RECOMMENDATIONS

1. THAT Report No. ENG 13-2010, dated February 12, 2010, from the Manager, Engineering Inspections & Permits, regarding an application for soil removal at property, located at 2676 Ross Road, be received;

2. THAT the Little Rock Quarries Ltd. application for soil removal and site reclamation at property, located at 2676 Ross Road, be referred to a Public Information Meeting; and

3. THAT staff report back to Council on the results of the meeting.

BACKGROUND

An application was received on September 28, 2009 from Little Rock Quarries Ltd. (Little Rock) to extract gravel and recontour a portion of the property at 2676 Ross Road. The proposal includes the net extraction of 437,000 cubic metres of soil over a 7.9 ha area on the subject property over a five year period.

The applicant plans for the post-reclamation land use to provide agricultural capability for grape production and construction of a winery.

The application is a revision of a previous application submitted to the City of Abbotsford in 2005 which was not approved by Council (Appendix 1). The new application is reduced in scope by approximately 800,000 cubic metres.

The applicant submitted an ‘Application to Place Fill’ to the Agricultural Land Commission on April 7, 2009. The application is under review by the Commission and a decision is pending.

A permit from the Ministry of Energy, Mines and Petroleum Resources was received.

ANALYSIS

General

The property is located on the east side of Ross Road, immediately north of Duncan Avenue (Appendix 2). The property is within the Agricultural Land Reserve (ALR) and is within the City of Abbotsford Agricultural One Zone. Most of the property is cleared of vegetation and is used for pasture and as a single family residence. Areas on the north and east side of the property are treed, surrounding Waechter Creek which flows north to south.
All adjacent properties are within the ALR and current uses include pasture, crop production and rural residences.

A report by Golder Associates Ltd., dated September 21, 2009, addresses all phases of the proposed gravel extraction and recontouring operation from development, to reclamation, to post closure monitoring.

The current agricultural capability of the subject property ranges from Class 2 to Class 7 with the largest classifications being Class 5 and Class 7 soil (70% of subject lands). Post reclamation land capability will increase soil classification to Class 2 over 5.5 ha of the project area. The finished grade of the recontoured property will have a 5% gradient from west to east.

Affects on the Environment

A report by Scott Resource Services Inc. (Scott Resources), dated October 11, 2005, addresses environmental impacts of the proposed soil deposit operation.

Waechter Creek, a tributary of Fishtrap Creek, is located on the north and east side of the property. It is identified as a Class A fish-bearing watercourse and contains high rated habitat for both the Pacific water shrew, the northern red-legged frog and the Western Red Cedar-Sitka Spruce – Skunk Cabbage vegetation community.

Staff recommends development of an ongoing environmental monitoring program and rehabilitation plan as outlined in the Scott Resources report. Also, modifications to this report, as per the requirements of the email correspondence of October 6, 2005 between the Department of Fisheries and Oceans and the City of Abbotsford (Appendix 3), are to be implemented.

Affects on any Adjacent Property

Properties adjacent to the subject lands are used for crop production, pasture and rural residences similar in nature to the subject lands. There will be less impact as a result of recontouring or gravel activity to the properties north or east of the lands due to the setback requirements for Waechter Creek.

A rural residential community is situated to the west and southwest of the community.

Affects on any Adjacent Highway

Truck traffic resulting from gravel activity on the subject lands will be routed north on Ross Road to the Fraser Highway. Truck traffic will not be permitted to travel south on Ross Road to avoid traveling by the nearby residential community and elementary school zone to the south.

Affects on any Adjacent Groundwater Aquifer

The proposed extraction between 93m and 107m above sea level (ASL) is not expected to result in any impacts to the underlying measured high groundwater elevation of 85m ASL. Groundwater information was collected in 2004 and 2005 from four locations within the project area.
FINANCIAL PLAN IMPLICATION

There is no impact with regard to the Financial Plan. Should the permit be approved, soil fees will be collected for soil removed from and deposited on the site. Estimated revenues from gravel extraction and soil deposit may exceed $290,000 over the life of the pit.

COMMUNICATION PLAN

Pending Council resolution:

- letters regarding a Public Information Meeting will be mailed to property owners and residents within a 500m radius around the subject lands;

- notification of the Public Information Meeting will be published on the “City Page” of the local newspaper and the City website; and

- a Public Information Meeting will be held.

SUMMARY

An application from Little Rock Quarries Ltd. for soil removal at 2676 Ross Road was received and reviewed by staff. Staff recommends referring the application to a Public Information Meeting and reporting back to Council regarding the results of the meeting.

