



Advisory Planning Commission Report
Development Services
For the September 23, 2020 APC Meeting

DATE: September 23, 2020 File No. TUP 20-03
TO: Advisory Planning Commission Members
FROM: Jayden Riley, Planner II
RE: TUP 20-03; Temporary Use Permit; 3404 Sundance Drive

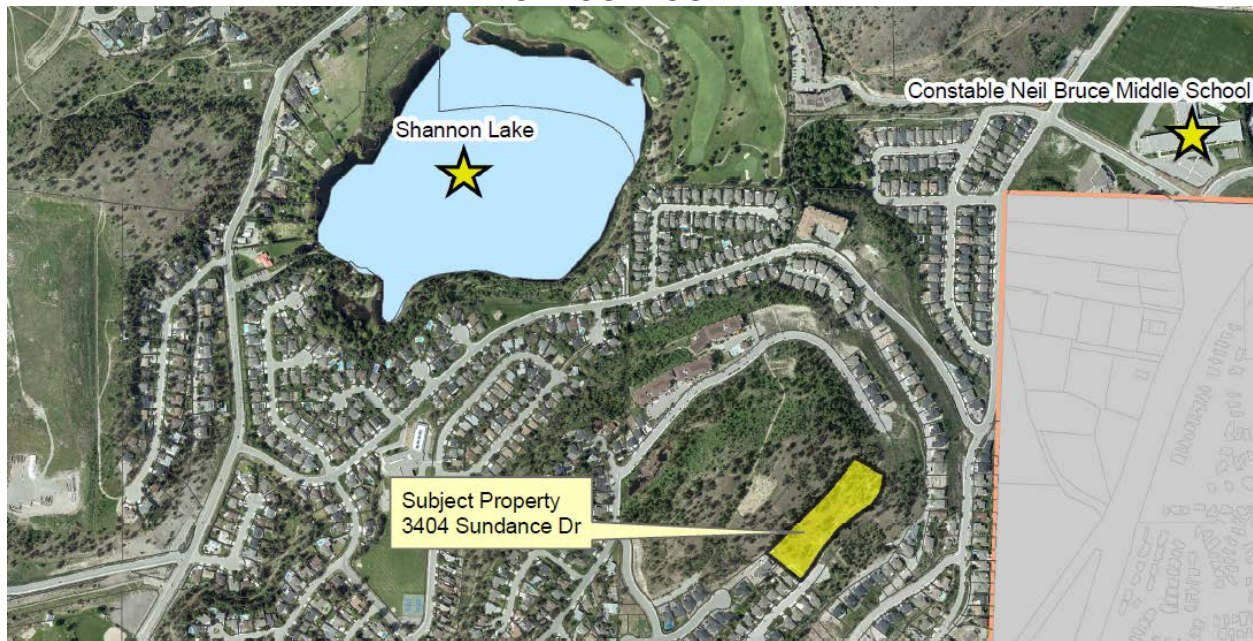
PURPOSE

To consider an application for a Temporary Use Permit to allow on-site crushing of bedrock material excavated from the site to accommodate a proposed 35-unit townhome development.

PROPERTY DETAILS			
Address	3404 Sundance Drive		
Legal Description	Lot 38 District Lot 2044 ODYD Plan KAP90501		
Folio	36413691.498		
Lot Size	3.41 acres (13,800 m ²)		
Owner	Farkas Developments Inc.	Agent	Jordan Peterson, Stantec
Current Zoning	Medium Density Multiple Residential (R4)	Proposed Zoning	N/A
Current OCP	Low Density Multiple Family (LDMF)	Proposed OCP	N/A
Current Use	Vacant (proposed 35-unit townhome development)	Proposed Use	Crushing (Temporary)
Development Permit Areas	Hillside, Terrestrial, Form and Character		
Hazards	Hillside, Dust, Noise		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	P1 – Parks and Open Space	
East	>	P1 – Parks and Open Space R4 – Medium Density Multiple Residential	
South	v	R4 – Medium Density Multiple Residential R1 – Single Detached Residential	
West	<	R1 – Single Detached Residential P1 – Parks and Open Space	

NEIGHBOURHOOD MAP



PROPERTY MAP



BACKGROUND

Subject Property:

The subject property is 3.14 acres (13,800 m²), located within the Shannon Lake neighbourhood. The property is vacant, slopes upward, and has frontage on a recently constructed segment of Sundance Drive¹. This TUP application is being considered concurrently with a development permit application (DP 20-09) proposing 35 townhome units constructed in two (2) tiers into the hillside (*Figure 1*).

¹ The recently constructed segment of Sundance Drive is not pictured in the above neighbourhood or property maps.

