site; and
 - An 11.0-metre wide paved driveway/access pad will be installed at the entrance to the site off 16th Avenue that will allow truck traffic to enter and exit the site at the same time.
2. **Duration of Project:** The applicant has advised that the project will be completed within 5 years.
3. **Hours of Operation:** The applicant has advised that the operation on the site will be limited to between 7:00 a.m. and 4:00 p.m., Monday through Saturday.
4. **Aggregate Crushing:** Aggregate crushing may be undertaken on the site. The exact volume of crushing is unknown as it is subject to market demand, but in any case the crushing operation would be in place for no more than 4 months of the 5-year project period. The applicant has advised that any crushing will only occur between 7:00 a.m. and 4:00 p.m., Monday through Saturday.

The applicant has agreed that prior to any aggregate crushing taking place on the site, all residents on the lots abutting or across the street from the subject property will be given a minimum of 15 days' notice along with a schedule of the days and hours in each during which crushing will take place.
5. **Working Agreement with Semiahmoo Fish & Game Club:** A formal working agreement between the applicant (SSAL), the Semiahmoo Fish and Game Club (SFGC), and the Little Campbell Watershed Society (LCWSS) has been executed, and is attached as Appendix II. This agreement includes the following:
 - A commitment for positive communications between all parties;
 - The implementation by the applicant of effective erosion and sediment control procedures coupled with a preventative monitoring system;
 - A commitment by the applicant to implement a means to control water discharge from the site;

- A commitment by the applicant to ensure the consistent use of clean fill in the soil deposit operation on the site; and
 - A commitment by the applicant to allow access to the site for representatives of each of the Semiahmoo Fish and Game Club and Little Campbell Watershed Society for purpose of conducting regular site inspections.
6. **Erosion & Sediment Control (including dust):** The applicant has submitted an erosion and sediment control (ESC) plan that includes dust control measures and measures to prevent the discharge of sediment onto City property and/or into watercourses.
7. **Environmental Impacts:** The applicant has obtained the services of a qualified environmental consultant and the plan for the operation has been presented to Department of Fisheries and Oceans (DFO). DFO representatives have advised that they are satisfied with the concept, which includes the implementation of appropriate setbacks from watercourses within and abutting the site and a sediment control plan.
8. **Reclamation:** As part of the operation the applicant will be restoring the site to its existing topography by importing and depositing soil. The soil depositing will occur concurrently with the extraction operation, and is included in the project duration estimated to be complete within 5 years. To ensure that the agricultural potential of the lot will be enhanced once the soil removal and fill operations are completed, all soil imported to the site must be reviewed and approved by the applicant's Agrologist.

Based on above, Engineering Department staff is satisfied that the concerns raised at the Public Hearing are being addressed in a satisfactory manner. Staff have incorporated each of the applicant's commitments as documented above into Schedule A of By-law 17214 as an amendment and request that Council approve the by-law as amended.

Staff is in the process of increasing the royalties that the City collects from gravel/soil extraction operations in the City, which are used to address the impacts that these operations have on the City's infrastructure (i.e., roadways, etc.). An amendment to the related by-law to increase the royalties has been given readings by Council and is currently with the Province for approval. The new royalty rates will be applicable to the subject application and related permit.

In addition to the conditions and requirements that have been discussed above, the applicant and the related soil extraction and deposit operation will also be subject to the provisions of the following:

- Surrey Noise Control By-law, 1982, No. 7044;
- Surrey Soil Conservation and Protection By-law, 2007, No. 16389;
- Erosion and Sediment Control By-law, 2006, No. 16138;
- Permits and conditions as set by the Department of Fisheries and Oceans; and
- Permits and conditions specified by the Ministry of Energy, Mines, and Petroleum Resources.

SUSTAINABILITY CONSIDERATIONS

The soil removal and deposition application will support the Economic and Environmental Pillars of the City's Sustainability Charter under the following specific elements of the Charter:

- EC12: Surrey's Agricultural Land Base: Although the application will result in the temporary loss of agricultural lands, the agricultural potential of the lot will be enhanced once the fill operation and related improvements are completed; and
- EN9: Sustainable Land Use Planning and Development Practices: The application will assist in delivering the highest economic use of land.

CONCLUSION

The applicant and his consultants in consultation with City staff have developed approaches to address the concerns and issues that were raised by delegates at the Public Hearing related to By-law, 2010, No. 17214. Based on the discussion in this report and the referenced conditions being attached to the permits for the related soil operation, the Engineering Department recommends that Council authorize the City Clerk to bring forward Surrey Soil Removal Area Designation By-law, 2010, No. 17214, for Council's consideration of adoption of the By-law.

Vincent Lalonde, P.Eng.
General Manager, Engineering

JA/CAB/brb

Appendix I – Corporate Report Loo4; 2010 – Application to Remove and Deposit Soil at 19438 – 16 Avenue

Appendix II - Working Agreement between South Surrey Aggregates, the Semiahmoo Fish and Game Club and the Campbell Watershed Society

APPENDIX II

South Surrey Aggregates
19438 16th Avenue
Surrey, BC

December 21, 2010

This letter provides permission from South Surrey Aggregates to a designated contact person from the Semiahmoo Fish & Game Club and/or Little Campbell Watershed Society to meet and/or visit the site for the purposes of:

1. Establishing positive communications between all parties.
2. Ensuring effective erosion & sediment control procedures coupled with a preventative monitoring system.
3. Verifying means to control water discharge.
4. Ensuring consistent use of clean fill.

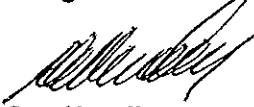
In conjunction with the above:

- a. Four (4) hours notice will be provided to SSA except under emergency conditions wherein the notice period will be waived. Under any emergency condition, notification will be made to the designated SSA representative.
- b. All site visits will be accompanied by a designated SSA representative unless under emergency conditions.
- c. Designated representatives agree to be reasonably available during and after business hours.
- d. Designated representatives will be required to adhere to all safety requirements including steel toe boots, reflective vest and a hard hat.

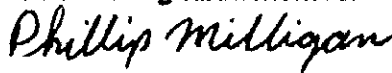
South Surrey Aggregates

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