Jim Gordon, P. Eng.
General Manager, Engineering and Regional Utilities

Russ Mammel, P.Eng.
Manager of Transportation

Dave Loewen
Manager, Engineering Inspections and Permits

DL/dp
TO: Mayor and Council
FROM: Jim Duckworth, Manager, Engineering Services
SUBJECT: Resubmission of Soil Removal Application for 2676 Ross Road by owner, L.P. Management Corporation

RECOMMENDATIONS

1. THAT Report No. ENG 07-2006, dated February 15, 2006, from the Manager of Engineering Services, regarding the resubmission of the application for soil removal at 2676 Ross Road, be received;

2. THAT the application for soil removal at 2676 Ross Road:
   (a) be approved subject to receipt of written approval of the application from the Agricultural Land Commission, the Department of Fisheries and Oceans, and the Ministry of Mines and Energy; or
   (b) be denied, and staff be directed to review the possibility of an “eligible area” in the south west area of the City to accommodate future applications for soil removal;

3. THAT if approved, the applicant supply and install a traffic signal and intersection lane improvements at the intersection of Fraser Highway and Ross Road, and that a latecomers charge be established to collect 55% of the cost from the Pepin Brook Subdivision development; and

4. THAT if approved, the applicant be required to accommodate after hours parking for up to 25 truck and trailer units on site during the period of the removal operation.

BACKGROUND

The applicant resubmitted the application, with the following modifications, for Council's consideration:

1. increase the proposed tree planting buffer along Ross Road from 7.5m to 15m;
2. limited hours of operation from 7:00 a.m. to 5:00 p.m., Monday to Saturday, excluding statutory holidays; the Soil Removal and Deposit Bylaw allows 7:00 a.m. to 7:00 p.m., Pacific Standard Time and 7:00 a.m. to 9:00 p.m., Daylight Savings Time;
3. the entrance will be redesigned such that "it would be impossible for a truck & trailer unit to enter our property from, or exit our property to, the south";
4. if necessary a full time flag person will be placed at the site entrance to ensure no southbound movements occur;
5. the current operation at 2050 Ross Road, south of Simpson Road, will cease gravel removal and begin reclamation by the time 2676 Ross Road begins removal, if approved; this is meant to all but eliminate truck traffic past Ross Road Elementary School and the Sunvalley/Duncan Subdivision;
6. commit to remove all available material and reclaim the property at 2676 Ross Road, five years from the date of issuance of a Soil Removal Permit;
7. accommodate after hours parking for up to 25 truck and trailer units on site, over the term of the soil removal permit; and
8. post sufficient securities with the City to enable the signalization and improvement of the intersection of Fraser Highway and Ross Road, subject to establishment of a latecomer’s agreement to collect 55% of the costs from the Pepin Brook Subdivision.

Two hundred letters were hand delivered to the residents, School District 34 and the Ross Elementary School Principal, on February 9 and 10, 2006, notifying the recipients that the resubmitted application would be considered by Council at its Regular Meeting, following the Public Hearing starting at 7:00 p.m., February 20, 2006. Staff also delivered the same number of notices from the applicant about a public information meeting scheduled for 7:00 p.m., Friday February 17, 2006, at Ross Road Community Church. The City’s meeting was advertised on the City Page and website during the week of February 13, 2006.

The applicant responded to issues of tree clearing, burning and other site disturbance in a letter dated February 8, 2006:

- five heavily treed acres of the total 33.2 acres were cleared;
- the City's Tree Removal Bylaw did not require a permit for the tree removal;
- the applicant obtained a Burning Permit from the Fire Department to bum cleared materials;
- no haul roads were constructed; and
- the property is environmentally stable according to the applicant’s environmental consultant.
DISCUSSION

Site Disturbance

Scott Resources indicated in a letter dated January 27, 2006, that the site remained relatively stable during the past three months of rain. After the major event of January 13, 2006, a site inspection revealed some mitigation was required. Wood grindings and straw mulch were placed in affected areas. Additional berms were constructed to mitigate against sediment flow to environmentally sensitive areas.

Egress

The proposed site egress was relocated approximately 20 metres north to avoid existing driveways on the west side of Ross Road. As indicated in item 3, the egress will be designed such that south access and egress movements will be physically obstructed. If necessary, a flag person will also be placed at this location to control the truck movements.

