

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

TO: CITY MANAGER 1995 July 17

FROM: DIRECTOR PLANNING & BUILDING OUR FILE: 02.120.3.1

SUBJECT: APPROVAL TO AN APPLICATION TO PLACE FILL ON LANDS IN THE AGRICULTURAL LAND RESERVE PURSUANT TO THE SOIL CONSERVATION ACT

PURPOSE: To provide Council with information in support of a recommendation to authorize the placement of fill on 8678 and 8708 Royal Oak Avenue.

RECOMMENDATIONS:

1. THAT Council authorize the issuance of a landfill permit to place fill on 8678 and 8708 Royal Oak Avenue subject to the terms and conditions noted herein.
2. THAT a copy of this report be forwarded to:

*Colin J. Fry, Administrator
 Soil Conservation Act and Enforcements
 Provincial Agricultural Land Commission
 133 - 4940 Canada Way
 Burnaby, B.C. V5G 4K6*

REPORT

1.0 BACKGROUND

The subject properties are located within the Provincial Agricultural Land Reserve (ALR) as shown on Figure 1 **attached**. They are designated for agricultural use in the Big Bend Development Plan (Figure 2 **attached**).

Council has previously considered an application to place fill on these properties and granted conditional approval for a landfill permit. Under the terms of the Soil Conservation Act, the Provincial Agricultural Land Commission (ALC) must also approve the application. In this regard, the Commission identified a number of issues which were to be addressed prior to the issuance of a permit. This information was not provided and a permit was not issued.

Despite the foregoing, the contractor for the owners did place a considerable amount of fill on both properties. Once apprised of this situation, staff delivered an order to the property owners and the contractor to stop placing fill. Council, on 1995 February 20 rescinded its conditional approval for a landfill permit.

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

2.0 RECONSIDERATION BY THE PROVINCIAL AGRICULTURAL LAND COMMISSION

In refusing the landfill application, the Agricultural Land Commission stressed that it does not object to the development of greenhouses on the subject properties as these structures are legitimate farm buildings. As a result, further meetings were held with the owners and the contractor and on 1995 February 24 the Commission forwarded a letter to the contractor outlining what would be required to reactivate the application. Additional information was then provided to the ALC and on 1995 June 08 staff was advised that the Commission had approved an amended application to deposit fill on all of the northerly 8678 Royal Oak property and approximately 0.4 ha east of the dwelling on 8708 Royal Oak Avenue as illustrated on Figure 3 *attached*. This approval was subject to:

- ▶ the Commission's Staff Agrologist conducting an on-site inspection to determine the extent of filling, type of fill material deposited to date as well as establishing any additional conditions considered appropriate following the on-site inspection;
- ▶ the approved fill area on the Property being staked and flagged;
- ▶ any material beyond the southern extent of the approved fill area being relocated to the approved site (referenced on Figure 3);
- ▶ the project being overseen by a professional engineer;
- ▶ the submission of a \$25,000.00 financial security in the form of an Irrevocable Letter of Credit (the "ILOC") to be held until completion of filling and substantial completion of greenhouse construction on the Property of the First Part.

The Commission's Staff Agrologist conducted an on-site inspection of the properties on May 29, 1995. Based on his findings, coupled with the above conditions, the Provincial Agricultural Land Commission has established the minimum set of conditions that must be incorporated into a fill permit. These conditions are noted in Appendix A *attached*.

3.0 REVIEW BY CITY STAFF

Notwithstanding the information provided to the Commission and its subsequent review and conditional approval, staff advised that the following information was to be provided to this department for review.

3.1 Supervising Engineer's Report

In support of the previous application a report was prepared by HBT AGRA Ltd. (Consulting Geotechnical Engineering Co.) and submitted to this department. This report provided specific directions on the excavation of peat and fill placement and monitoring procedures which were to be followed. Mr. Wen Wu of Nu-Tech Engineering and Testing (1983) has now been engaged to act as the Supervising Engineer for the revised landfill program.

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

Mr. Wu was to review the HBT AGRA report and submit a further report (signed and sealed) providing his professional recommendations as to how the revised, phased landfill should be undertaken.

- ▶ This information has been provided in two 1995 July 02 letters (Appendix B **attached**).

3.2 Soil Tests, Existing Fill

In the previous conditional approval the applicant was to submit weekly certification reports to the Supervising Engineer ensuring that all fill materials comply with the Ministry of the Environment, Land and Park's criteria for residential and/or agricultural lands. The Engineer was then to submit monthly letters of assurance to the Enforcement Officer attesting to the fact that the applicant is, or is not, adhering to the terms of the landfill permit. This requirement is also to apply to the proposed amended landfill program.

