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| ITEM | 13 |
| MANAGER'S REPORT NO. | 56 |
| COUNCIL MEETING | 1978 08 14 |

RE: LESLIE FOREST PRODUCTS LIMITED
BLOCK 4, D.L: 155A, PLAN 1249
7450 MEADOW AVENUE

The subject property was acquired by the Municipality as the result of an exchange in November, 1974. Council at that time agreed in principle to the lease of this property for the proposed development of a cooler/warehouse facility for the Lower Mainland Farmers Association, but plans for this facility were never finalized.

The property when acquired was occupied by Leslie Forest Products, a small firm that cuts timbers into dimensional lumber.

Staff is presently in receipt of a letter from a solicitor who is acting for the owners of an adjacent property. The solicitor advises that his clients are finding it increasingly difficult to economically operate their farm due to air borne waste material which emanates from the subject mill. Following is the specific complaint as it appears in a letter dated 1978 July 28 from the solicitor to the Director of Planning:

"Our clients' problem is that the sawdust from the said sawmill is being blown from your tenant's property onto our clients' property and is causing not only damage to the crops thereon, but is, also, causing damage to the soil. Our clients also believe that some of the sawdust from your tenant's property is being transported by truck to the property of Meadowland Peat Ltd., on Block "B" of Lot 155"B" and 155"C" Group 1 Plan 18857, N.W.D., which is within the Agricultural Land Reserve No. 7 and which is adjacent to our clients' property. This sawdust is now approximately twenty to thirty feet high and is blowing eastwards onto our clients' property and is causing damage, not only to the soil and crops, but, also due to the fact that the ground level has been raised by enormous piles of sawdust by the owner of the said Block "B", which is causing water to be diverted onto our clients' property thereby causing damage to our clients' land."

Staff has discussed the problem with the operator of the mill on several occasions. At first an assurance was given that the offending sawdust would be hauled away once a week. Subsequent inspections, however, disclosed that the sawdust was taken to the Meadowland Peat Land Fill site which is private property located across the street. This of course neither alleviated or eliminated the problem; it was simply shifted from one side of the road to the other.

Consideration was also given to a proposal to have the sawdust contained in a hopper or similar device. This was not actively pursued due to a requirement of the Fire Department for a fence to be constructed around such a container. As the firm is on a month-to-month tenancy and the installation of a container and fence would involve a fairly major expense, the operator advised that every effort would be made to dispense with the sawdust in other ways.

The problem is persistent and has not been solved as of this date.

Approximately fourteen persons are employed at the mill.

The subject property was rezoned in 1975 March from M3 (Heavy Industrial) to A1 (Agriculture) as part of the implementation of the adopted Big Bend Development Plan.

There is no lease document in effect; as noted above, the tenancy is on a month-to-month basis.

The owner of the mill has informed staff that he has purchased property in Surrey-Delta and is presently in the process of constructing a building. Although some delays have been encountered with respect to this construction, it is anticipated that the mill operation will be relocated by the end of this year or possibly very early in 1979.

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Planning Department staff are undertaking in conjunction with the B.C. Agriculture Land Commission a staff review of Agriculture Land Reserve Boundaries in the Big Bend Area as well as an investigation of possible initiatives that would be taken in assisting agriculture development in the area. The availability of the subject property for an agricultural related activity would be considered to be a positive action in this respect.

In summary, the mill is operating without a proper lease arrangement and in the opinion of staff is not compatible with surrounding agriculture uses either existing or proposed for the immediate area. Of immediate concern is the adverse effect of the mill on an adjacent farm. Fortunately the owner is planning to relocate the mill in the near future. In view of these and related circumstances, it would be appropriate for the Municipality to serve adequate notice to vacate, and in this manner, to provide for orderly removal and associated clean-up of the site. In the opinion of staff, this form of positive action would probably also preclude the solicitor for the owners of the farm from initiating legal action against the Municipality (a distinct possibility if the matter is not satisfactorily concluded as noted in the solicitor's letter to the Director of Planning which is referred to above).

RECOMMENDATION:

1. THAT a notice to vacate by 1978 December 31 be given to Leslie Forest Products Limited, occupiers of municipal land which is located at 7450 Meadow Avenue, Burnaby, B.C., V5J 4Z2, (Block 4, D.L. 155A, Plan 1249).

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