



STAFF REPORT

July 28, 2009

File No.: **SS-SDP-2009.3**

To: Salt Spring Island Local Trust Committee

From: Justine Starke

CC: Peter A. Dorazio

Re: Soil Removal and Deposit

Owner: Peter A. Dorazio

Applicant: As above.

Location: Fractional Section 20, Range 2 West, North Salt Spring Island, Cowichan District, Except those Parts and Plans 23168 And 25356

Lot 12, Section 20, Range 2 West and District Lot 30, North Salt Spring Island, Cowichan District, Plan EPP2134

Civic Address: 427 Collins Road

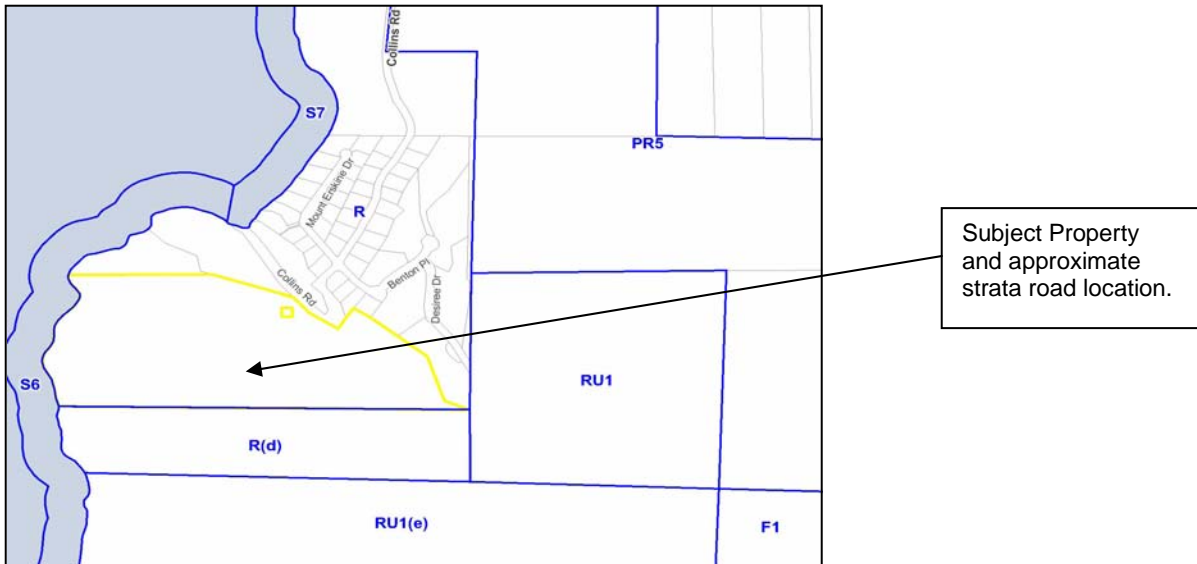
THE PROPOSAL

The purpose of this application is to permit the deposit and removal of approximately 15 000m³ of soil and rock for the construction of a strata road and driveways to service nine strata lots and common property. The proposal is required for phase 2 of subdivision application SS-SUB-2007.9 and SS-SUB-2007.10. Construction of the road will require a total disturbed area of 1.2 ha. Pursuant to S. 3.2.6 of Bylaw No. 418, a soil removal and deposit permit is required for the removal or deposit of a combined volume of soil, rock, or topsoil exceeding 1000m³. Where the volumes of soil to be removed or deposited are greater than 5000 m³, the application requires approval by the Salt Spring Island Local Trust Committee.

SITE CONTEXT:

The subject property is located at 427 Collins Road. The properties to the north are zoned Rural (R); the property to the east is zoned Rural Upland 1 (RU1) but is part of the Mt. Erskine Provincial Park. The property directly south is zoned R(d) (Rural d); it is owned by the same individual and is included in the land being subdivided.





BACKGROUND:

A soil deposit and removal permit (SS-SDP-2009.2) was approved by the Salt Spring Island Local Trust Committee on May 7, 2009 to permit the deposit and removal of 15 000m³ of soil and rock. This was to support the construction of a public road to service 11 fee simple lots in association Phase One of subdivision applications SS-SUB-2007.09 and SS-SUB-2007.10. Phase Two is a bare land strata subdivision that proposes 9 strata lots and common property. Now underway, Phase Two requires a new soils permit in order to construct the common road and driveways needed to service the proposed strata lots.