In view of the fact that a considerable amount of fill has been placed on both properties without inspection or certification, staff advised that it would be necessary for Mr. Wu to arrange for representative samples to be taken under his direction and analyzed to ensure that contaminated soils are not present. If remediation is required for any particular area, the methods to be undertaken should be detailed and provided to this department prior to any work being undertaken in this regard.

- ▶ Agreed to as per Appendix B.

The required soil tests have been submitted and reviewed by the City's Environmental Health Services Division. No contamination was evident and the soils are considered satisfactory for their intended purpose.

3.3 Survey of Fill Materials

The applicant was to provide a precise plan under the guidance of the Supervising Engineer locating the existing fill relative to the property boundaries.

- ▶ This plan was provided with Appendix B and is **attached** to this report as Figure 4.

3.4 Additional Information

The Supervising Engineer was advised that he is to take the Commission's items into consideration in the preparation of his report. He was also to add any information he considers appropriate in his professional capacity.

- ▶ Appendix B addresses this item.

Planning & Building Department
Re: Approval to an Application to Place Fill on
Lands in the Agricultural Land Reserve
1995 July 17 Page 4


ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

4.0 DISCUSSION

Staff supports the proposal to construct greenhouses on the subject properties. The initial application, which provided for the placement of fill on some 4.7 acres of the 8708 Royal Oak property, has been revised to a first phase of approximately 1.03 acres. If this first phase is successfully filled and approved, the Provincial Agricultural Land Commission has granted its conditional approval for the proposed second phase to proceed. This second phase would involve approximately 0.91 acres as referenced on Figures 3 & 4. It is also proposed to complete the landfill program for the 8678 Royal Oak property as part of the first phase program.

The proposed landfill operation is to be conducted under specific guidelines established by the ALC and the City. Nu-Tech Engineering & Testing (1983) is to act as the Supervising Engineer and will be required to ensure that the terms and conditions of the proposed permit are met.

It is on the basis of the foregoing that staff is recommending that Council authorize a permit be issued for the revised, phased landfill program.


D.G. Stenson, Director
PLANNING & BUILDING

PB/jp

Attachments (4 Figures, 2 Appendices)

cc: Director Engineering
Chief Environmental Health Officer

C:\DOCS\CCL\LANDFILL.RPT

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

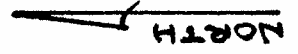
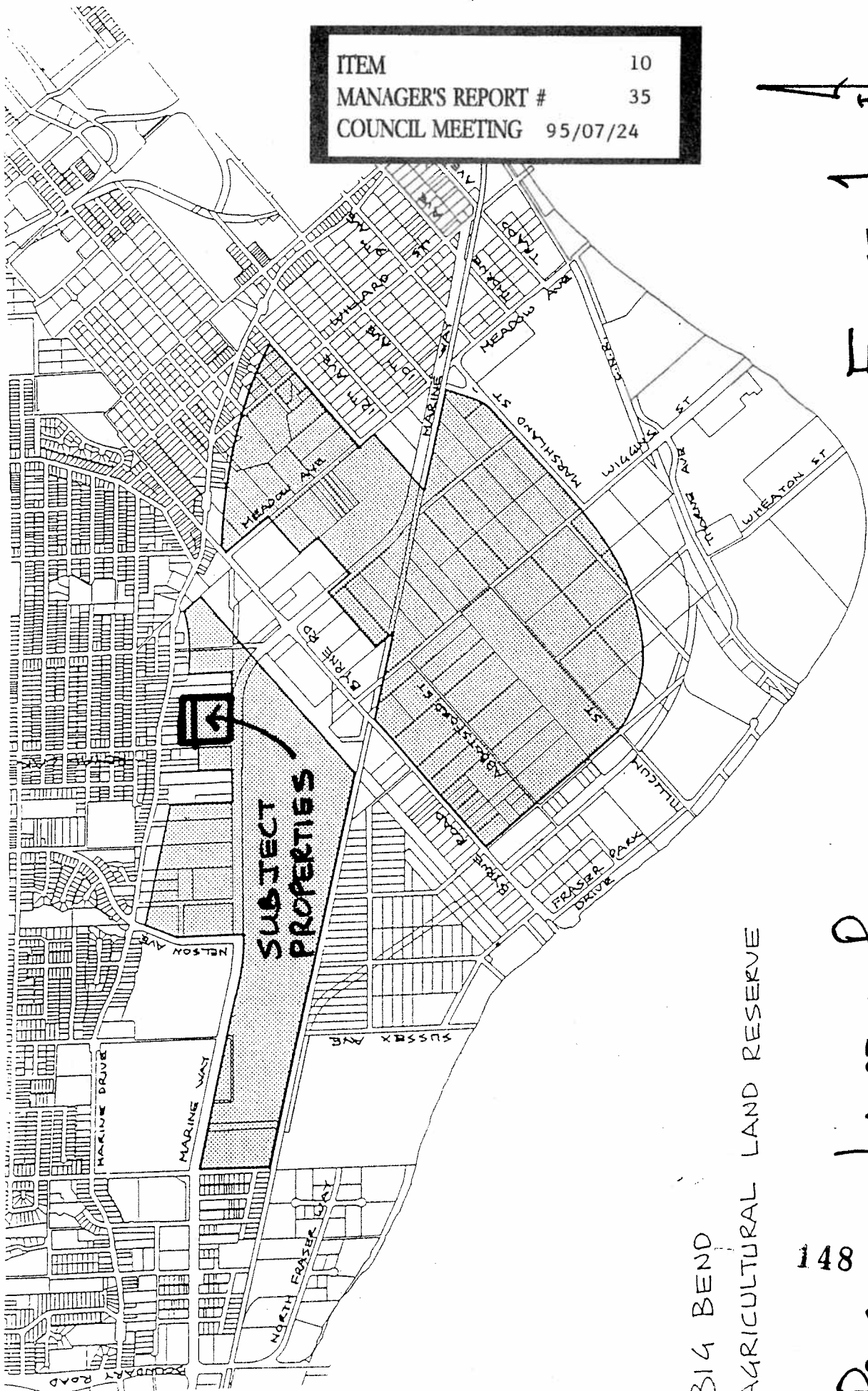


