

NO: R204

COUNCIL DATE: October 28, 2013

REGULAR COUNCIL

TO: Mayor & Council **DATE: October 24, 2013**

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

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

RECOMMENDATION

The Engineering Department recommends that Council:

1. Approve amendments to Surrey Soil Removal Area Designation By-law, 2010, No. 17214 as documented in Appendix I to this report; and
2. Authorize the City Clerk to bring forward the related Amendment By-law for the required readings.

INTENT

The purpose of this report is to obtain approval of housekeeping amendments to Surrey Soil Removal Area Designation By-law, 2010, No. 17214 (the "By-law") that will act to incorporate a change in the applicant associated with the By-law and minor changes in the scope of work.

BACKGROUND

An application was received from South Surrey Aggregates Ltd. (SSAL), c/o Tyam Construction Ltd., to remove 200,600 cubic metres of soil from the lot at 19438 - 16 Avenue (the "Property") and then to deposit on the property a similar quantity of fill. At its Regular Council Land Use meeting on July 12, 2010 Council considered Corporate Report No. L004; 2010, related to the subject application, and adopted the recommendations of that report. A copy of that Corporate Report is attached to this report as Appendix III.

The related By-law, By-law No. 17214 was granted third reading by Council on February 28, 2011 and received final adoption from Council on May 9, 2011.

Since approval of the By-law, the applicant has not commenced any work on the Property.

DISCUSSION

The applicant has advised staff that they would like to make minor changes to their application. These changes necessitate housekeeping amendments to Schedule A of the By-law.

The necessary changes to the By-law are detailed in Appendix I attached to this report and are summarized below:

1. The size of the excavation area has been reduced from 6.8 hectares to 4.6 hectares and the volume of soil to be removed and deposited has been reduced from 200,600 cubic metres to 179,000 cubic metres, which requires a revision to the drawings.
2. The mailing address of South Surrey Aggregates Ltd. has been changed from 27474 Gloucester Way, Langley, BC V4W 4A1 to 5668 Manitoba Street, Vancouver, BC V5Y 3Y8.
3. The applicant has engaged Horizon Engineering Ltd. to supervise the soil removal/deposit works and erosion and sediment control works as well as monitor the groundwater, which requires a revision to the references to “Supervising Consultant”.
4. The signatory of South Surrey Aggregates Ltd. in the agreement needs to be changed to Mr. Ron Dhanda, which requires a revision to the Working agreement with the Semiahmoo Fish and Game Club.

The Engineering Department has no concerns with the proposed changes as they are relatively minor in nature and do not change the requirements of the applicant as referenced in the By-law and related agreements.

The applicant has indicated that if Council approves the amendments to the By-law, the work outlined in the permit will commence in November 2013. The soil removal and soil deposition operation is expected to complete within 5 years which will be no later than November 2018.

Legal Review

This report and the proposed By-law amendments have been reviewed by Legal Services.

SUSTAINABILITY

There are both local and regional sustainability considerations related to this application. The effects of the application as they relate to the City’s Sustainability Charter are listed below:

- EN16: Land, Water and Air Quality Management: The application will reduce regional air quality impacts through reduced haul lengths in comparison to the next nearest alternative gravel source; and
- EN9: Sustainable Land Use Planning and Development Practices: The application will assist in delivering the highest economic use of land.

CONCLUSION

Based on the above discussion, the Engineering Department recommends that Council:

- Approve amendments to Surrey Soil Removal Area Designation By-law, 2010, No. 17214 as documented in Appendix I to this report; and
- Authorize the City Clerk to bring forward the related Amendment By-law for the required readings.