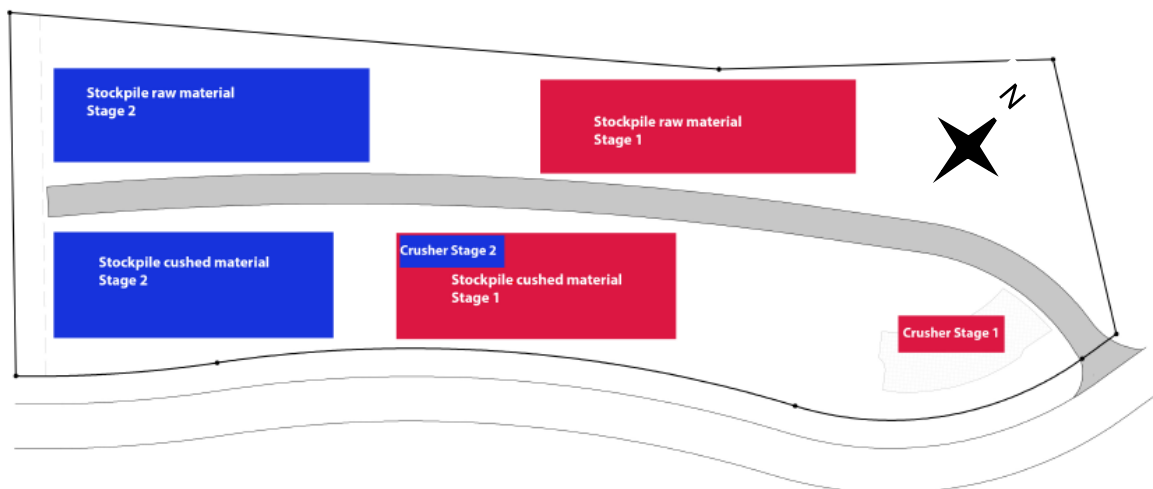


Figure 1: DP 20-09 site plan (concurrent application)

Proposal:

This application is requesting a Temporary Use Permit to allow on-site processing/crushing of bedrock material excavated from the site to be used for structural fill, road gravel, trench backfill, and slope backfill to accommodate a proposed townhome development. The temporary use is proposed to take place over two (2) 15-day phases, within a one (1) year period. Other elements of the proposed temporary use include (see *Attachment 1* more detailed information):

- Equipment: Extec Jaw Crusher, wheel loaders (x2), excavator, water truck
- Hours of operation: Mon-Fri, 9:00am - 5:00pm
- Approximate volume of processed material: 15,000 m³ (from a total of 35,000 m³ of excavated material)
- Dust mitigation: water truck
- Noise mitigation: crusher to be placed north of stockpiles (*Figure 2*)
- Duration of activity: 2 phases, 15 days per phase (not including mobilization and demobilization), 4-5 months apart, 7,500 m³ each phase



SITE PLAN SCALE: 1:600 (1"=50'-0")

LOT 38 - SUNDANCE DRIVE

Temporary Use Permit - Crushing on Site Mapping. **Stage 1 and Stage 2**

Figure 2: TUP 20-03 site plan (crushing)

Applicant Rationale:

The applicant has provided a Rationale Letter (*Attachment 2*) which outlines the intent of the temporary use and the benefits it would have as opposed to processing the same volume of material off site. The letter states that processing material on site will reduce the number of truckloads required to transport material on and off site and the duration of overall earthwork activities. The applicant estimates that 1,875 truckloads (round trips) would be required to transport the same volume of material in absence of on-site crushing.

It is understood that on site crushing would reduce the number of truck loads to and from the site, but would not eliminate them. The total volume proposed for excavation is 35,000 m³. Therefore, processing 15,000 m³ of material would reduce the number of truckloads by 40%, with 20,000 m³ in excess material required to be hauled off site, regardless of TUP approval. At this time, the applicant has yet to confirm the off-site location receiving the excess excavated material.

POLICY REVIEW**Official Community Plan Bylaw No. 0100**

The City's Official Community Plan provides the following policies to be considered for Temporary Use Permits:

- a. *The use must be clearly temporary or seasonal in nature;*
- b. *The use should not create an unacceptable level of negative impact on surrounding permanent uses;*
- c. *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;*
- d. *No temporary use permit for industrial uses will be considered for sites located within any of the Residential or Parks and Natural Areas Land Use Designations, nor will they be permitted in the Boucherie/Westbank Centre or Neighbourhood Centre Growth Management Designation.*
- e. *A temporary use permit may not exceed three years and may only be renewed as per the Local Government Act.*

As evidenced above, the industrial nature of the proposed temporary use does not align with the policies of the Official Community Plan, as it is proposed within a residential land use designation; however, the applicant is requesting consideration due to the short duration of the activity and the reduced impact to the neighbourhood.

