



Corporate Report

NO: R013

COUNCIL DATE: January 26,

2004

REGULAR COUNCIL

TO: Mayor & Council DATE: January 22,
2004

FROM: General Manager,
Planning and Development FILE: 0450-20 (Surrey
Bend)
17775-10400

SUBJECT: Aggregate Storage Proposal - Surrey Bend – 17775 –
104 Avenue

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Authorize staff to proceed with further consideration of an aggregate depot on property at 17775 – 104 Avenue on the basis of Alternative 2 with a view to determining whether the conditions documented in this report as part of Alternative 2 can be satisfied and to report back to Council on the matter.

INTENT

The purpose of this report is:

- To advise Council of a proposal by Northmark Construction Ltd. to reactivate a former fill site on the Greater Vancouver Regional District's ("GVRD") Surrey Bend property, north of 104 Avenue, as a facility to store dredged aggregate from the Fraser River and aggregate barged in from other areas for resale and trucking to construction sites in Surrey and neighbouring municipalities;
- to summarize the issues related to the proposal; and
- to seek Council direction with respect to the proposal.

While the site is zoned to allow for this use, it is designated as a "Conservation Area" in the Surrey Official Community Plan and has been purchased by the GRVD for preservation as an ecological reserve and regional park.

BACKGROUND

In May of 1995, the GVRD purchased 245 hectares of land at Surrey Bend as an ecological reserve (see the map attached as Appendix I). Surrey Bend bog ecosystem represents the third largest relatively untouched bog in the

Fraser Valley and is the last large tract of undyked land in the Lower Fraser Valley.

In the summer of 2002, Northmark Construction Ltd. presented the GVRD with a proposal to reactivate a 6.5 hectare sand and gravel spoil area in the south eastern corner of the Surrey Bend property that had been previously put to such a use in the 1980's.

The GVRD Regional Parks Committee reviewed the proposal, and directed GVRD staff to grant a four-month license to the applicant to enable the applicant to conduct geotechnical and environmental studies on the site. In March of 2003, Golder Associates, the geotechnical consultant retained by the applicant, produced a report entitled "Geotechnical, Environmental, Hydrological, Archaeological and Habitat Assessments – Proposed Aggregate Storage Facility, 17775 104th Avenue" (the "Golder Report").

On November 13, 2003, the GVRD Parks Department forwarded a letter (Appendix II) to the City of Surrey Planning and Development Department outlining the proposal and requesting support, in principle, for the proposed land use. The GVRD staff has indicated that if Surrey Council is not supportive of this proposal, it is unlikely to proceed.

Planning and Development Department staff subsequently met with the proponent, Northmark Construction. As a result of that meeting, the proponent, Mr. R. W. Hancock of Northmark Construction submitted a letter, dated December 5, 2003, to the City, outlining their intentions and requesting support for the proposal. The letter is attached as Appendix III.

DISCUSSION

As a result of the Legacy Program in the 1990's, GVRD Parks owns significant areas of parkland, but lacks sufficient financial resources to fully develop and manage all of the parkland that it controls. Surrey Bend represents a good example, in that it has been owned by the GVRD for many years and yet has not been formally opened to the public, although pedestrians and dog walkers use it informally. The GVRD Parks Department has been directed by the GVRD Board to try to offset costs through partnership ventures. Revenue from partnerships is to be used to develop and help maintain parklands in the regional parks system.

The GVRD's Surrey Bend land holdings are contiguous with the City's Surrey Bend Park, a 134 ha site lying north of the 245 ha GVRD properties. In discussions with the GVRD, to date, it has been assumed that the GVRD lands and the Surrey lands would be developed and operated together as a single park site.

As part of Surrey's 2004 Capital Budget process, Surrey City Council allocated \$300,000 for the development of greenways in Surrey Bend Park, furthering Council's goal of increasing public pedestrian access to the City's waterfront (similar to the successful Surrey/GVRD Mud Bay Park).

Parks staff has been meeting with GVRD Parks staff to lay the groundwork for a joint development and operating agreement for a combined nature-based park at Surrey Bend and to work out a process for undertaking planning and design work in the spring of 2004.