Vincent Lalonde, P.Eng.
General Manager, Engineering

JB/TS/JA/brb

Appendix I - Proposed Amendments to Surrey Soil Removal Area Designation By-law, 2010,
No. 17214

Appendix II - Schedule 'A' – Soil Permit

Appendix III - Corporate Report No. L004:2010 titled "Application to Remove and Deposit Soil at
19438 – 16 Avenue"

**Proposed Amendments to
Surrey Soil Removal Area Designation By-law, 2010, No. 17214**

That the By-law be amended as follows:

1. Replace Schedule 'A' in its entirety with a new Schedule 'A', Soil Permit, which is attached as Appendix II.

19438 - 16 Ave (01600)

09-017470-0-0

CITY OF SURREY

SOIL PERMIT

(Surrey Soil Conservation and Protection By-law, 2007, No. 16389)

PROJECT ADDRESS:	19438 - 16 Ave	EXPIRY DATE:	5 years from the date of issuance
LEGAL DESCRIPTION:	LT 4 SC NW10 T7 PL37334	SECURITY AMOUNT:	SS 13(g) not SS 13(i)
ZONE:	A-1	WORK PROPOSED:	* See Description
SECURITY TYPE:	Not Applicable		
PERMIT TYPE:	Soil Removal		

WORK DESCRIPTION:

Remove and deposit soil. The soil removal is significant gravel extraction operation where soil is removed then deposited to reclaim land. All soil work must be in accordance with the accepted engineered drawings prepared by Coastland Engineering & Survey Ltd (CESL) c/o F.R. Yorston, P.Eng. The applicant/agent South Surrey Aggregates Ltd must carry all soil work in accordance with the following accepted drawings:

- Detail of Excavation and Filling at 19438-16 Ave (Drawing No. 1 of 4; Rev.7)
- Cross Sections 19438-16 Ave (Drawing No. 2 of 4; Rev.4)
- Temporary Erosion and Sediment Control Details (Drawing No. 3 of 4; Rev.0)
- Temporary Erosion and Sediment Control Details & Plan During Excavation and Filling Phases 19438-16 Ave (Drawing No. 4 of 4; Rev.4)

APPLICANT/AGENT:

South Surrey Aggregates Ltd 5668 Manitoba Street Vancouver BC V5Y 3Y8

CONTRACTOR/PERMIT HOLDER:

South Surrey Aggregates Ltd 5668 Manitoba Street Vancouver BC V5Y 3Y8

OWNER:

0801757 BC Ltd 17115 85a Ave SURREY BC V4N 0B1

SUPERVISING CONSULTANT:

HORIZON ENGINEERING LTD C/O KARIM KARIMADEGAN, P.ENG
UNIT 114 2433 DOLLARTON HWY NORTH VANCOUVER V7H 0A1

VOLUME (CUBIC METRES): 179,000	ACCESS FROM: 16 Ave
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SITE AREA (HECTARES): 10.000223117**TERMS AND CONDITIONS:**

Fill as per approved drawing(s).

Establish visual references (stakes) on the property to define approved fill area at commencement of work.

No soil is to be deposited outside of the approved area.

Public roads to be kept clear of soil, rock and debris resulting from this soil depositing operation.

No asphalt, concrete, woodwaste or demolition material may be used as fill material pursuant to this permit.

All works done in City Right of Ways require a Highway Use Permit from Surrey's Engineering Dept.

ISSUED BY: THS

DATE OF ISSUANCE: / /

No sediment laden water is to be discharged into any creek, ditch or storm drain.

Topographical survey will be required at completion.

All works associated with this permit must comply with applicable Municipal, Provincial, and Federal environmental laws, regulations and policy.

Persons Responsible are to ensure all soil work is in accordance with Surrey Soil Conservation and Protection By-law, 2007, No. 16389, as may be amended or replaced from time to time.

Persons Responsible are to ensure all soil work is in accordance with Erosion and Sediment Control By-law, 2006, No. 16138, as may be amended or replaced from time to time.

Persons Responsible must implement dust control measures in conjunction with the Erosion and Sediment Control plan.

Persons Responsible must implement the accepted Traffic Management Plan prepared by CESL; PROJECT #2162; 16 AVENUE ROADWORKS; SCALE: 1:500; DATE: NOVEMBER 3, 2010.

Traffic control must be provided, when necessary, to ensure safe ingress and egress of truck traffic.

Persons Responsible are to follow Schedule A: Performance Standards of the Surrey Soil Conservation and Protection By-law, 2007, No. 16389, as may be amended or replaced from time to time.

Duration of project is not to exceed 5 years from the date of issuance.

Hours of operation must be between 7:00am to 4:00pm, Monday through Saturday.