The applicant will be required to obtain a development permit if the off-site deposit location is found to be subject to a development permit area (i.e. hillside, terrestrial, etc.) or if hillside development permit conditions are created (i.e. slopes over 20%).

Zoning Bylaw No. 0154

The property is zoned Medium Density Multiple Residential (R4). The proposed temporary use is best suited within the Gravel Extraction Zone (I4), which specifically permits "sand and gravel quarrying, extraction, crushing, sorting, or screening". While there is inevitable industrial type activities that occur on residential zoned land to grade a site in preparation of residential development, the processing of earth material on site requires a temporary use application.

REFERRAL COMMENTS

No referral comments have been received at the time of writing this report. This application will be presented at the Sept. 16, 2020 Development Review Committee Meeting. An update regarding referral comments will be provided during the presentation of this report at the scheduled APC meeting.

APC Consideration

Specific comments would be appreciated should the APC have any concerns with the proposed application, so that they may be further investigated or considered prior to staff providing a recommendation to Council.

Respectfully Submitted By:

Jayden Riley

Jayden Riley
Planner II

Attachments:

- 1) Proposed Work Plan, Site Plan
- 2) Applicant's Rational Letter – Temporary Use Permit



www.ensignbros.com

Lot 38 Temporary Use Permit Work Plan

TO: Farkas Developments

DATE: September 01, 2020

ATTENTION: Abraham Nordine
Project Manager

Cell: 250 300-3055

Email: contact@farkasdevelopments.com

RE: Crushing 15000M3 of 75mm MMCD

Material Processing Plan: For conversion of bedrock material into useful structural fill for foundations, backfill, laneway, driveways, landscaping, trails and as otherwise identified by Civil engineering and Builder.

Equipment Used:

2004 Extac Jaw Crusher on Tracks, 2007 John Deere 624J Wheel Loader, 2003 Komatsu WA430-6 Wheel Loader, 2008 John Deere 270D LC Excavator, 2005 Kenworth 3000 Litre Watertruck

Approximate Volume:

12500 - 15000Cubic Meters of 75mm MMCD

Dust Mitigation:

When crushing is being done water truck with equipped with pressure pump, spray hoses and spray bar will be on site to water site, haul roads and stockpiled material prior to being crushed.

Noise Mitigation:

Crusher will be placed to north of stockpiles in order to deflect noise from houses in close proximity that are located to the south. No backup beepers on loaders or trucks will be used. The proposed laneway will be used as haul road from blastrock stockpile on top side of lane to crusher and back to crushed material stockpile to be located on bottom side of lane. A landing area for both stockpiles will be excavated level to future foundation grade

Duration of Activity:

It is expected that the crushing will be done in two phases approximately 4-5 months apart. Each phase will require 7500 cubic meters to be crushed. Production will be approximately 600 cubic meters per day hence taking fifteen working days for each crushing phase. Not including mobilization and demobilization.