The total area of disturbance is projected to be 1.2 ha (2.96 acres). The total estimated volume of material to be removed and deposited on-site is 15 000 m³, including the material from the balanced cuts and fills. The material is made up of approximately 2/3 rock, 1/3 soil. The organic soils will be stripped and stockpiled for future use. The rock will be used in road low areas. The areas of blasting will be flagged off and marked in accordance with Bylaw 418. Blasting mats will be used if necessary. The area of work is more than 300 metres away from the nearest neighbours. The neighbours, as well as the Islands Trust, will be notified of the blasts in accordance with Bylaw 418. The schedule and times of blasting will be done in accordance with Bylaw 418. Remediation will involve re-vegetation of the side slopes.

The applicant has submitted an engineer’s report from C.N. Ryzuk & Associates, dated May 12, 2009 (attached) to address the requirements of Bylaw No. 418. This report specifically addresses slope and stability, damage prevention, dust control, drainage considerations, erosion, and sedimentation. The engineer has included an acceptable site plan and signed the required “assurance of qualified professional and commitment for field review.” The applicant will comply with the operational bylaw requirements including notice of blasting, hours of operation, and marking off the permit area.

Pursuant to section 7.2 of Bylaw No. 418, a \$4000 security is required for each hectare of disturbed land. The applicant has provided the Islands Trust with the \$4800 security deposit required for a total area of disturbance of 1.2 hectares. This deposit will be returned upon receipt of a report from a qualified professional confirming that the area authorized by the permit has been reclaimed in accordance with the plans, that the land is safe for any use intended, and that the terms of the permit are completely satisfied.

CURRENT PLANNING STATUS OF THE PROPERTY:

Official Community Plan

The subject property is designated Rural Neighbourhoods (RL) by the Salt Spring Island Official Community Plan. The subject portion of the property is within Development Permit Area 4 – Lakes, Streams and Wetlands (Maxwell Creek).

Construction of the public road involved widening the existing Collins Road within the Development Permit Area 4 at Maxwell Creek. Earlier this year, the pre-existing culvert failed and the road flooded. The culvert was replaced under the supervision of a Qualified Professional Biologist and with approval of the Ministry of Environment. These emergency works are exempt from the requirement for a Development Permit for DPA 4.

The north eastern and south western portions of the property fall within Development Permit Area 6: High Soil Erosion Hazard and High Slope Stability Hazard. A geotechnical report dated July 2, 2009 by CN Ryzuk and Associates was provided as part of the subdivision process to exempt the applicant from the requirements of Development Permit Area 6 during the works associated with subdivision.

Salt Spring Land Use Bylaw #355:

The subject property is zoned Rural (R).

Archaeological Sites:

According to the Review Remote Access to Archaeological Data (RAAD) information there are no known archaeological sites in the location of the proposed roads. There is an archaeological site identified on the shoreline. This is being addressed through the subdivision process.

Agricultural Land Reserve:

The land is not within the Agricultural Land Reserve.

STAFF COMMENTS:

This Permit will authorize the deposit and removal of approximately 15 000m³ of soil and rock in order to build a private strata road and driveways to a bare land strata subdivision:

- The applicant has submitted a report from a registered qualified professional that ensures the soil removal and deposit operations associated with this development conform to Bylaw No. 418.
- A site visit was conducted on April 29, 2009. It was observed that the owner has employed best practices in land development and clearing for road construction.
- The public road was designed according to Salt Spring Island Rural Road Standards and great care has been taken to impose minimal impact on the natural environment. The strata road and driveways are designed to minimize disturbance to the land.
- The permit area is flagged as required by Bylaw No. 418. Further, a \$4800 security deposit has been provided in order to ensure the project follows the terms of the professional reports.

With these considerations in mind, staff recommends approval of this application.

RECOMMENDATION:

THAT the Salt Spring Island Local Trust Committee **APPROVE** SS-SDP-2009.3 (Peter Dorazio) and that Removal and Deposit Permit No. 2009-03 be **ISSUED**.