Aggregate crushing may be undertaken on site. Crushing operation is to be in place no more than 4 months of the 5 year project period. Crushing is to only occur with the hours of operation, as stated above.

Persons Responsible must give all residents on the lots abutting or across the street a minimum 15 days notice along with schedule of days and hours; prior to crushing.

Terms stated in the Working Agreement with Semiahmoo Fish and Game Club dated June 18, 2012 must be followed and applied for the duration of the project.

Persons Responsible must abide by Department of Fisheries and Oceans regulations and implement appropriate setbacks from watercourses within and abutting the site.

Soil Deposition is to occur concurrently with the extraction operation and to be completed with in the duration of the project.

Persons Responsible are to ensure all soil work is in accordance with Surrey Noise Control By-law, 1982, No. 7044.

Persons Responsible must abide by the permits and conditions specified by the Ministry of Energy, Mines, and Petroleum Resources.

Royalties are payable in accordance to the Surrey Soil Conservation and Protection By-law, 2007, No. 16389, as those fees may be amended, increased or replaced from time to time.

Please advise Surrey's Engineering Department (604-591-4765) once the work is complete.

ISSUED BY: THS
DATE OF ISSUANCE: / /

NO: L004

COUNCIL DATE: July 12, 2010

REGULAR COUNCIL – LAND USE

TO: **Mayor & Council**

DATE: **July 8, 2010**

FROM: **General Manager, Engineering**

FILE: **4520-80(19438-16 Ave)**

SUBJECT: **Application to Remove and Deposit Soil at 19438 - 16 Avenue**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information related to an application to remove and deposit soil at 19438 – 16 Avenue;
2. Authorize the City Clerk to bring forward for first and second readings a Soil Removal Designation By-law in support of the subject application; and
3. Authorize the City Clerk to set a date for the related Public Hearing.

INTENT

The purpose of this report is to advise Council about an application to remove and deposit soil at 19438 - 16 Avenue and to advance the application to Public Hearing as required by the Surrey Soil Conservation and Protection By-law, 2007, No. 16389.

BACKGROUND

Soil extraction and deposition on lands within the City is regulated under the Surrey Soil Conservation and Protection By-law, 2007, No. 16389 (the “Soil By-law”). Soil extraction is also regulated by the Ministry of Energy, Mines and Petroleum Resources, through the *Mines Act*.

An application has been received from South Surrey Aggregates Ltd., c/o Tyam Construction Ltd., with consent from the registered property owners, to remove for construction purposes 200,600 cubic metres of gravel from the lot known as 19438 – 16 Avenue and to deposit on the property a similar quantity of fill material as to return the property to its pre-construction topography to support future farming opportunities.

The subject property is currently zoned General Agricultural (A-1) and is not within the Agricultural Land Reserve. The property is illustrated on the map attached as Appendix I.

Section 6 of the Surrey Soil Conservation and Protection By-law, 2007, No. 16389, relates to soil extraction operations involving more than 1,000 cubic metres of soil removal. It states:

“The City Council may, in consideration of an application, or through its initiative, designate by by-law lots within the City as soil removal areas for significant extraction operations from which soil may be removed provided, however, that a by-law shall not be adopted until:

- a. the City Council has held a public hearing thereon, and the provisions of Division 4 of Part 26 of the Local Government Act, R.S.B.C. 1996, c. 323, as amended, have been applied to the public hearing requires that, prior to designating any land(s) within Surrey for soil removal, City Council must hold a public hearing.”*

DISCUSSION

The lot related to the proposed soil extraction and deposition operation is located within a rural area of South Surrey. The site is adjacent to 16 Avenue to the north and 194 Street to the west. The property is situated between lots that have been subject to soil extraction and deposition operations, namely:

- the 5 lots to the east (19474, 19516, 19534, 19464, 19586 – 16 Avenue),
- a parcel to the west (19356 – 16 Avenue), and
- 3 parcels northeast of the subject property (1681, 1725 and 1771 – 196 Street).

These properties are shown on the map attached as Appendix II.