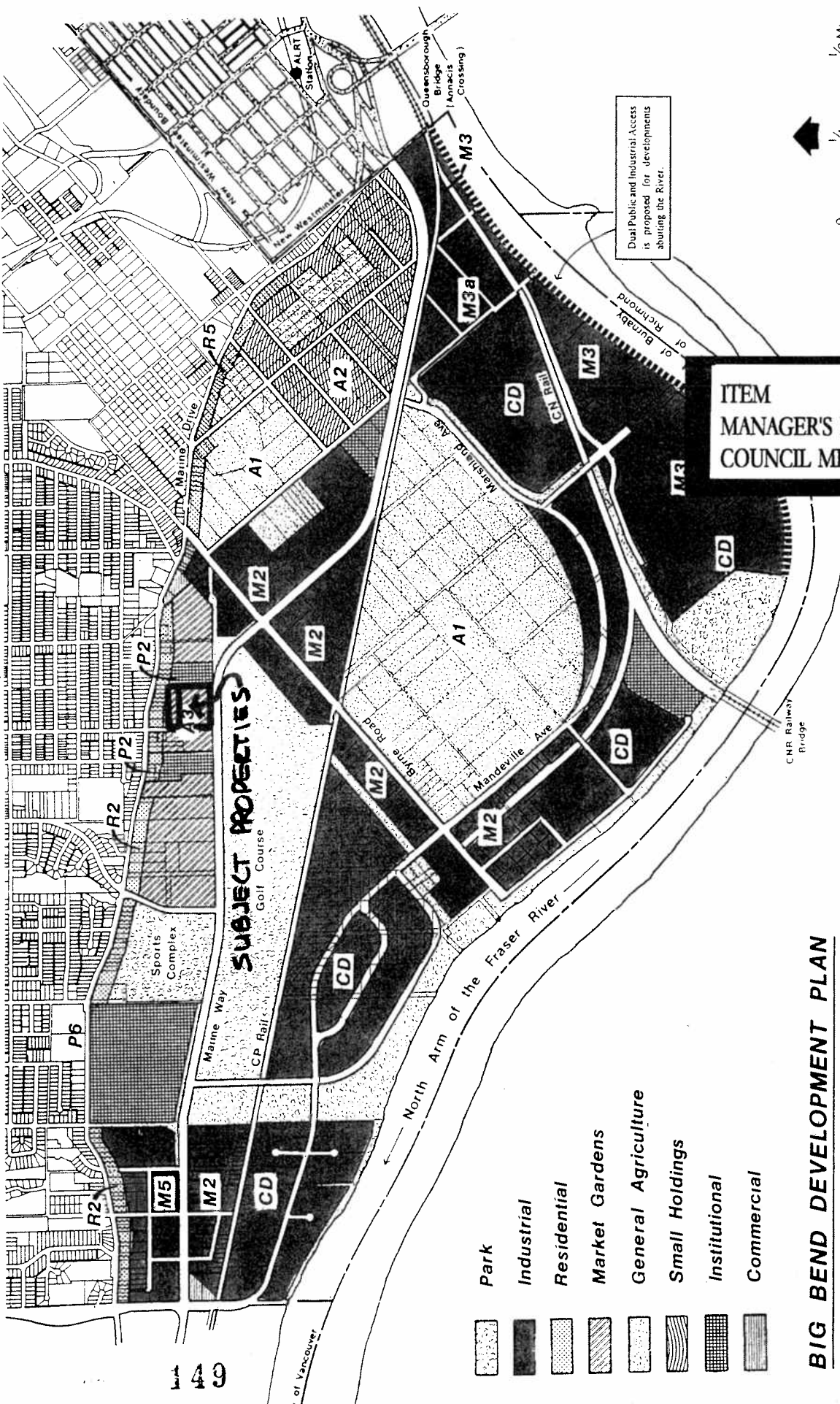
FIGURE 1
95 JULY 17



BIG BEND
AGRICULTURAL LAND RESERVE

1488

PROPOSED LANDFILL PERMIT,
8678 & 8708 ROYAL OAK AVE.



Dual Public and Industrial Access is proposed for developments abutting the River.

