



COUNCIL REPORT  
Development Services  
For the December 10, 2019 Council Meeting

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DATE: December 4, 2019 File: TUP 19-03

TO: Paul Gipps, CAO

FROM: Jayden Riley, Planner II

RE: Application: Temporary Use Permit (TUP 19-03)  
Legal: Lot 2, DL 506, ODYD, Plan 33647  
Address: 2520 Ross Road  
Owner: ATN Contracting Ltd.  
Agent: Chrystine Bailey

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**RECOMMENDED MOTION:**

**THAT** Council deny the issuance of a Temporary Use Permit (TUP 19-03) to allow concrete crushing at 2520 Ross Rd (Lot 2, DL 506, ODYD, Plan 33647).

**RATIONALE:**

The recommended motion is based on the following:

- The proposed temporary use does not align with S. 4.1.1.13 (b) of the Official Community Plan Bylaw No. 0100, as the temporary use should not create an unacceptable level of negative impact on surrounding permanent uses.
- The proposed temporary use is better suited in the Heavy Industrial Zone (I2), where noise and dust do not pose such a significant nuisance to surrounding properties.

**LEGISLATIVE REQUIREMENTS:**

Section 493 of the *Local Government Act* gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three years and specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three years at the discretion of Council.

**BACKGROUND:**

The subject property was purchased by the current owner in early 2019 and consists of an office and shop. Accessory buildings and refuse located previously on the site have been cleaned up since the change in ownership. The application for a TUP is a result of the current owner attempting to bring the crushing operation into compliance with City Policies and Regulations, as the property was operating a crusher in 2019 without a business license or a temporary use permit in place.

## Location and Surrounding Uses

The subject property is located at 2520 Ross Road, between Stevens Road and Western Road, is 2711 m<sup>2</sup>, and currently zoned Light Industrial (I1). The property is surrounded by Light Industrial (I1) zoning to the north, east, south, and west, containing uses such as commercial storage, service commercial, heavy equipment repair, and contract sales.



**Figure 1: Context Map**

## Proposal

The applicant is proposing a TUP to allow concrete crushing on the subject property under the following conditions:

- Operation to be limited to a period no longer than 9 months;
- Crusher to be limited in size, measuring 12' x 8' x 8' (i.e. model R&R Rebel Crusher.);
- Operation of the crusher to be limited between 8:30 am to 3:30 pm, Monday to Friday; and
- Stockpiling to a maximum 1,000 to 1,500 m<sup>3</sup> and 7 m in height (see *Figure 2, Site Plan*).

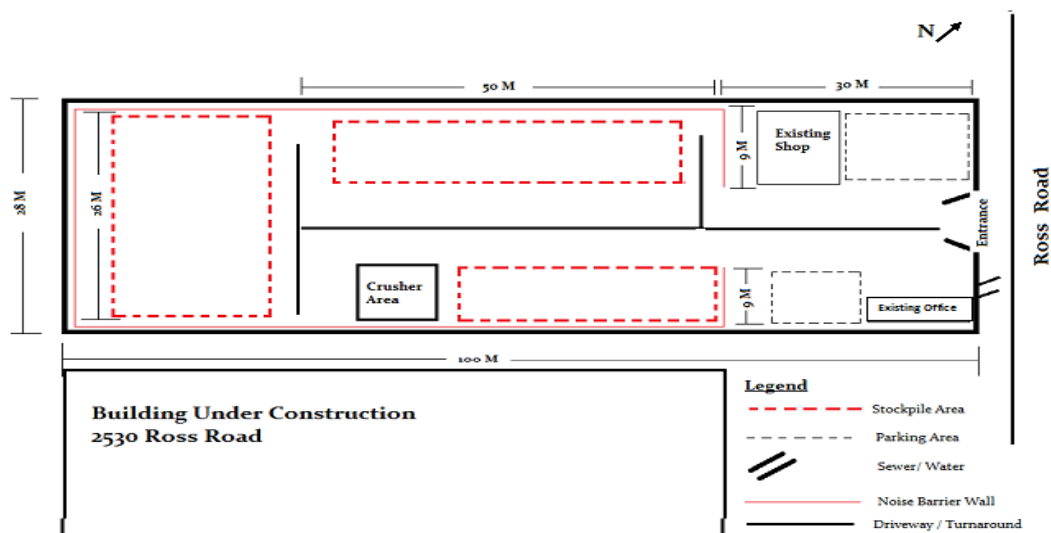
## Applicant's Rationale

The applicant has provided a proposal summary (*Attachment 3*) describing their intention with regards to the TUP that includes:

- Community benefit of recycling concrete, reducing carbon footprint;
- Providing a location closely accessible and less expensive to process;
- Reducing materials otherwise destined for landfills; and
- Reducing costs to local industries by providing a location that is accessible and less expensive to process.