The properties to the south, east, and west are zoned A-1. The properties to the west and south have been restored since their gravel extraction operations, and are currently being farmed with various crops and livestock. The property to the east is currently undergoing restoration from their gravel extraction operations. The properties to the northeast of the property are zoned Comprehensive Development (CD) and have been restored since their gravel extraction. The properties consist of a hobby farm and a 34-person residential care facility.

The subject property is currently used as a poultry farm. The applicant is intending to return the site to this use after the gravel extraction is completed, and the land is restored through soil deposition.

The subject property is approximately 10.0 hectares (24.7 acres) in area. The footprint of the proposed extraction area is approximately 7.6 hectares (18.8 acres) in area. The total volume of soil to be extracted is approximately 200,600 cubic metres with an equal volume of soil to be deposited on the lot as part of the reclamation process.

The land is naturally graded from an elevation of 41.5 metres along the north end to an elevation of 27.5m on the south edge with all overland stormwater flows draining south to a tributary creek of the Little Campbell River system.

The Engineering Department and the Planning and Development Department have reviewed the application and find that it meets the requirements of the Surrey Soil Conservation and Protection By-law, 2007, No. 16389, and satisfactorily mitigates all anticipated impacts to the neighbouring properties. A summary of these comments is provided in Appendix III.

Gravel Extraction Royalties

The Soil By-law requires the permit holder to submit to the City of Surrey a royalty fee of \$0.57 per cubic metre of soil removed. The funds are intended to cover repair costs for roads, drainage,

and other City infrastructure that may be impacted by the soil removal and deposit operation in the general vicinity.

Staff has reviewed the current royalty rate based on actual costs of infrastructure repairs due to gravel extraction. Staff has concluded that the existing rate is insufficient to mitigate the impacts to City infrastructure and will be forwarding a report to Council as part of the agenda for the Regular Council meeting scheduled July 26, 2010 that recommends an amendment to the Soil Conservation and Protection By-law to provide an increased royalty fee for soil extraction operations. Subject to Council approval of that amendment, the subject application will be responsible for paying to the City the revised royalty fee.

In addition to royalties, the permit holder is responsible to repair and remediate any damage to City property immediately fronting or adjacent to the site resulting from the operation as stipulated in the Surrey Soil Conservation and Protection By-law, 2007, No. 16389.

By-law Implementation

As part of the approval process for a soil extraction operation, a Soil Removal Designation By-law must be introduced and a public hearing must be held.

After the public hearing, if Council sees merit in advancing the application, the By-law should be given third reading. After third reading, the By-law will be forwarded to the Ministry of Energy, Mines and Petroleum Resources for that Department's consideration of approval.

Once the City receives approval from the Ministry of Energy, Mines and Petroleum Resources, the By-law will be brought forward to Council for adoption.

SUSTAINABILITY CONSIDERATIONS

There are both local and regional sustainability considerations related to this application. The effects of the application as they relate to the City's Sustainability Charter are listed below:

Negative Impacts:

- EC12: Surrey's Agricultural Land Base: The application will result in the temporary loss of agricultural lands;
- EN12: Enhancement and Protection of Natural Areas, Fish Habitat and Wildlife Habitat: The application will result in the loss of 148 trees.

Positive Impacts:

- EN16: Land, Water and Air Quality Management: The application will reduce regional air quality impacts through reduced haul lengths in comparison to the next nearest alternative gravel source;
- EN9: Sustainable Land Use Planning and Development Practices: The application will assist in delivering the highest economic use of land.

CONCLUSION

Based on the above discussion, it is recommended that Council:

- Receive this report as information related to an application to remove and deposit soil at 19438 – 16 Avenue;
- Authorize the City Clerk to bring forward for first and second readings a Soil Removal Designation By-law in support of the subject application; and
- Authorize the City Clerk to set a date for the related Public Hearing.