ITEM 10
 MANAGER'S REPORT # 35
 COUNCIL MEETING 95/07/24

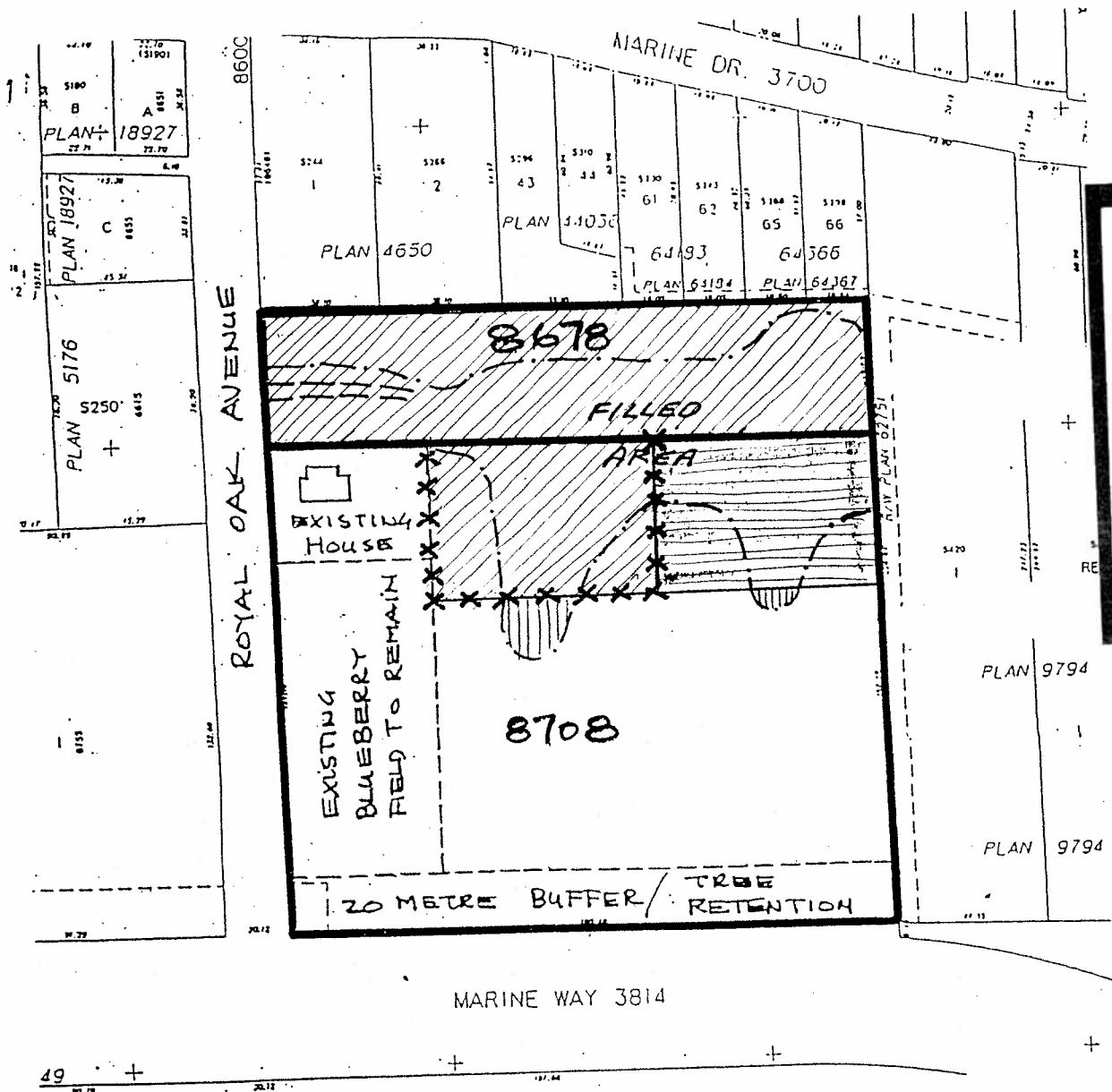
Figure 2
 95 JULY 17

- Park
- Industrial
- Residential
- Market Gardens
- General Agriculture
- Small Holdings
- Institutional
- Commercial