The applicant has proposed measures to mitigate dust and noise, reflected in *Figure 2*, which include:

- 2.2 metre Allan block wall to mitigate dust and noise.
- Built-in misters included with the proposed crusher model
- Slat fencing to screen operation from Ross Road and neighbouring properties.



**Figure 2: Site Plan**

### Alternate Proposal

The applicant has requested that an alternate motion be available for Council's consideration, should they wish to deny the application as per staff's recommendation. Specifically, the applicant is requesting Council authorize a TUP to allow concrete crushing on the subject property for a period no longer than 2 weeks in order to process material (approximately 950 m<sup>3</sup>) currently stockpiled on site. No mitigation measures have been suggested during this alternative time period, such as those proposed under the original TUP request.

### POLICY, LEGISLATION AND BYLAW REVIEW:

#### **Official Community Plan Bylaw No. 0100**

The subject property is within the Corridor Growth Management Designation (GMD). The desired attributes of this GMD include a mix of commercial and industrial uses with a focus on transportation and mobility that encourage business park-suited uses and ensure high quality infrastructure and access to amenities. The purpose of the GMD is to establish a linear focal area for higher employment density, light industrial, office and commercial uses, while providing a buffer transition to other uses away from the highway.

The Land Use Designation (LUD) for the subject property is Industrial. This LUD is anticipated to include a range of light and heavy processing, manufacturing, warehousing and storage type uses which can be land intensive and are often incompatible with residential uses.

All industrial development is subject to DPA 2 Industrial Development Permit Design Guidelines (DPA 2 - Industrial).

As outlined in the Official Community Plan (OCP), a TUP may be considered based on a number of guidelines. Some of which identify that:

- the use must not create an unacceptable level of negative impact on surrounding permanent uses;
- an applicant must submit an outline detailing when and how the use in that location will be ended, the buildings to be used, the area of use, the hours of use, appearance,

landscaping and buffering, and site rehabilitation. CWK may require security to ensure compliance; and

- the use must be clearly temporary or seasonal in nature.

The OCP guidelines encourage the use of fences, landscaping, and other buffers to screen unsightly land uses from public view.

### **Zoning Bylaw No. 0154**

The subject property is zoned Light Industrial (I1) which is intended to accommodate light industrial and associated uses. The I1 zone does not permit concrete crushing, as proposed by the temporary use application. Concrete crushing is permitted only in the Gravel Extraction Zone (I4) or Gravel Extraction with Asphalt Plant Zone (I5). As a result, a TUP is required to allow the proposed temporary use on the subject property.

### **TECHNICAL REVIEW**

#### **Bylaw Services**

On July 4, 2019, Bylaw Services received a complaint that rock crushing was occurring on the subject property. A Bylaw Officer visited the site and shut down the operation, as the property owner did not have a business license. The owner was ordered to obtain a business license and a TUP in order to continue the operation, which has resulted in this TUP application.

### **PUBLIC NOTIFICATION**

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. Additionally, a mail out was sent to all property owners and their tenants within 100 meters of the subject property (14 letters total) and an advertisement was placed in the local newspaper (*Attachment 6*). At time of writing this report, the City has received two (2) submissions, one noting concerns regarding dust and noise (*Attachment 7*).

### **ALTERNATE MOTION 1:**

**THAT** Council postpone consideration of a Temporary Use Permit (TUP 19-03) to allow concrete crushing for a period of 9 months on at 2520 Ross Rd (Lot 2, DL 506, ODYD, Plan 33647).

Should Council postpone consideration of the proposal, further direction to staff on how to proceed is required.

### **ALTERNATE MOTION 2:**

**THAT** Council authorize a Temporary Use Permit (TUP 19-03) to allow concrete crushing for a period of 2 weeks at 2520 Ross Rd (Lot 2, DL 506, ODYD, Plan 33647).

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

- 1) Context Map
- 2) Subject Property Map
- 3) Applicant's Proposal Summary and Rationale
- 4) Site Plan
- 5) Draft TUP 19-03
- 6) Public Notification Area Map
- 7) Public Submissions