The Surrey Bend Proposal

The proposal by Northmark Construction is outlined in the GVRD letter, dated November 13, 2003, attached as Appendix II and the letter, dated December 5, 2003, from Mr. R.W. Hancock of Northmark Construction Ltd., attached as Appendix III. The proposal involves aggregate arriving on the site at 17775 - 104 Avenue by dredge or barge, being stored on the site until it is sold to contractors undertaking construction projects in Surrey and adjacent municipalities and then being trucked from the site to the location of the construction project on which it will be used. The aggregate would consist of dredged material from the Fraser River or aggregate barged in from other locations for storage on this site and resale. No processing or crushing of aggregate is proposed on this site. The material stockpiled on the site could amount to as much as 250,000 m³ at any point in time. The area proposed for the aggregate depot, an area of approximately 16 acres (6.5 ha) has already been disturbed by a similar use that was conducted in the 1980s. Approximately 24,000 m³ of existing dredgate material that has existed on the property since the 1980s, would be removed and be replaced with 8,000 m³ of clay to act as a liner to contain a sub layer of hog fuel that exists on the same area. Based on the advice of the geotechnical consultant, the height of dredgate and other aggregate brought to the site is to be limited to a height of no more than 2.5 to 3 metres above the existing site grade.

The aggregate would be delivered by dredge or barge and be removed from the site by truck for distribution to

construction projects. This would require the re-installation of driveway access to site off 104 Avenue to the west of the Barnston Island Ferry parking lot. Northmark Construction (Appendix III) advises that the depot would operate between 6:00 a.m. and 9:00 p.m. and would generate 600 to 700 vehicle movements per 8-hour shift. Truck traffic would enter and leave the site using 104 Avenue, west of 176 Street and 176 Street, north to Highway No. 1. The facility is proposed to be operated for a minimum period of 10 years.

Northmark Construction advises that security lighting, a weigh scale, administration office and caretaker suite would be placed on the property. The offices and caretaker suite would likely be portable structures. The site perimeter would be secured by chain link fencing. The proposed development would require the submission of a development permit application and related building permit applications.

A 30-metre setback area is proposed between the depot and the Fraser River and there are discussions with the GVRD, regarding the construction of a riverside trail linking the Ferry parking lot along the waterfront portions of Surrey Bend Regional Park, to enable the continuation of the informal use of the park by pedestrians and dog walkers.

The letter from the GVRD states that the:

"GVRD envisages the storage of dredged aggregate on this site as the first of several steps toward its ultimate role as a regional park facility. The site will provide parking, toilets, interpretive and picnicking opportunities and be a key staging area for visitors wishing to access the river or explore the planned trail network in this large and complex park. This (i.e., the area proposed for the aggregate depot) is the only disturbed area within the whole regional park suited to such use. Upon vacating the property the proponent would be required to contour and surface the site to GVRD's specifications in order to facilitate park facility development. In the interim, temporary licensed use of the property would contribute much needed non-tax revenue to the park and the regional park system".

The Site

The 6.5 hectare (16 acre) site proposed for aggregate storage consists of a previously filled site that is flat, sparsely vegetated with low trees and shrubs, well drained and is covered with sand and gravel placed during previous dredging operations. It is an area of low-lying floodplain terrain, bounded by marsh. While this site was likely a part of the original Surrey Bend Bog, it has been logged, filled and compacted over time. A 40 m strip of land along the water, between the previously disturbed area and the Fraser River, is well vegetated with deciduous trees, low standing brush and marsh grass. An old, poorly defined dyke with a narrow walking trail along the crest, runs the length of the site, at an elevation of 4 to 4.5 metres. There are log booms and pilings along the length of the shoreline. The Golder Report notes that, due to the previous disturbance of the site, it is unlikely to be home to any rare or endangered species. The riparian meadow along the Fraser River is a 17-metre wide meadow area that is an important component of fish habitat and a heron nesting area.

The site is west of Parsons Channel (Fraser River). To the south and west are industrial properties, including a sawmill pallet manufacturer and the CN rail line and Intermodal Yard. Suburban residential development is located further to the south and along 176 Street. The Barnston Island Ferry Terminal and parking lot are located immediately to the south.

Land Use Issues

Official Community Plan

The entire Surrey Bend regional park area, including the subject site, is designated "Conservation Area" in Surrey's Official Community Plan (the "OCP"). This designation is intended for major parks, open spaces and environmentally sensitive areas in their natural state, including appropriate indoor and outdoor recreational activities and facilities.