BIG BEND DEVELOPMENT PLAN

Revised to 1994 July


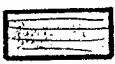

PROPOSED LANDFILL PERMIT,
 8678 & 8708 ROYAL OAK AVE.



ITEM 10
 MANAGERS REPORT # 35
 COUNCIL MEETING 95/07/24

Applicant : Bagh Enterprises Co. Ltd. & Better Enterprises Co. Ltd. Location : Burnaby, Big Bend.

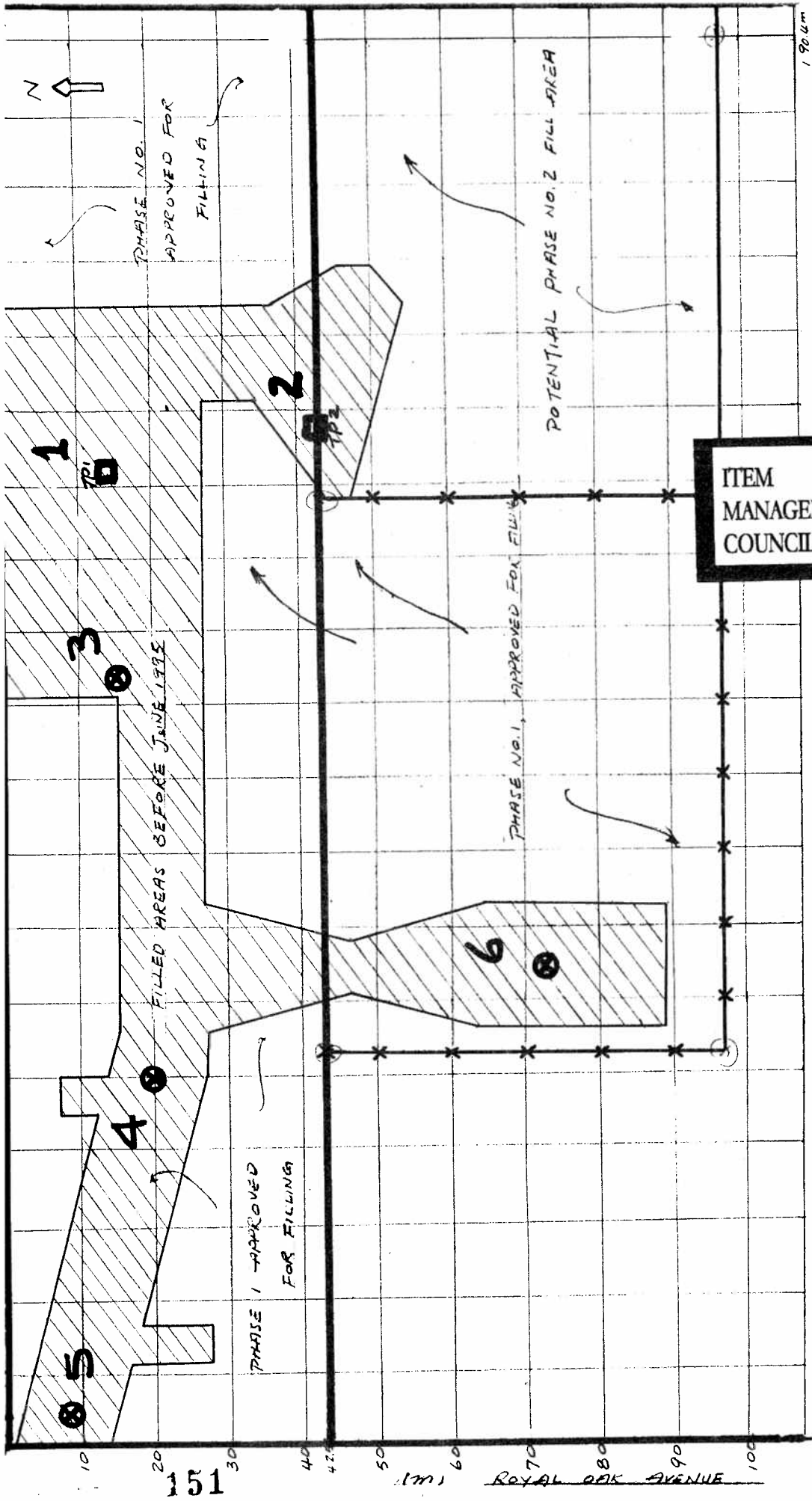
Application #30-O-BURN-94-292323 Fieldwork : 29 May, 1995.