Prepared and Submitted by:

Justine Starke

Justine Starke, Planner 2

Concurred By:

Leah Hartley, Regional Planning Manager

C.N. RYZUK & ASSOCIATES LTD.
Geotechnical/Materials Engineering

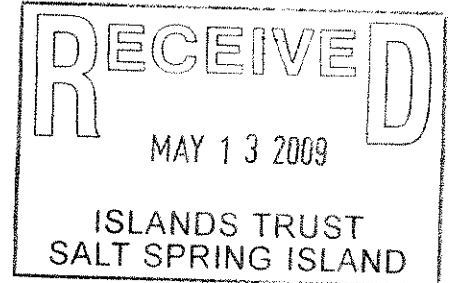
28 Crease Avenue Victoria, B.C. V8Z 1S3 Tel: (250) 475-3131 Fax: (250) 475-3611

May 12, 2009
File No: 8-4775-1

Islands Trust
1 – 500 Lower Ganges Road
Salt Spring Island, B.C.
V8K 2N8

Re: Proposed Subdivision
427 Collins Road – Salt Spring Island, B.C.

Attention: Mr. M. Broderick,



Dear Sir,

As by the owner of the referenced property, we have carried out an assessment of the existing geotechnical conditions with consideration for the Salt Spring Island Local Trust Committee Bylaw No. 418 to control the removal and deposit of soil. Our work has been undertaken in accordance with, and is subject to, the attached Statement of Terms of Engagement.

We have previously assessed the site, and provided a number of reports relating to the subsurface soils conditions, slope stability and erosion hazard. In general, the site is characterized by irregular bedrock controlled slopes and plateaus, with localized moderate to very steep portions. The soil conditions exposed consist of a thin veneer of soil over fractured bedrock comprised of sedimentary rocks, primarily being sandstone, although siltstone and chert were observed in section. The proposed subdivision includes construction of a strata road and individual lot driveways, and such requires soil and rock excavation and fill placement.

We understand that that total area to be disturbed is approximately 1.2 ha, and that the total estimated volume of material is 7,500 m³. It is expected that all available material will be used onsite, without requirement for off-hauling, however, upwards of 1,000 m³ of material will be hauled to the site for construction / preparation of the road base.

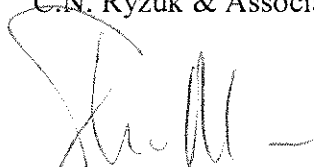
The construction of the roadways and/or driveways will require rock excavation, for which conventional blasting techniques with appropriate protection against fly rock and monitoring the ground motion vibration (measured by maximum peak particle velocity) are expected to be sufficient to reduce associated risk of damage to structures and/or properties, where such are in close proximity. We do not expect the blasting will increase the risk of a large scale rockfall event, however, minor rock fall may occur following blasting activities.

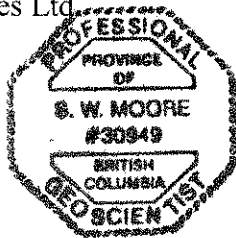
We do not believe that the proposed site will be susceptible to any major changes in the hydrologic regime and we do not anticipate significant risk of erosion due to rainfall runoff, as the site conditions consist of a thin veneer of soil atop bedrock. Similarly, we do not expect the stability of the slope to be significantly affected by weathering, storm events, etc. The rock fill material will unlikely modify the natural drainage, as the material used will allow the water to percolate through the rock.

Based on the soil condition we do not envisage sediment from silt, clay, etc. to contaminate any natural watercourses and/or groundwater aquifers present on site. The drill equipment on site will use dust accumulators or suppressants where required to avoid excessive production of dust. In addition, we understand that the nearest neighboring wells are greater than 300 m away. Considering the above we do not anticipate impacts/damages due to rock excavation or fill placement to affect adjacent properties, structures and vegetation surrounding the proposed driveway.

We hope the above is suitable for your purposes at present. If we can provide further information or clarification at this time, please call us.

Yours very truly,
C.N. Ryzuk & Associates Ltd.


