

Fraser Valley Regional District

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STAFF REPORT

To: Electoral Area Services Committee, Regional Board
From: Rick McDermid, Manager of Development Approvals
Date: January 5, 2009
Subject: Soil Removal Permit application, Ekset Contracting, Area F
File No.: 4520-20-2007-01

RECOMMENDATION:

That the Regional Board issue Soil Removal Permit 2007-01.

ISSUE:

Ekset Contracting proposes to expand its existing rock quarry located at 10200 Sylvester Road in Electoral Area F and has applied to FVRD for a soil removal permit.

BACKGROUND:

The proposal involves a northerly extension of the existing Ekset Rock Quarry located at 10200 Sylvester Road (see location map, Appendix A). The owner of the lands is Braelynn Enterprises; the authorized agent is Dave Vernon of Ekset Contracting. They have engaged Eric Beresford, P.Eng., as the registered professional.

Braelynn owns three adjacent parcels on Sylvester Road. The existing rock quarry is located on the most southerly property. They now propose to expand onto the “middle” property. They do not propose to expand the quarry onto the northerly parcel at this time.

Members of the previous Board will be familiar with this proposal. The following information provides some background on the application:

- The existing quarry property is about 14.8 ha (36.5 acres) in area, although a substantial portion of the property is not included in the quarry plan because of Scorey Creek.
- The proposed expansion property to the north is about 8 ha (20 acres) in area.
- The existing Mines Act permit Q-7-14 was amended by the Ministry of Energy, Mines and Petroleum Resources on July 3, 2007 to permit the expansion.
- The properties are zoned Rural-3 (R-3).

- The R-3 zoning permits resource use, which allows removal of rock, gravel, and other resource materials from the property, including the “preliminary grading and cutting” of such materials. However, the R-3 zoning does not permit rock crushing.
- We understand that the original Mines Act permit for a quarry was issued on September 15, 1986, and we understand the quarry operations commenced shortly thereafter. At the time, the zoning permitted rock crushing, and crushing was undertaken on site during that period.
- The zoning bylaw was amended on December 21, 1994 by the DARD Board, removing crushing as a permitted component of resource use under the bylaw. Crushing of rock continued on the property thereafter.
- It is our understanding, and we accept the conclusion, that rock crushing on the existing quarry property is “grandfathered” under the terms of the Local Government Act.
- The owners now propose to expand onto the adjacent property to the north, which raises questions about the status of the rock crushing use. Based on advice received, the existing crushing use on the lands may continue, but not to an extent or degree greater than existed when the bylaw was changed to prohibit crushing in 1994. As well, rock quarried from the expansion property cannot be crushed in the plant because that land was not used for crushing previously.
- In other words, Ekset cannot crush rock at a higher rate (e.g. tonnes per year) than was occurring when the bylaw changed, and the grandfathering provisions apply only to the land upon which the non-conforming use was occurring in 1994, not the expansion property.
- There were some problems a number of years ago with blasting activities, but the quarry has new operators and blasting contractors, and staff are not aware of recent problems in this regard.
- Scorey Creek crosses the southerly portion of the existing quarry property. The applicant engaged Geopacific Consultants to carry out a geohazard assessment. Ekset originally proposed to “relocate” the creek, but subsequently revised its plans and now is leaving a 30 meter buffer from the existing creek location.
- At the Board’s direction, a public information meeting was held for the soil removal permit, on July 29, 2008 at the Hatzic Prairie Community Hall. Twenty members of the public attended. A copy of the meeting report is attached for reference.
- A key concern raised at the information meeting was an existing water supply located on a small creek (known as Garshin Creek) at the northerly edge of the expansion property. A water license is also noted on Scorey Creek.
- The applicant and his engineer investigated the water license on Scorey Creek, but could not find evidence of any physical works, nor could the holder of the license (Tremblay Island Farms – Sidhu Nurseries) provide information regarding any works on the property. However, on Garshin Creek there are physical works (pond, intake, and supply line) identified.
- The applicant carried out surveys and the engineering professional has submitted written recommendations for a treed buffer area setback from the Garshin Creek water supply. The engineer has stated by email that he certifies that “the water supply on Scorey Creek and Garshin Creek will not be affected by the proposed quarry development if carried out in compliance with reports, plans and letters as submitted with the application”. The engineer has provided written, sealed certification regarding protection of the water supply, as required by Soil Removal and Deposit Bylaw No. 0729, 2006.

DISCUSSION:

The draft soil removal permit includes a number of conditions to address technical requirements and issues that have been raised by the public. A copy of the draft permit is attached for reference. Some of the key conditions include:

- The permit applies to both the existing quarry site and the expansion property.
- A 30 meter buffer from Scorey Creek is to be maintained.
- Condition 6 of the permit alters the requirement for berms at some locations on the quarry perimeter, and specifically requires a depressed rock cut section 7 – 10 meters high along the north quarry margin to reduce off-site noise, rather than an elevated berm. As well, Ekset owns the property to the north, Crown land is located to the east, and Scorey Creek and the vegetated leave area provide a buffer to the south.
- Ekset proposes, and the permit includes, requirements for increased buffering and noise-reducing berming along the westerly boundary adjacent to Sylvester Road.
- For noise-reducing measures, Ekset proposed hours of operation from 7:00 a.m. to 7:00 p.m., five days per week, and on Saturday from 7:00 a.m. to 5:00 p.m. as required. The hours as proposed are therefore included as a condition of the permit.
- The permit includes requirements for a treed buffer in the vicinity of Garshin Creek as recommended by the registered professional. The buffer will range from 20 – 30 or more meters. (The quarry edge in the vicinity will be a depressed rock cut, as noted earlier).
- The permit relies upon the professional assurance respecting protection of water supplies.
- The permit clarifies that crushing is not allowed except as provided for by the non-conforming use regulations of s. 911 of the Local Government Act.
- The permit also clarifies that other processing activities such as asphalt or concrete production are not permitted unless necessary land use approvals are obtained from FVRD.
- Annual reports from professionals will be required under the permit and pursuant to Bylaw 0729.

Ekset originally applied for this permit on March 7, 2007, and has made considerable effort to provide materials required by Bylaw 0729 and to obtain a proper permit, and to address the concerns raised at the public meeting. Obviously, gravel pits and rock quarries are not always welcomed into our rural residential communities, but the applicants are entitled to a permit provided that they comply with Bylaw 0729, and the zoning does permit resource extraction on the property. Staff recommend that the Board now consider issuance of the permit accordingly.

COST: Permit application fee of \$2500 received.

COMMENT BY DEPARTMENT HEAD: Reviewed and support.

COMMENT BY DIRECTOR OF FINANCE: Comment not required.

COMMENT BY ADMINISTRATOR: Review and concur.

Appendix A – Location Map