-  PHASE No. 1 ; APPROVED FOR FILLING. 150
-  POTENTIAL PHASE No. 2 FILL AREA
-  FILL TO BE RELOCATED TO THE APPROVED PHASE No. 1 AREA.
- XXXX BOUNDARY OF PHASE No. 1 AREA TO BE STAKED AND FLAGGED.

MAP FROM ALC'S
 AMENDED APPROVAL TO
 PLACE FILL ON PROPERTIES.

FIGURE 3
 95 JULY 17
 SCALE REDUCED

NORTH



NU-TECH ENGINEERING & TESTING
 June, 1995

FIGURE 4

95 JULY 17
 SCALE REDUCED

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

ROYAL OAK
 FILL SITE
 Barnaby, Big Bend

EXTENT OF LANDFILL PRIOR
 TO 1995 JUNE 20, SHOWS
 LOCATION OF SOIL TEST NOS. 1-5.

APPENDIX A

Agricultural Land Commission's Conditions for the Placement of Landfill on 8678 and 8708 Royal Oak Avenue

CONDITIONS

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

1.0. SUPERVISION

The project shall be overseen by a qualified engineer (the "Supervising Engineer").

2.0. LOCATION

- 1) All filling and associated activities are to be restricted to Phase No. 1 designated on the attached map. The Phase No. 1 fill area of the Property of the First Part shall be staked and flagged at each corner and every 6.0 metres in between.

Note: The Commission will consider additional filling on the debilitated area lying east of the Phase No. 1 area on the Property of the First Part, as Phase No. 2, after the applicant has successfully completed filling and substantially completed construction of the greenhouses in Phase No. 1.

- 2) Any fill located beyond the southern extent of Phase No. 1 shall be relocated to the approved fill site and the area reclaimed using native organic matter.

3.0. TERM

This approval shall be valid for one (1) year from the date of the issuance of the permit, or until completion of the project, whichever occurs first.

4.0. BONDING

A financial security in the form of an Irrevocable Letter of Credit (the "ILOC") in the amount of \$25,000.00 shall be posted with either the Commission or the City of Burnaby (the "City") to ensure compliance with the terms and conditions of approval. The ILOC will be retained until completion of filling and substantial completion of greenhouse construction on the Property of the First Part. An example ILOC is attached.

Note: A fill permit shall not be issued until the Commission either provides or receives written confirmation that the ILOC is in place.

5.0. QUALITY OF FILL MATERIAL

Only general excavation material shall be used as fill.

6.0. SITE PREPARATION AND FILLING

- 1) All undisturbed native soil on the Property of the First Part within Phase No. 1 shall be removed and stockpiled in a berm(s) adjacent to the fill site, used as growing medium for greenhouse production or used elsewhere on the property. The depth of native material to be removed shall be determined by the Supervising Engineering to ensure the pre-loading effect of the fill does not result in heaving of the undisturbed native soils on the balance of the property.

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

- 2) If the native soil is to be stockpiled, the sideslope of the berm(s) shall not exceed a uniform and stable slope of 2:1. The completed berm(s) shall be seeded with an appropriate cereal/forage mix and fertilized to prevent erosion and provide weed control. The surface of the berm(s) shall not remain uncovered for more than 30 days without providing either a vegetative or mulch cover of straw or shavings.
- 3) The final elevation of fill, after settling, shall not exceed 60 cm above the elevation of the native landform, save and except the homesite area of the Property of the Second Part, where the final elevation shall be determined through the City's building permit process.
- 4) Filling shall not occur within 3.0 metres of any property boundaries, save and except the common boundary separating the two properties.
- 5) The perimeter of the fill area shall be sloped to a uniform 1.5:1 grade leaving an allowance for perimeter ditching.
- 6) The perimeter of the fill area shall be ditched to allow surface run-off to flow away from both the filled area and the remainder of the Property of the First Part into the local ditching system.