S.W. Moore, P. Geo.
Geoscientist



Attachments - Statement of Terms of Engagement

STATEMENT OF TERMS OF ENGAGEMENT

GENERAL

C.N. Ryzuk & Associates Ltd. (The Consultant) shall render the Services, as specified in the attached Scope of Services, to the Client for this Project in accordance with the following terms of engagement. The Services, and any other associated documents, records or data, shall be carried out and/or prepared in accordance with generally accepted engineering practices in the location where the Services were performed. No other warranty, expressed or implied is made. The Consultant may, at its discretion and at any stage, engage subconsultants to perform all or any part of the Services.

COMPENSATION

All charges will be payable in Canadian Dollars. Invoices will be due and payable by the Client on receipt of the invoice without hold back. Interest on overdue accounts is 24% per annum.

TERMINATION

Either party may terminate this engagement without cause upon thirty (30) days' notice in writing. On termination by either party under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed, including all expenses and other charges incurred by the Consultant for this Project.

If either party breaches this engagement, the non-defaulting party may terminate this engagement after giving seven (7) days' notice to remedy the breach. On termination by the Consultant under this paragraph, the Client shall forthwith pay to the Consultant its Charges for the Services performed to the date of termination, including all fees and charges for this Project.

ENVIRONMENTAL

The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate pollution or contamination of soil or groundwater. The Consultant will cooperate with the Client's environmental consultant during the field work phase of the investigation.

PROFESSIONAL RESPONSIBILITY

In performing the Services, the Consultant will provide and exercise the standard of care, skill and diligence required by customarily accepted professional practices and procedures normally provided in the performance of the Services contemplated in this engagement at the time when and the location in which the Services were performed.

LIMITATION OF LIABILITY

The Consultant shall not be responsible for:

- a) The failure of a contractor, retained by the Client, to perform the work required for the Project in accordance with the applicable contract documents;
- b) The design of or defects in equipment supplied or provided by the Client for incorporation into the Project;
- c) Any cross-contamination resulting from subsurface investigations;
- d) Any damage to subsurface structures and utilities which were identified and located by the Client;
- e) Any Project decisions made by the Client if the decisions were made without the advice of the Consultant or contrary to or inconsistent with the Consultant's advice;
- f) Any consequential loss, injury or damages suffered by the Client, including but not limited to loss of use, earnings and business interruption;
- g) The unauthorized distribution of any confidential document or report prepared by or on behalf of the consultant for the exclusive use of the Client

APPENDIX 1: RYZUK Report signed elevation plans (*plan to be submitted*):

SCHEDULE "C"

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 418

SOIL DEPOSIT OR REMOVAL PERMIT NO. SS-SDP-2009.3



Pursuant to Salt Spring Island Local Trust Committee Bylaw No. 418, permission is hereby granted to:

Peter Dorazio

(Name)

of:

427 Collins Road, Salt Spring Island, BC

(Address)

250-537-0727

(Telephone)

to deposit (remove) **15,000** cubic metres of **rock/soil** upon the property located at:

427 Collins Road, Salt Spring Island, BC

(Address of property)

Described as:

Fractional Section 20, Range 2 West, North Salt Spring Island, Cowichan District, Except those Parts and Plans 23168 And 25356

(Legal Description of property)

in accordance with the provisions of the Salt Spring Island Soil Deposit and Removal Bylaw No. 418, Application No. SS-SDP-2009.3 and the plans, specifications and other supporting documents filed therewith as approved, and initialled as approved by the *permit holder*, all which form a part of this *Permit* and constitute the terms and conditions of this *Permit*.

Conditions: (to be stipulated by the Islands Trust)

1. All works to be undertaken as described in the professional report by C.N. Ryzuk & Associates, dated May 12, 2009.
2. Upon completion of works, a follow up report by C.N. Ryzuk & Associates be provided to the Islands Trust confirming the area authorized by the permit has been reclaimed in accordance with the plans, and that the land is safe for any use intended, and that the terms of the permit are completely satisfied.

This *permit* is issued on the condition that the *permit holder* fully complies with all provisions of the Salt Spring Island Soil Deposit and Removal Bylaw No. 418 and all terms and conditions of this *Permit*.

Received from _____ this ____ day of _____, 20__ the sum of \$ _____

as Removal and Deposit Fee (if applicable).

