



Corporate Report

NO: R066

COUNCIL DATE: APRIL 16, 2007

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **April 12, 2007**

FROM: **General Manager, Engineering** FILE: **4520-20
4802-409/A**

SUBJECT: **Soil-Depositing Application for 6738 - 168 Street**

RECOMMENDATIONS

The Engineering Department recommends that Council authorize the soil depositing application for 6783 – 168 Street to proceed to the Agricultural Land Commission (ALC) for review and approval, in accordance to the Soil Deposition By-law, 1979, No. 5880 and Agricultural Land Commission Act, S.B.C. 2002, subject to the execution of a drainage easement agreement between the owners of 6738 - 168 Street and 6730 – 172 Street.

INTENT

In accordance with North Cloverdale functional servicing plan to improve drainage servicing to selected lowland properties, the Engineering Department has received a soil depositing application from the property owner of 6738 - 168 Street to deposit approximately 109,000m³ of soil to improve the farming capabilities of the site. Authorizing the application will allow the application to proceed to the Agricultural Land Commission (ALC) for review and approval.

BACKGROUND

Due to a variety of site and hydraulic constraints, conventional flood control servicing through dyking and ditching efforts are not feasible to provide the ARDSA servicing standard at this location. As a result, the proposed fill works seek to raise the existing property to the 200-year flood level (as illustrated in Appendix I), as recommended by the servicing strategy outlined within the North Cloverdale Functional Plan and its subsequent verification study. The Functional Plan has recommended the proposed fill works of almost 1 hectare in order to address the negative impacts of the 68 Avenue cut-off dyke, which was constructed to provide significant drainage benefits to the 170 hectares of low lying area.

Although the proposed fill works are not considered to be an approved farm use by the ALC Act, the proposed application site has been reviewed and endorsed by the City's Agricultural Advisory Committee.

The proposed fill works are not considered to be an approved farm use by the ALC Act, as the raising of farmland is not a typical farming practice. Soil deposition on City lands is regulated under the Surrey Soil Removal and Depositing Regulation By-law No. 5880. The By-law and the Agricultural Land Commission Act specify that placement of fill in the ALR for non-farm uses is subject to approval by the Agricultural Land Commission (ALC). The legislation under the ALC Act requires that applications for non-farm use activities must be submitted to the local government for consideration prior to being forwarded to the ALC for approval. In order for the ALC to consider this application, an authorization by a resolution of City Council must be provided. If the recommendations are approved, the attached Local Government Report, along with Council's resolution and the soil depositing applications, will be forwarded to the ALC.

The proposed servicing strategy also requires that the only other property impacted within this area (6730 - 172 Street) fill the site to the 200-year flood level, or for the City is to obtain a right-to-flood over the low lying area. The owner of 6730 - 172 Street has indicated their preference to fill the site, but they have yet to submit an application. In order to permit the soil deposition at 6738 - 168 Street to advance, the City requires that these two properties enter into a temporary drainage easement agreement as the filling actions of one neighbour may temporarily impact their neighbour until their filling is complete.

CONCLUSION

The proposed soil deposition at this location is consistent with the City's Official Community Plan objectives of preserving and protecting agricultural lands and enhancement of farm productivity. The proposed fill is also consistent with the recommended servicing plan as detailed in the North Cloverdale Functional Plan.

In addition, the proposed fill for this particular area is the most cost-effective method of providing adequate drainage for the property in a manner consistent with the Strategic Plan objectives for Lowlands Flood Control.

Subject to Council's approval for the submission of this application and the submission of a drainage easement agreement between 6730 - 172 Street and 6738 - 168 Street, the City will forward the application for consideration by the ALC.

Paul Ham, P.Eng.
General Manager, Engineering

PH/JA/brb:kd2

Appendix I Aerial Photo of the Properties
Appendix II Local Government Report