Vincent Lalonde, P.Eng.
General Manager, Engineering

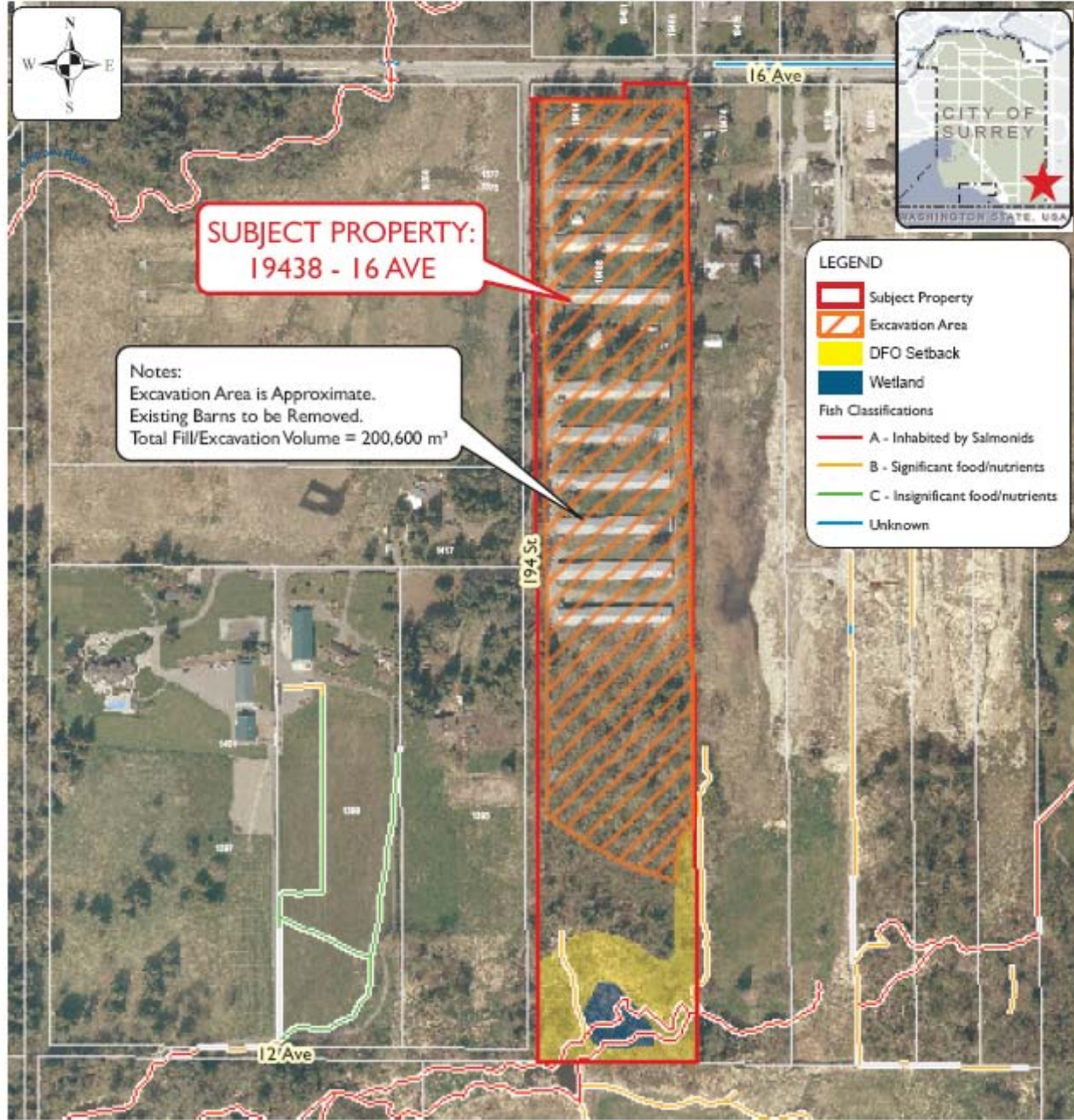
CAB/JA/TS/brb

Appendix I - Aerial Photograph of Site

Appendix II - Aerial Photograph of Previous Soil Removal Sites

Appendix III - Engineering Department and Planning & Development Department Comments