7.0. GENERAL OPERATING CONDITIONS

- 1) No soil shall be stripped, moved, stockpiled or replaced during conditions of adverse soil moisture content. The movement or manipulation of soil shall be conducted only when the soil is below field capacity (at least 24 hours after a rainfall event greater than 10mm over a 24 hr. period).
- 2) Surface drainage from the fill and undisturbed areas shall be maintained at all times in order to prevent erosion, flooding, siltation or other degradation of the properties, adjacent lands or waterways.
- 3) Any run-off shall be diverted into catchment ponds or silt traps prior to discharge into natural watercourses or road ditches.
- 4) No native soil material shall be removed from the properties.
- 5) No concrete, asphalt, construction debris, petroleum products, toxic wastes, contaminated materials or any other non-soil material shall be brought onto the properties.
- 6) Under no circumstances shall any cedar hog fuel or any other form of cedar woodwaste be brought onto the properties.
- 7) The fill permit shall be posted at a prominent location and be clearly visible.
- 8) The property shall be secured to prevent unauthorised deposition of fill. An unobstructed sign shall be posted at the entrance to the properties prohibiting unauthorised deposition of material.

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

8.0. REPORTING AND MONITORING

- 1) A report shall be submitted to the Commission on a quarterly basis and upon completion of filling. The report shall include photographs and a written description of the operation. The report is required to ensure the operation is complying to all the conditions of approval.
- 2) The report shall be submitted every three (3) months following the date of issuance of the fill permit.
- 3) The project shall be subject to on-going and regular monitoring by the Commission and the City.

If the applicant has not completed the project within the specified time period, an appropriate extension of time may be granted if there are no changes to the original approval and the operation is in compliance with local by-laws and the Commission's conditions.

This letter represents the Commission's written approval for the project as required by Section 2(1)(a) of the SCA; ***THIS IS NOT A PERMIT.*** Pursuant to Section 3 of the SCA, the City may now issue a fill permit if it wishes to do so. Please note that the Commission's approval in no way compels the City to issue the permit.

If a permit is to be issued, the City must incorporate the above noted conditions into the permit. The City may impose additional terms and conditions as it deems necessary. If and when a permit is issued, please forward a copy to this office.

The land is still subject to the provisions of the SCA, Agricultural Land Commission Act and applicable regulations except as provided by this decision.

This decision in no way relieves the owner or occupier of the responsibility of adhering to all other legislation and decisions of responsible authorities including, but not limited to, ***the City and the Ministry of Environment, Lands and Parks.*** Please advise the Commission, if, in the process of subsequent approves, any substantial changes are required to this approval.

Nu-Tech Engineering & Testing

NU-TECH ENGINEERING & TESTING (1983)

Geotechnical • Materials

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

Mr. Peter Blaxham
City of Burnaby

July 2, 1995
Your file: 02.120.3
Our file: V95131

Dear Mr. Bloxham :

Re: Geotechnical Engineering Services - Greenhouse Development
8678 and 8708 Royal Oak Avenue

In response to your letter dated June 27, 1995 , Nu-tech Engineering & Testing is pleased to be supervising engineer for the above project. This letter outlines the nature of services that Nu-Tech Engineering will undertake for the project.

- (1) Verify the area of previous fill materials against the areas approved by Provincial Agricultural Land Commission.
- (2) Verify that previous fill materials meet Provincial Ministry of Environment applicable contaminant criteria.
- (3) Outline the future filling schedule, and submit for approval by City of Burnaby.
- (4) Appropriate reporting (assumed weekly) by #373446 B. C. Ltd. to Nu-Tech Engineering, monthly status reporting by Nu-Tech to City of Burnaby.
- (5) Proof provided by #373446 B.C. Ltd that future fill materials meet the provincial contaminant criteria.
- (6) Supervise the installation of the settlement gauges. read weekly by #373446 B. C. Ltd. Nu-Tech Engineering will plot the data and observe the rates of settlement, and provide a geotechnical report.

155

1

#419, 1021 Howay Street, New Westminister, B. C. V3M 1Z9

BRITISH COLUMBIA

Tel/Fax : 521-7298

ALBERTA

14161 - 84B Ave., Surrey, B.C. V3W 0W5


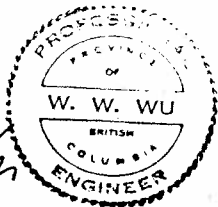
514 - 23rd Ave. S.W., Calgary, AB T2S 0J5
Tel: (403) 228-5001 Fax: (403) 228-5880

- (7) We understand that the purpose of the filling is for construction of access road and four (4) 9.14 m x 30.47 m greenhouses (Approx. 3,000 ft²). The area of deposit fill is approximately 12,088 m² for phase 1, and approximately 3,456m² for phase 2.
- (8) The letter (#0-29232) dated June 8, 1995 from the Provincial Agricultural Land Commission to Mr. Peter Bloxham of the City of Burnaby will be strictly followed.
- (9) Acting as supervising engineer, in the resolution of geotechnical and related issues.

