

NO: R037

COUNCIL DATE: March 1, 2010

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 26, 2010**

FROM: **General Manager, Engineering**

FILE: **4520-20(15448-05603)**

SUBJECT: **Application to Deposit Soil on Property at 15448 - No. 10 Highway (56 Avenue)**

RECOMMENDATION

The Engineering Department recommends that Council resolve to forward the application to deposit soil on the property at 15448 - No. 10 Highway (56 Avenue) to the Agricultural Land Commission (ALC) for consideration in accordance with the Surrey Soil Conservation and Protection By-law, 2007, No. 16389, and Agricultural Land Commission Act, S.B.C. 2002.

INTENT

The purpose of this report is to advise Council about an application that has been received by the City to allow soil to be deposited on the property at 15448 - No. 10 Highway and to obtain Council authorization to forward the application to the ALC for consideration.

BACKGROUND

Soil deposition on lands within the City is regulated under the Surrey Soil Conservation and Protection By-law, 2007, No. 16389, and the provincial Agricultural Land Commission Act.

The owners of the property at 15448 - No. 10 Highway applied to deposit soil over a portion of the property to accommodate a single family dwelling, 2 workshops and a duplex on the lot. The proposed soil deposition works did not qualify as an approved farm use under Section 18 of the Agricultural Land Commission Act, which states that the area of fill for a residential dwelling and accessory facilities should be limited to a maximum area of 0.2 hectares (2,000 m²). The area proposed for filling exceeded this limit. As a result, the owner divided the permit application into two phases – the first phase being for the single family dwelling and 2 workshops and the second phase being related to the duplex and a related septic field.

ALC staff reviewed the proposed soil deposition plan for the first phase and determined that the proposal was acceptable to proceed as it met the ALC footprint requirements for a residence. As a result, the property owner was granted a Soil Deposition permit for the first phase of soil deposition, being Phase 1 of the project.

DISCUSSION

The Engineering Department has now received an application from the owner of the subject property for the second phase of soil deposition related to creating a site for a duplex and related septic field, which soil operation will be referenced as Phase 2. The application proposes the deposition of 18,171 m³ of fill over an area of 3819 m². The proposed duplex is allowed under the site's current zoning, the General Agricultural (A₁) Zone.

Since the proposed Phase 2 fill area when combined with the fill that occurred under Phase 1 exceeds 2000 sq. m., the application is considered by the ALC as being for non-farm use purposes. The Agricultural Land Commission Act requires that applications for non-farm use purposes must be submitted to the local government for consideration prior to being forwarded to the ALC for consideration. The ALC will only consider the application if an authorization by a resolution of City Council is provided.

Agricultural Advisory Committee Comments

The subject soil depositing application was presented to the City's Agricultural Advisory Committee (AAC) on September 3, 2009, and although a quorum was not present, the members who were present recommended that Council reject the Soil Depositing Application until the applicant works within the existing ALC standards of fill for residential use by reducing the proposed footprint of the duplex.

Although the AAC recommends that Council reject the Soil Depositing Application, they are basing their recommendation on the assumption that the ALC will not consider a variance to their standards. While the concerns raised by the AAC are recognized, the ALC is in the best position to determine whether the proposed variance to their policy is reasonable.

Since the matter was considered by the AAC, staff has further reviewed the application from a zoning, engineering, and agricultural utility perspective and has met with the applicant to address issues raised by the AAC. The property has a number of watercourses within it and rights-of-way over it which limit the location of the proposed building and septic field within the lot. In addition, to maximize current and future farming opportunities on the property, staff has concluded that the area proposed for soil deposition is reasonable.

CONCLUSION

Based on the above discussion, it is recommended that Council resolve to forward the application to deposit soil on the property at 15448 - No. 10 Highway (56 Avenue) to the Agricultural Land Commission (ALC) for consideration.