On April 7, 2003, as part of the 2003 OCP Annual Review, Council directed staff to, "study and prepare a Corporate Report, complete with recommendations on OCP policy and zoning amendments in relation to protecting and preserving the environmentally sensitive lands located within the Conservation Area designations in the OCP". Work is underway on the creation on new Conservation Area Zones to more fully protect the areas designated as Conservation Areas. These zones and a related report, complete with recommendations, will be presented for Council consideration during 2004.

Liveable Region Strategic Plan

Surrey Bend is identified in the GVRD's Liveable Region Strategic Plan (the "LRSP") as being within the "Green Zone". One of the four fundamental strategies of the LRSP is to "Protect the Green Zone". The intent of the Green Zone is to define the limit of urban expansion, and to protect the region's natural assets including major parks and watersheds, ecologically important areas and farmland and, thereby, to contribute to environmental sustainability. It is the opinion of GVRD staff that the Green Zone would permit uses of the type proposed by Northmark, including aggregate extraction, mining and landfills. As a Parks Reserve, it is the GVRD staff's view that a number of economically beneficial uses can be undertaken on a temporary basis on the previously disturbed areas of Surrey Bend, provided there is no damage to the ultimate park use in the longer term. The proponent would be required to meet all City requirements for zoning, permits, etc.

Zoning

The site is currently zoned " Light Impact Industrial (IL)" which allows for transportation industry as a use, which is defined as "industry relating to the transportation, distributing, and storing of goods or materials and the storage and service of transportation equipment". While an aggregate depot could be considered to fall within the realm of the "distribution and storage of materials", Legal Services has noted that this use does not appear to fall within the general intent or spirit of light impact industry, largely due to the impact and nature of the outdoor storage and the volume of heavy truck traffic associated with the aggregate depot. Legal Services notes that it may be more in keeping with a "soil processing" use that is only permitted as a principal use within the "High Impact Industrial (IH)" Zone of the Surrey Zoning By-law.

The General Provisions of the Zoning By-law also state that no industrial use may take place on a lot unless there is a building on the lot that exceeds 100 m² in area and that contains washroom facilities.

Covenants on Title

A title search of the Surrey Bend property indicates that the owner of the land is the GVRD, subject to a determinable charge (BJ129273) "for so long as the land is used as a public park". If this land is not used as a park, due to the registered Possibility of Reverter (BJ129274) the land ownership could be transferred to the Crown, represented by the Ministry of Water, Land and Air Protection. In addition, there is a Restrictive Covenant registered against the title of the property (BJ129280), "to protect the natural,

heritage and archaeological assets of the land as a regional park". With the exception of silviculture, habitat enhancement and the building of or upgrading to trails, the Restrictive Covenant requires that the Transferor (the GVRD) "will not undertake any alteration to the natural state of the Land as it existed on the date the Land was acquired by the Transferor without the prior written approval of the Transferee (the Province)".

The Terms of the covenant also state that:

"The Transferor will, prior to requesting approval under section 2, (request for alteration to the natural state of the Land) consult with First Nations and interested citizens and community organizations concerning any works or projects which require alterations to the natural state of the Land as it existed on the date the Land was acquire by the Transferor."

Legal Services has advised that confirmation of compliance with the Restrictive Covenants on title by the GVRD is required before the City can issue any permits.

Potential Benefits of the Proposal

The GVRD letter of November 13, 2003 notes a number of potential benefits related to this proposal. These include:

The generation of non-tax revenues to help support Regional Parks;

Preparation of the ultimate park facility, including construction of site access and infrastructure, excavation of existing sand and gravel and importation of topsoil by the applicant;

Reduced expense to senior levels of government to dredge and dispose of river sand and gravel through ocean dumping; and

An estimated 250,000 cubic metres of dredgate (by barge) would replace 38,500 tandem truck trips annually, reducing traffic volumes, air pollution, road wear, and would provide competitively priced aggregate to the construction industry and the City of Surrey.

The letter also notes that the materials would be environmentally benign and the low profile of the stockpile would not be visually offensive. The GVRD further states that informal public access would be retained to the park area, except for the area used by the aggregate storage depot.

Potential Impacts of the Proposal

While the proposal would likely reduce truck traffic on Highway No. 1 and regional roads in municipalities to the east of Surrey (since much of the gravel imported into the City of Surrey comes from gravel pits located to the east of Surrey, principally in Abbotsford), the impact of the reduction of truck traffic on Surrey streets would be minimal. There would be a considerable increase in the amount of truck traffic on the sections of 104 Avenue to the east of 176 Street and on 176 Street to the north of Highway No. 1, as noted in this report.

