

# REPORT TO COUNCIL



**Date:** June 22, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** TUP21-0001

**Owner:** Victor Properties Ltd., Inc. No.  
BC1050457

**Address:** 2125 Baron Road

**Applicant:** WSP Canada Group Limited.

**Subject:** Temporary Use Permit Application

**Existing OCP Designation:** MXR – Mixed Use (Residential / Commercial)

**Existing Zone:** C4 – Urban Centre Commercial

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## 1.0 Recommendation

THAT Council authorizes the issuance of Temporary Use Permit No. TUP21-0001 to allow the operation of a mobile rock crusher for Lot A District Lot 126 ODYD, Plan EPP110834, located at 2125 Baron Road, Kelowna, BC for a three (3) month period commencing from Council approval subject to the following conditions:

- a) The duration of the Temporary Use Permit Application TUP21-0001 shall be for a total of three (3) months.
- b) The siting and location of the mobile rock crusher to be in accordance with Schedule "A".

AND FURTHER THAT any application to extend the permit must be approved by Council prior to this permit expiring.

## 2.0 Purpose

A Temporary Use Permit application to allow a mobile rock crusher to operate on-site for a total duration of up to three (3) months on the subject property.

## 3.0 Development Planning

Staff are recommending support for the Temporary Use Permit application proposing to operate a mobile rock crusher on the subject site.

## **4.0 Proposal**

### **4.1 Background**

The subject site was recently rezoned to the C<sub>4</sub> – Urban Centre Commercial zone and received Development Permit approval in 2021 to allow a new large-scale retail warehouse to be constructed on the property.

### **4.2 Project Description**

The proposal is to allow a mobile rock crusher to operate on-site for a total duration of three (3) months between the hours of 8:00 am to 6:00 pm Monday to Friday, excluding weekends and holidays. The applicant is proposing to utilize an on-site mobile rock crusher to crush and repurpose oversized native fill into usable sizes for site grading works. Typically, stone crushing plants are not permitted to operate outside of I<sub>5</sub> – Extraction zoned sites due to the noise and dust impacts associated with this use.

The applicant has indicated that some of the existing native fill, which is deemed as oversized rock or cobble, is too large to be used to fill and grade the site without being reduced in size. Typically, oversized native materials must be removed from a given site and subsequently transported to an off-site gravel pit to be crushed and broken down into smaller and more usable materials.

The applicant estimates the amount of native fill requiring crushing to be approximately 4,500 cubic meters which is the equivalent of 320 tandem dump trucks worth of material. The two closest gravel pits to export the native fill to are located in West Kelowna, approximately 12km from the subject site or Lake Country which is further at a 17km distance. If the existing native fill on-site is to be transported to one of the local gravel pits in either West Kelowna or Lake Country the applicant estimates the total kilometres travelled to range from 7,680 km to 10,880 km for a total of 320 tandem truck loads.

Utilizing a mobile rock crusher on the property would reduce the number of trips travelled to and from the site to remove any oversized native materials. Less trips to and from the property will result in slightly less traffic and subsequently reduce the greenhouse gas emissions associated with the estimated kilometres travelled if the oversized material were to be hauled off-site.

### **Operation Parameters**

The applicant is anticipating active rock crushing activities to occur for a total period of 21 business days based on 8 hours of crushing per day. In order to minimize crushing duration, material will be stockpiled at or near the crushing plant to be processed in batches. This means that the crushing may run for a few days consecutively and then stop until the next batch of material is ready to be processed.

The hours of operation for the rock crusher will be from 8:00 am to 6:00 pm Monday to Friday, excluding weekends and holidays. The hours of operation would be well within the City of Kelowna Noise Bylaw No. 6647 which states that construction equipment must not operate prior to 7:00 am and beyond 10:00 pm on any given day.

The rock crusher will be moved around on-site as needed to allow construction to continue however, the location of the crusher itself will not be located less than a 50m distance to any adjacent residential use. Locating the crusher away from the adjacent residential properties will help reduce the potential for noise and dust impacts.

### **Noise and Dust Impacts**

Gravel pits are appropriate for the crushing and repurposing of native fill materials due to the noise and dust often associated with the operation of this type of equipment. Should the Temporary Use Permit application be supported by Council, the applicant intends to obtain the services of a mobile rock crusher with built-in wash bars to help dust suppression during crushing. If a rock crusher with a wash bar option is unable to be

obtained for constriction, the applicant has indicated that Costco's contractor will manually apply water to the materials to be crushed prior to crushing to help reduce dust. Wash bars do not eliminate all dust from crushing but eliminate a significant amount of dust in keeping with normal construction activities.

Mobile rock crusher machines, during operation, can often be heard from a distance depending on the type and size of the rock crusher apparatus. The applicant has provided some base data on rock crushers and has indicated that the noise often associated with this type of equipment is slightly above the decibels given off by normal construction activities emitted from a bulldozer or excavator during site grading works. Typically, bulldozers or excavators operate between the 80-90 decibel range whereas stone crushers operate approximately around the 90-99 decibel range.

#### 4.3 Site Context

The subject property is located in the Mid-town Urban Centre near the intersection of Leckie and Springfield roads. The surrounding land uses include a mixture of low to medium density residential townhomes and apartments, located to the south, east and north with commercial situated on the west side of the property, mostly on the north side of Baron Road.

**Subject Property Map: 2125 Baron Road**



#### 5.0 **Current Development Policies**

##### 5.1 Kelowna Official Community Plan (OCP)

Temporary Use Permits may be considered within the Permanent Growth Boundary (PGB) on all lands designated in the OCP2030 Commercial, Education / Institutional, Industrial, Mixed Use or Public Service / Utility.

## **6.o Application Chronology**

Date of Application Accepted: April 9, 2021

Date Public Consultation Completed: May 26, 2021

**Report prepared by:** Andrew Ferguson, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### **Attachments:**

Attachment A: Draft Temporary Use Permit TUP21-0001

Schedule A: Site Plan

Attachment B: Applicant's Letter of Rationale