Attached to this letter, please also find the work performed to date. Included is a plan that shows the area of previous fill materials, the selected test holes, and the future filling schedule.

ITEM 10
MANAGERS REPORT # 35
COUNCIL MEETING 95/07/24

Yours truly,

  1995 07 03

Wen WU , M. Sc. P. Eng.

cc. : Mr. Victor Hurtbise,
#373446 B. C. Ltd.
Mr. James Lin,
Better Enterprises Ltd.

NU-TECH ENGINEERING
& TESTING (1983)

Geotechnical • Materials

Mr. Peter Bloxham
City of Burnaby

July 2, 1995

Our file: V95131
Your file: 02.120.3

ITEM	10
MANAGER'S REPORT #	35
COUNCIL MEETING	95/07/24

Re: 8678 & 8708 Royal Oak Avenue backfilling

Dear Mr. Bloxham:

Enclosed herewith, please find our geotechnical report in support of a permit application for the above project.

1. Supervising Engineer's Report

The sequence of peat excavation and backfilling as outlined by HBT AGRA can still be followed :

- (a) Excavate the peat to a depth of 3 ft in a strip of width 20 to 25 ft., sidecast the excavated peat on the preceding strip or place in a stockpile.
- (b) Place settlement gauges on the excavated peat surface at about 150 ft (45 m) each interval.
- (c) Place about 4 ft of soil fill in the excavated area.
- (d) Compact this soil layer by travelling on the surface with loaded trucks
- (e) Place a second 3 to 4 ft layer of soil on the initial lift and have trucks travelling on the top of the second lift.
- (f) Repeat the excavation and backfilling.
- (g) Backfilling to the design elevation to accommodate the settlements.

Surface drainage and runoff control should be established to accommodate water squeezed out of the peat during consolidation and to direct rainfall runoff to ditches off site. The locations and system will be implemented as required. Sediment control should be installed at exit point and at interior points in ditches to reduce silt transport off site. The details will be provided when necessary.

2. Soil Tests, Existing Fill

On June 19, 1995, two test pit holes were excavated at the selected locations. The test pit holes designated TP1 and TP2 were shown in Figure 1.

Two samples, selected at random from the test holes for heavy metals content and for oil & grease test, were described as follows:

Sample 1 : T-1, 6 ft.

Classified as fill material, silty clay, dark gray some tan, medium plasticity , moisture content 12%.

Test results: light heavy metal content, can be neglected, under CMLS Level "B" criteria.

Oil & Grease test - under 100 detection limit.

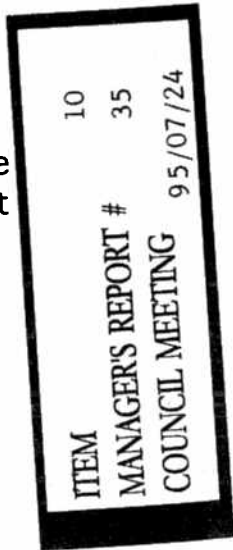
Sample 2 : T-2, 10 ft.

Classified as fill material, silty clay, occasional pebbles, dark gray medium plasticity , moisture content 15.6%.

Oil & Grease test : under 100 detection limit.

Source of backfill materials:

The fill material, according to Mr. Vic Hurtubise, was from one source in the area of New Westminister. The site is bordered by Agnes Street to the north, Victoria Street to the south, parking areas for the adjacent paint shop and automobile repair shop to the east, and McKenzie Street with a pedestrian access along the court house building to the west.



As suggested in your letter dated June 29, 1995, samples, from four additional test pit holes (3, 4, 5 and 6) will be required to ensure that representing sample from the previous backfilling areas have been taken. The work will be carried out shortly. and the test results will be submitted to you as soon as they are available.

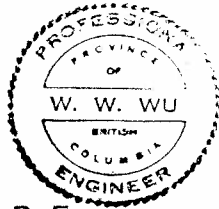
3. Survey of Fill Materials

As shown in Figure 1, the shaded areas represent previous fill areas (before June 20, 1995). The soil profiles will be submitted to you as soon as the additional test pits are completed.

4. Additional information

We acknowledged your concern about surface and ground water run-off to the newly constructed Hollis Creek relocation channel as stated in your letter dated June 29, 1995. We will provide all the informations as requested with regard to this matter.

Yours truly,



1995 07 03

Wen WU, M. Sc. ;P. Eng.

cc. : Mr. Victor Hurtbise,
#373446 B. C. Ltd.

Mr. James Lin,
Better Enterprises Ltd.