There are also concerns with respect to the potential for noise, dust and lighting concerns from this operation on the residential development in the general area and on Barnston Island residents and with the impact of heavy truck traffic on 104 Avenue and 176 Street. Substantial heavy truck movements from the site would have the potential to accelerate structural deterioration on the primary haul routes. The proponent should be required to demonstrate that these routes have adequate pavement strength for the projected increase in heavy traffic. Any necessary upgrading and non-standard maintenance on roads providing primary access to the site should be the responsibility of the proponent.

In addition, there is the issue of community expectation that the lands were purchased for conservation purposes and are now being proposed for an outdoor industrial use for a significant period of time.

The area of the park where the aggregate depot is proposed is also a good location for developing a staging area for visitors to enter the park's trail system. This previously disturbed and pre-loaded area could support parking, washrooms, a picnic area and interpretive kiosks. Industrial activities such as gravel unloading, storage and loading along the related heavy truck traffic would significantly detract from nature-based visitor experiences and in the short term could possibly preclude development of a staging area at the south end of the park near the main access road, 104 Avenue.

Construction of the South Fraser Perimeter Road

Construction of the South Fraser Perimeter Road (the "SFPR") could ultimately provide a direct, high standard haul route from the site to the western area of Surrey and municipalities beyond. However, the timing of construction of the SFPR is still indeterminate. During the construction of the SFPR in the 176 Street area, adequate provision will be required for the heavy truck traffic accessing the CN Intermodal Yard to and from Highway No. 1, such that short-cutting through adjacent neighbourhoods does not occur. This provision would also be required to accommodate aggregate hauling from the proposed facility.

Recommendations of the Golder Report

The Golder Report, regarding the subject property, as referenced earlier in this report and that was commissioned by the applicant, concludes that due to the soft, compressible nature of the soil underlying the site, placement of any significant thickness of additional dredgate in excess of 2m thickness is expected to induce significant immediate and long-term settlements and significantly increase the potential for lateral ground deformations. A carefully sequenced, staged placement of dredgate would be required to prevent lateral ground deformations along the site margins. This would include the installation of settlement plates, gauges, pneumatic piezometers and slope inclinometers.

In addition, the Golder report recommends a number of mitigation strategies to minimize environmental effects.

A stable access route is recommended, suitable for long-term use to minimize erosion, generation of dust and disturbance to adjacent areas through intense use by heavy vehicles.

Consideration should be given to timing the initial placement of aggregates in any part of the site to minimize impacts to nesting killdeer.

Care should be taken to prevent impacts to vegetation adjacent to the fill area, including use of silt fences, or other measures to prevent erosion of side slopes and transport of aggregates to adjacent areas.

The riparian forest between the storage site and Parsons Channel should be maintained and protected as a buffer and to maintain the wildlife habitat value of the area. Additional riparian planting is recommended to offset unavoidable habitat loss on the site. Riparian planting should be planned by a qualified professional to complement existing vegetation, in accordance with the publication "Planting Criteria and Recommended Native Tree and Shrub Species for the Restoration and Enhancement of Fish and Wildlife Habitat", July 1998. The Golder Report refers to a 40 metre setback, not 30 metres as noted in the letter from Northmark Construction (Appendix III).

While there are unlikely to be rare or endangered species on the site, some wildlife habitat value will be impacted and wildlife avoidance may occur due to noise, light and air emissions from hauling operations. Mitigation strategies include avoiding hauling during the breeding bird nesting season and enhancement of adjacent riparian forest through riparian planting.

There are red-coded streams around the specific site proposed for the aggregate depot that may affect access to the site. Further work is required in this regard.

Alternatives Available for Addressing the Proposal

Alternative 1: Advise the GVRD that the City of Surrey does not support the proposed aggregate depot on the subject property

:
Avoids potential nuisance and maintenance issues associated with the proposed aggregate depot.

Assists in ensuring that no further environmental degradation occurs to the site or Surrey Bend in general.

Consistent with the Conservation area designation for the site as contained in the Surrey OCP.

Consistent with the expectations of the neighbourhood with respect to the potential uses for the subject property.