APPENDIX I AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: June 14, 2010

Date of Aerial Photography: April 2009



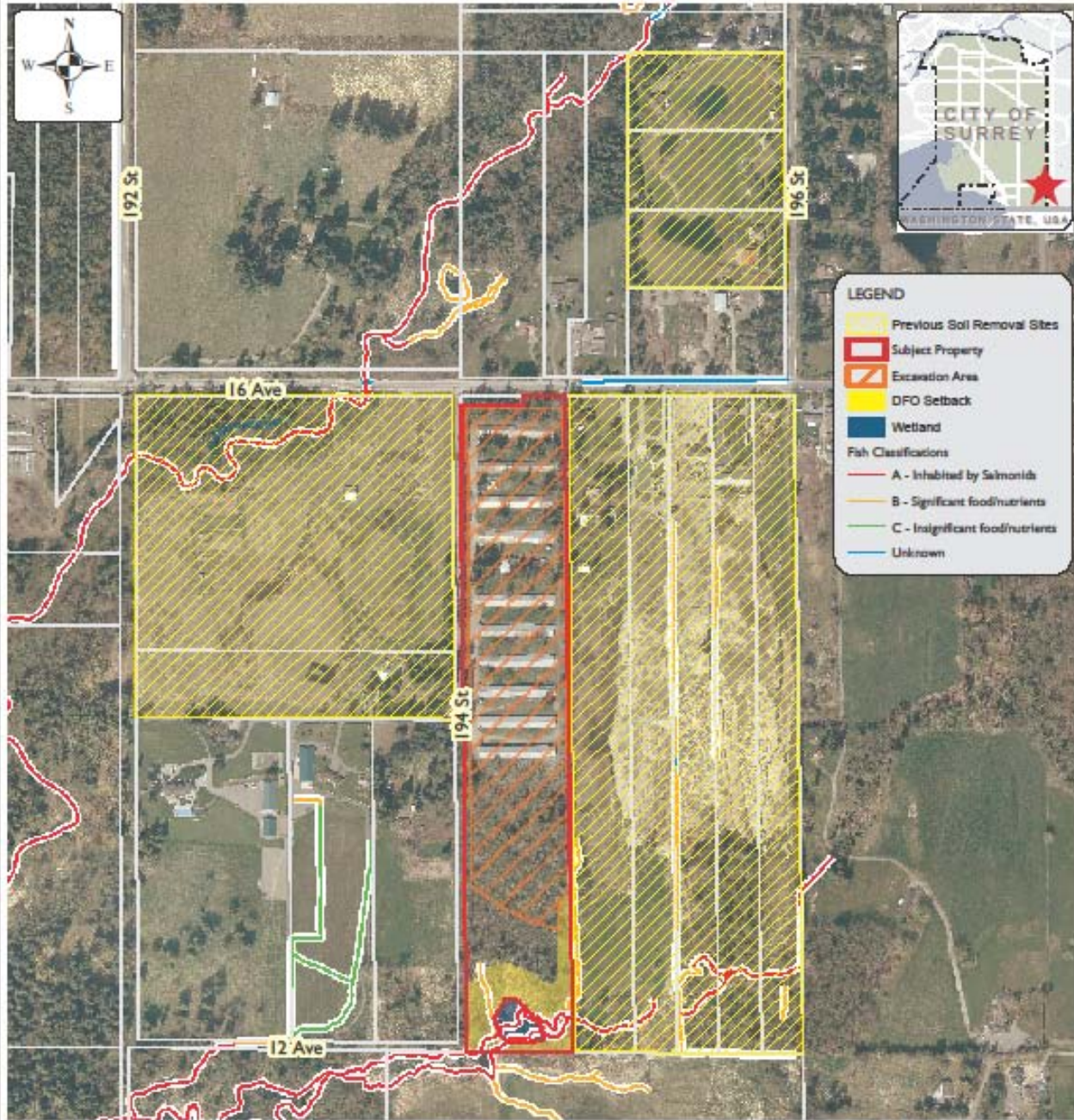
EXCAVATION & FILL SITE 19438 - 16 AVE

ENGINEERING
DEPARTMENT

*The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey.
This information is provided for information and convenience purposes only.
Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.*

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APPENDIX II PREVIOUS SOIL REMOVAL SITES



Produced by GIS Section: July 6, 2010. JJR

Date of Aerial Photography: April 2009



EXCAVATION & FILL SITE

ENGINEERING
DEPARTMENT

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Engineering Department and Planning & Development Department Comments

Project Scope

South Surrey Aggregates c/o Tyam Construction Ltd. is proposing to extract as much as 200,600 m³ of soil from the site at 194389 – 16 Avenue, as the site contains high quality gravel, which is a valued construction material.

