

## Request for Decision Temporary Use Permit

File No: P 719 311  
Reference: TUP 2-19  
Date: January 3, 2020

**Subject:** TUP 2-19 Mayook / EarthRite Industries Ltd.  
**Applicant:** EarthRite Industries Ltd.  
**Agent:** Kris Pickering  
**Location:** Highway 3/93, Mayook area  
**Legal:** Lot 1, District Lot 2313A, Kootenay District Plan EPP54560

**Proposal:** A Temporary Use Permit to allow for the storage of up to 1000 truckloads of off-premise wood mulch prior to transportation to the Skookumchuck Pulp Mill and the parking and maintenance of associated chip hauling trucks.

**Options:**

1. THAT the EarthRite Industries Ltd. Temporary Use Permit to allow the storage of wood mulch and the parking and maintenance of up to 6 highway trucks and trailers on property located on Highway 3/93 in the Mayook area be granted.
2. THAT the EarthRite Industries Ltd. Temporary Use Permit to allow the storage of wood mulch and the parking and maintenance of up to 6 highway trucks and trailers on property located on Highway 3/93 in the Mayook area be refused.
3. THAT the EarthRite Industries Ltd. Temporary Use Permit to allow the storage of wood mulch and the parking and maintenance of up to 6 highway trucks and trailers on property located on Highway 3/93 in the Mayook area be amended and granted, subject to following permit conditions (*conditions as identified by the Board*):\_\_\_\_\_.

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**Recommendation: Option # 1**

The storage and transportation of wood chips it not anticipated to impact neighbouring properties any more than existing permitted uses such as gravel extraction, processing and hauling. However, due to concerns being expressed by the neighbours, the Board may wish to consider the imposition of certain permit conditions to mitigate potential impacts (such as operating hours, shorter term) and to ensure compliance with any conditions of the permit (such as posting of security).

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**Property  
Information:**

**OCP Designation:** RR, Rural Resource

**OCP Objectives and Policies:**

- To provide an opportunity for temporary land use applications to be considered within the plan area.
- Ensure temporary land uses are compatible with adjacent land uses.

**Property  
Information -  
cont'd:**

- Temporary Use Permits will be considered throughout the plan area.
- An application for a temporary use permit will be considered in relation to:
  - (a) demonstration that the use is temporary or seasonal in nature;
  - (b) compatibility with the existing land use;
  - (c) compatibility with surrounding land use;
  - (d) potential conflict with agricultural or resource-based activities;
  - (e) potential conflict with adjacent land uses;
  - (f) potential impact on fish or wildlife habitat;
  - (g) provision of adequate servicing for water and sewage disposal;
  - (h) duration of the proposed temporary land use; and
  - (i) relevant policies within other sections of this plan.
- The permit may be issued subject to conditions such as, but not limited to:
  - (a) the buildings, structures or area of land that may be used for the temporary use;
  - (b) the period of applicability of the permit;
  - (c) required site rehabilitation upon cessation of the use;
  - (d) other business or operating conditions to mitigate the impacts of the temporary use.

**Zoning Designation:** RR-8, Rural Residential (Country); minimum parcel size is 8 ha. Permitted uses include: farm operation; grading, washing, screening, crushing and transporting of sand and gravel resources extracted from the parcel; forest management; and portable sawmill.

**Parcel Area:** 11.6 ha (28.7 ac)

**Density:** One single family dwelling per parcel

**ALR Status:** Not within the ALR

**BC Assessment:** Residential and light industrial (Vacant & Improved)

**Interface Fire Hazard Rating:** Low to moderate; not within a fire protection area

**Flood Hazard Rating:** Not within a floodplain or flood hazard rating area

**Water / Sewer Services:** Onsite

**Additional  
Information:**

- The applicant has stated that the wood mulch is collected from various locations around the East Kootenay and stored on the property until the Skookumchuck Pulp Mill is able to take the product. The wood will be stored in two piles, one on the south end of the property near the BC Hydro power station and another in the northwest part of the property.
- The applicant has stated that the six highway trucks that transport the wood mulch to and from the subject property are expected to make two trips to and from the property per day.

**Additional  
Information  
cont'd:**

- The application states that the area utilized for wood mulch storage is approximately 0.6 ha separated into two piles on the subject property. The area identified for truck parking and the maintenance shop is approximately 0.4 ha.
- The operation is not full time and occurs at irregular hours throughout the day between 5am and 7pm.
- The applicant has stated that dust is expected to be minimal with the loading and unloading of the wood mulch. However, a 11,000 litre tank is on site and there is a well on the property should an issue arise.
- The applicant applied for and received a controlled access permit from the Ministry of Transportation and Infrastructure for the subject property in 2017, which allows access for up to 6 haul trucks (truck and pup) per day in addition to residential traffic serving one dwelling.

**Consultation:**

**Advisory Commissions:**

**APC C:** Not supported due to concerns related to the increased truck traffic and lack of a turning lane off the highway.

**Response(s) to Notice:** 5 notices were mailed on December 3, 2019 to all property owners within 100 m of the subject property. No notices were returned as undeliverable and one response has been received expressing opposition to the proposal for the reasons outlined in the attached letter.

**Documents  
Attached:**

- Permit
- Location Map
- Land Use Map
- OCP Designation Map
- Zone Designation Map
- Proposal
- Aerial Photo
- Response Letter

**RDEK  
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