Receipt No: _____

This Removal and Deposit Permit is issued this ____ day of _____, 20__ and shall expire (*insert applicable wording from Section 6.5 of Bylaw 418*) after the day of issuance.

Regional Planning Manager
Islands Trust

SCHEDULE "B"

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO 418, 2008

ASSURANCE OF QUALIFIED PROFESSIONAL AND COMMITMENT FOR FIELD REVIEW

Date:

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC, V8K 2N8

Re: Application for *Removal (Deposit)* at

427 Collins Road - Salt Spring Island, B.C.
Fractional Section 20, Range 2 West, N55E, CD, Except for 23168 and 25236.
(civic address and legal description)

I, the undersigned registered professional engineer/landscape architect/land surveyor hereby give assurance that:

1. I am familiar with the environmental protection policies of the Salt Spring Island Local Trust Committee as expressed in the Salt Spring Island Official Community Plan and with the BC Ministry of Environment's "Environmental Guidelines for Urban and Rural Land Development in British Columbia";
2. I have considered and informed the owner and/or applicant of alternative designs for the proposed works that may reduce the environmental impacts and transportation requirements of the proposed works; and
3. the use or development of the property described above cannot be reasonably achieved without the *removal (deposit)* in the quantities and manner as shown on the plans, specifications and supporting documents prepared and signed by me and attached to this letter.

I give further assurance that the design, location, quality, nature, depth, *volume* and configuration of the *removal (deposit)* and works to be constructed and undertaken in support of and in relation thereto, all as shown on the plans, specifications and supporting documents prepared and signed by me and attached to this letter:

4. are consistent with the regulations and operating standards of the Salt Spring Island Local Trust Committee Bylaw No. 418, 2008;
5. constitute sound, reasonable *removal* and *deposit* practices and are consistent with the BC Ministry of Environment's "Environmental Guidelines for Urban and Rural Land Development in British Columbia"; and
6. when, and if, carried out in conformance with such plans, specifications and supporting documents, will not constitute any reasonably foreseeable risk or hazard to persons or property.

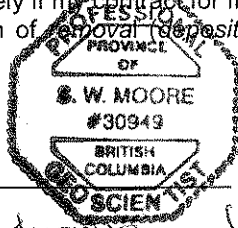
The undersigned undertakes to conduct such supervision, testing and field review as is necessary to ensure the *removal (deposit)* complies with the plans, specifications and supporting documents attached hereto.

I assure you that I have been given the authority by the owner of the lands on which the *soil, rock* or *topsoil* is to be *removed (deposited)* and by the applicant for the *permit* (if different from the owner) to stop, remove or redirect the *removal (deposit)* as required in my judgment and as required to comply with the plans, specifications and supporting documents attached hereto, the BC Ministry of Environment's "Environmental Guidelines for Urban and Rural Land Development in British Columbia" and Bylaw No. 418.

I will notify you in writing immediately if my contract for field review, testing or supervision is terminated or limited at any time before the completion of *removal (deposit)* described in the plans, specifications and supporting documents attached hereto.

(Affix professional seal)

Shane Moore



Signature

Name (Please Print)

29 Crease Avenue Victoria BC V8Z1S3

Address

I, the applicant for the *Removal (Deposit) Permit* for the *removal (deposit)* at the above address, acknowledge that I have read this letter and agree with its contents. I have also reviewed the plans, specifications and supporting documents attached to this letter and they accurately represent the proposed work. I advise you that I have given

Shane W Moore

(Name of registered professional)

the authority to conduct testing and field review and to supervise the *removal (deposit)* including the authority to stop the *removal (deposit)*, or redirect it as set out in this letter. I acknowledge and understand that all authority and permission to *remove (deposit)* under any *permit* issued to me pursuant to any application will automatically cease and be suspended if the *qualified professional's* services are terminated or limited and will not be reinstated until such time as another *qualified professional* submits to you a signed and completed letter in this form.

Witness's Signature

Signature of Applicant for Permit

Name (Please Print)

Name (Please Print)

Address

Address

or:

The Corporate Seal of _____

was hereto affixed in the presence of:

Authorized Signing Officer

Authorized Signing Officer