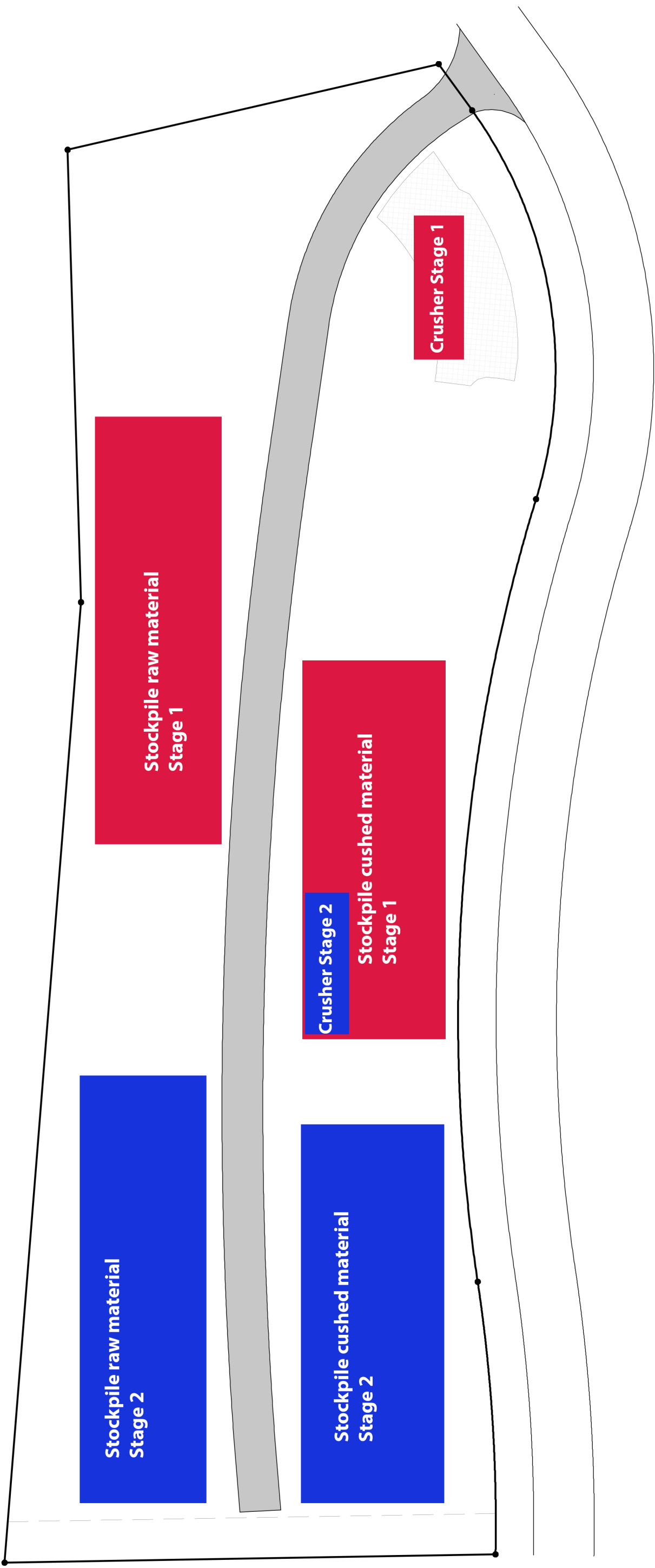
Hours of Operation:

Monday to Friday 9:00 to 5:00

Note: Owner will be responsible for all permits, site surveying, elevation layout and engineering required to perform works and all associated costs.

Respectfully submitted, Chris Ensign

TITLE: Administrative Manager



To:	Abraham Nordine	From:	Jordan Peterson
	Farkas Developments		Kelowna B.C.
File:	Lot 38 Sundance Dr Development	Date:	September 2, 2020

Reference: Lot 38 Sundance Dr Temporary Use Permit Materials Crushing Rationale

The intent of this memo is to explain the rationale behind the request for a Temporary Use Permit from the City of West Kelowna to crush and process approximately 15,000 m³ of on-site rock for re-use on-site. The project consists of constructing 35 units in 10 separate townhome buildings on a steep hillside, consisting of mainly bedrock. Due to the nature of the topography and geology there will be a considerable amount of material to be excavated during construction, most of which is solid bedrock. In an effort to re-use this material for structural fill beneath foundations, road gravels, trench backfill, and slope backfills it will need to be processed and analyzed before being deemed acceptable for such uses. To haul this material away, process and haul back to site poses several other issues beyond the increase in cost.

Environmental Impacts

Hauling material would certainly have negative environmental impacts due to the number of trucks running full time removing material off site. Based, on 8 m³ per truck it would take approximately 1,875 truckloads to remove all this material from site. At 1-hour round trips, that is 1,875 hours of truck runtime. The aforementioned times do not include hauling processed material back to site, once the site has been excavated.

Traffic impacts

As mentioned in the above section the amount of traffic increase would be noticeable, especially for the residents of Sundance Drive and Shannon Way who would have a consistent stream of dump trucks through their residential neighbourhood.

Duration

The duration of crushing activities is anticipated to be shorter than the duration that hauling would take. Therefore, local residents would see less impacts, for a shorter period of time from on-site processing compared to hauling.

Safety

The onsite crushing process is localized to the construction site and therefore mitigates risk to the site alone and significantly reduces the risk created by dump trucks driving through residential neighbourhoods on a continual basis.

September 2, 2020

Abraham Nordine

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Reference: Lot 38 Sundance Dr Temporary Use Permit Materials Crushing Rationale

Any on-site crushing and processing will conform to the of City West Kelowna Applicable Bylaws.

Stantec Consulting Ltd.



Jordan Peterson P.Eng
Project Engineer

Phone: 250 470 4490

Fax: 250 860 3367

Jordan.Peterson@stantec.com

Attachment: Ensign Bros Lot 38 Temporary Use Permit Work Plan
Site Plan Temporary Us Permit Crushing On-Site Mapping Stage 1 and Stage 2

c. C.C.