The applicant is proposing to start extraction at the south end of the property and progress northwards. The applicant is proposing to replace extracted soil immediately after extraction with imported soil that will allow the site to be returned to agricultural use. The entire project is expected to be completed in 5 years.

Land Use

The subject property is currently zoned General Agricultural (A-1) and is not within the Agricultural Land Reserve. The A-1 Zoning is intended to accommodate agricultural uses on lots of a minimum size of 2 hectares [5 acres] and to protect agricultural land from the intrusion of uses not compatible with farm operations.

Legal Services has reviewed the application and advised that the proposed soil extraction operation falls under the authority of the Ministry of Energy, Mines and Petroleum Resources but the City does have authority to administrate the proposed soil extraction application through the Surrey Soil Conservation and Protection By-law, 2007, No. 16389.

Hydrogeological Assessment

The applicant has completed a hydrogeological assessment of the area, which includes a groundwater monitoring and management plan for the proposed soil extraction and deposition operation.

The hydrogeological assessment has identified that underlying the site are two provincially recognized unconfined sand and gravel aquifers, most notably the Brookwood aquifer. The assessment notes that there are 85 water wells of unknown condition within a 1.0 km radius of the site. It is estimated that 16 of these wells are hydraulically isolated from the site by the Campbell River.

The hydrogeological assessment has recommended an environmental monitoring plan (EMP) which includes the installation of 8 groundwater monitoring wells (piezometers) within the project area, which are to be monitored on a weekly basis. Monitoring data will establish the site's groundwater level, which will act to establish the limit of the excavation. Excavation will be limited to 0.5 metres above the observed groundwater level. The proposed monitoring wells are not expected to have any impact on adjacent wells nor the Little Campbell River system.

The Ministry of Energy, Mines and Petroleum Resources will be working with Ministry of Environment as part of their approval process to ensure that the proposed soil extraction and deposition operation will not negatively impact groundwater or wells in the area.

City staff has reviewed the groundwater monitoring and management plan and have concluded that the plan includes appropriate actions to mitigate any impact to groundwater in the area.

Agrology Assessment

The applicant has completed an agrology assessment. The assessment indicates that the proposed restoration (fill) plan will enable free drainage and farming activities to continue on the site after reclamation is complete.

The assessment also suggests that restoration work should be undertaken during the dry season (late May through September) to prevent erosion, which will satisfy the requirements of the City's Erosion and Sediment Control management program.

To achieve optimum agricultural production, the applicant will be implementing the recommendations of the agrology assessment, which includes placing 0.5 to 1.0 metre of arable soil atop the fill material. These recommendations will also be incorporated as conditions of the City's Soil Permit.

Traffic Control Assessment

The applicant has completed a traffic management plan. The plan includes off-site traffic control and truck staging. The traffic management plan has been designed in accordance with Provincial and Municipal standards.

During the entire construction period, it is proposed that all vehicles will enter and leave the site from 16 Avenue and traffic control personnel will be provided throughout the term of the project.

Tree Assessment

Currently the site consists of mature trees along the north, west, and south property lines.

The trees along the north and west property lines will remain as a buffer to isolate the operation from adjoining lots. The trees along the west property line are within a City of Surrey road allowance. The applicant, through the monitoring program, is to ensure the trees on the north and west property lines are watered sufficiently through the extraction and remediation process so as to ensure their continued survival.

In addition, in relation to all trees along the project's perimeter, a tree protection barrier is to be installed and a berm placed along the tree barriers. The berm will act as a noise barrier and isolate the operation from the public. The berm will be constructed of organic material, which will be used to reclaim the site upon the completion of the gravel extraction operation.

The applicant is proposing to remove 148 trees within the extraction area and will pay the City \$84,000 in accordance with the Surrey Tree Protection By-law, 2006, No. 16100, for the City's use in planting trees at other locations in the City.