If approved, the truck traffic from the site will use the intersection at Fraser Highway and Ross Road. The Pepin Brook Subdivision is required to contribute 45% of the costs to install a traffic signal and channelization at this intersection. Staff recommends the applicant contribute the remaining 55% of the costs of these improvements; and the traffic signal and channelization be completed before any soil removal occurs at 2676 Ross Road, if the application is approved. A latecomer agreement can be established to reimburse the frontender of these improvements.

Dust

Dust will controlled by an onsite paved hauling road, water application to unpaved areas, and a truck wheel wash. Ross Road will be swept as needed. If approved, extraction would begin from the east and progress to the west. The existing hillside would act as a natural buffer to reduce both dust and noise to the west.

Hours of Operation

The applicant submitted hours of operation as 7:00 a.m. to 5:00 p.m., Monday to Saturday, excluding statutory holidays. This is within the hours allowed in the bylaw, as noted in item 2.

Other Modifications

The applicant offered to widen the tree planting buffer from 7.5m to 15m. Depending on the size of tree to be planted, this will provide additional screening along the Ross Road frontage. The completion of soil removal from 2050 Ross Road, south of Simpson Road, will almost eliminate truck movements in front of Ross Road School and the adjacent subdivisions. There may be some traffic generated by the reclamation activities on the site.
Local Opposition

Attached as part of Report ENG 48-2005, is a petition from the residents, and a number of letters and e-mails opposing the application. Also attached are recent e-mails and letters received that are related to the resubmission of the application. Based on telephone calls received from the residents, there will be several in attendance at the February 20, 2006, Regular Meeting to speak to the application. The applicant will also attend.

ANALYSIS

Staff previously recommended approval of this application. Staff cannot refuse to receive an application, unless there is a designated eligible area established, beyond which no applications would be received. Such an area is in place on Sumas Mountain. The applicant modified the application to respond to some public concerns. Technically, the application meets the intent of the bylaw to improve the agricultural capability of the property. If Council denies this application, an “eligible” area in the south west area of the City should be established to consider future applications for soil removal.

SUMMARY

An application for soil removal at 2676 Ross Road was denied by Council, November 14, 2005. The applicant modified the application and resubmitted for Council’s consideration. The neighbourhood was notified by hand delivered letters that the application will be reviewed by Council at its Regular Meeting on February 20, 2006. The potential effects on the neighbourhood and the intersection of Ross Road at Fraser Highway have not changed. The project meets the technical intent of the bylaw.

Jim Gordon, P.Eng.
Director of Engineering

Jim Duckworth, P.Eng.
Manager, Engineering Services

JD/dp
attach.
Appendix 11: Letter From DFO

Howard Ratzlaff

From: <JonssonA@pac.dfo-mpo.gc.ca>
To: <howardsrs@telus.net>
Cc: <TBettles@abbotsford.ca>
Sent: Thursday, October 06, 2005 10:18 AM
Subject: FW: Recommendations for 2676 Ross Road

Howard:

The following reflects the joint position of DFO and the City of Abbotsford:

1) While it was proposed by SRS that a 10 metre setback from the new top of bank be reclaimed and revegetated after the gravel removal activities, it is recommended that a 15 metre setback be established and rehabilitated instead. This will ensure an adequate protection for the wetland exists and provides for enhanced riparian coverage in the event that the creek meanders into its right flood plain in the future. It will also provide additional habitat for the Pacific Water Shrew, which has a high rated potential for occurring at this site.

2) It is recommended that the rehabilitation of the setback areas occur in phases, as discussed during the September 16th onsite meeting. This would involve decommissioning the haul road and replanting the setback area once a particular phase of the gravel pit operation is complete.

3) Runoff from the site should be directed towards the natural wetland areas that occur on the lower bench adjacent to Waechler Creek. This will ensure that the wetlands continue to provide habitat for the Schedule 1 listed Northern Red-Legged Frog, as well as the many other organisms existing on site.

4) The road should be removed upon completion of mining activities and revegetated appropriately.

5) Planting should occur as areas reach final grade, rather than the entire site being planted at the completion.

Please revise and resubmit your application to incorporate the previous points. In addition, please ensure that the submission includes details with respect to:

i) phasing of project

ii) sediment control and drainage during extraction phase

iii) design of perimeter road

DFO will hold a letter of credit to secure costs for any required restoration activities that exceed the basic level of restoration required by the province or City. Please prepare an estimate for these costs and include with revised submission.

Alan Jonsson
Habitat Engineer, EIT
Habitat and Enhancement Branch
Fisheries and Oceans Canada
604 666-0226 ph / 604 666-6627 fx