:
Does not take advantage of the potential to use the Fraser River to transport aggregate to where it is needed in lieu of the expensive wear and tear that occurs due to heavy trucks travelling on the major roads and Provincial Highways in the region, particularly to the east of the Surrey.

Does not provide for a new revenue stream for the GVRD Parks Department for use in further developing and maintaining the Regional Parks system.

Alternative 2: Advise the GVRD that the City is prepared to further consider the implementation of an aggregate depot on the subject property subject to the following conditions:

The proponent and the GVRD agreeing to enter into a tri-party agreement including financial securities which specifies, among other things, a specific term for the operation of the aggregate depot, the conditions under which the depot may operate on the site and responsibilities for restoring the site after the aggregate depot use is terminated;

The GVRD and the proponent undertaking a public consultation process including holding a Public Information meeting at a location convenient for the residents and property owners in the area to attend, at which meeting the proponent and/or his consultants will present the proposal to the public and receive input with respect to the neighbourhood concerns;

The proponent undertaking a traffic impact study and a related engineering study to determine what road improvements are necessary in support of the use on the site and, subsequently, to enter into a servicing agreement with the City to construct all necessary improvements and to post any securities necessary in support of maintenance of the roads that provide access to the site of the depot;

The proponent modifying the proposal to address the neighbourhood concerns;

The applicant entering into any necessary agreements and doing all things necessary to ensure that the recommendations of the Golder Report and other requirements respecting geotechnical, groundwater and other environmental concerns are fully met in the implementation and operation of the aggregate depot;

6. Resolution of the matters referenced in the Restrictive Covenant and the Reverter Clause related to the use of the site for non-park uses;
7. Preparation of and agreement to a mitigation plan with regard to noise, dust and lighting to the satisfaction of the City of Surrey and agreement that there will be no crushing or other processing of aggregate on the site;
8. An engineering assessment of the pavement structure on 104 Avenue and 176 Street and a commitment by the applicant to provide any required upgrading;
9. Resolution to the satisfaction of the City of Surrey Parks Division concerns related to the potential future development of facilities and amenities on the Surrey Bend parklands in a timely manner, as discussed in this report;
10. Submission of the necessary Development Permit and Building Permit applications to Surrey for review and approval; and
11. Addressing other such matters as may become evident through the work of addressing the above-referenced conditions.

Pros:

- Eliminates some of the heavy truck traffic off the regional major roads and Provincial Highways, thereby eliminating some congestion and reducing wear and tear that reduces maintenance costs.
- Provides a new revenue stream for GVRD Parks that may to some extent accelerate the Regional Park development program to the benefit of GVRD residents, including Surrey citizens.
- Will provide an opportunity for area resident input before the proposal proceeds to a final decision by Council.

Cons:

- If improperly managed, the use could lead to nuisance and maintenance issues in the vicinity of the site and environmental damage in the immediate area.
- Does not generate any property tax revenue to the City of Surrey.
- The use is not generally consistent with the Conservation designation of the site in the OCP. This is somewhat mitigated by the fact that the area proposed for the aggregate depot has been previously disturbed by a similar use and, therefore, if the new use is constrained to that area and the recommendations of the Golder Report are followed, additional disturbance should generally be minimal.

Results of Evaluation

Based on the relative merits of the two alternatives, it is recommended that Council authorize staff to proceed on the basis of Alternative 2, with a further report to Council following the public information meetings that provides Council with the feedback obtained through these meetings.

CONCLUSION

The City has received a request from the GVRD Parks Department and a private firm for advice on the City's interest in allowing an aggregate storage facility as a temporary (up to 10 years) use on a 6.5 hectare (16 acre), previously disturbed site, within the Surrey Bend area as, illustrated on the attached Appendix I.

Based on an evaluation of the two fundamental alternatives (i.e., Alternative 1 "non support for the use" or Alternative 2 "support further consideration of the implementation of the use subject to conditions"), it is recommended that Council direct staff to proceed on the basis of Alternative 2 toward determining whether the conditions stipulated in the body of this report as part of Alternative 2 can be satisfied and to report back to Council on the matter.

Murray Dinwoodie
General Manager
Planning and Development

JMcL/kms/saw

Attachments:

Appendix I - Location Map, Surrey Bend and Subject Site

Appendix II - Letter from GVRD

Appendix III - Letter from Northmark Construction Ltd.

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Appendix I