Vincent Lalonde, P.Eng.
General Manager, Engineering

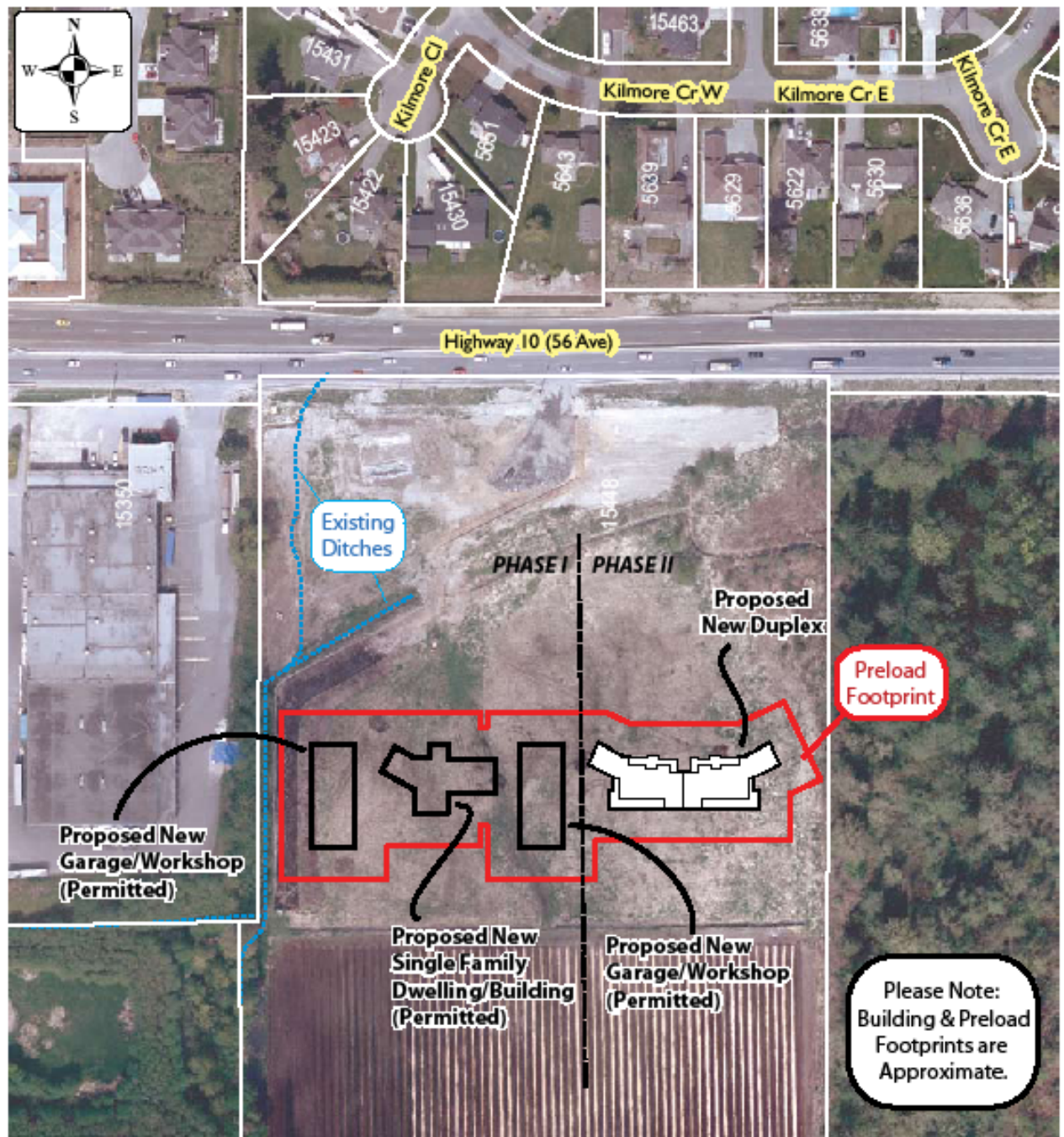
VL/JA/CAB/TS/brb/jkb

c.c. - General Manager, Planning & Development

Appendix I. Aerial Photo of the Property

Appendix II. Agricultural Land Commission Application

APPENDIX I



Produced by GIS Section: January 12, 2009, CS

Date of Aerial Photography: April 2009



PROPOSED DUPLEX
15448 - 56 Ave (HWY 10)

ENGINEERING
DEPARTMENT

The data provided is compiled from various sources and IS NOT warranted as to its accuracy or sufficiency by the City of Surrey.
 This information is provided for information and convenience purposes only.
 Lot sizes, Legal descriptions and encumbrances must be confirmed at the Land Title Office.

G:\Mapping\GIS\Maps\CorporateReports\Eng-URR\15448-56Ave-AP.pdf

Local Government Report

**APPLICATION****For a Non-farm Use
To Place Fill or Remove Soil
under the Agricultural Land Commission Act**

This form must be completed for non-farm use proposals involving the placement of fill or removal of soil that do not qualify for exemption under Part 3 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

To avoid delays in processing your application, please ensure that all parts of the form are completed and that the required documents and fees are enclosed.

The information required by this form and the documents you provide with it are collected to process an application under the *Agricultural Land Commission Act* and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Commission and ask for the staff member handling the application.

Provincial Agricultural Land Commission
Room 133, 4940 Canada Way, Burnaby, BC V5G 4K6
Telephone: (604) 660-7000 Fax: (604) 660-7033
www.alc.gov.bc.ca



**APPLICATION TO PLACE FILL OR REMOVE SOIL
UNDER SECTION 20(3) OF THE AGRICULTURAL LAND COMMISSION ACT**

NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.

APPLICANT

Registered Owner: HIMMA + MOHINDER SEKHON KAMAIL + SUKHDEV SEKHON		Agent:	
Address: 7095-122 nd St.		Address:	
SURREY			
BC	Postal Code V3W 4Z8		Postal Code
Tel. (home) (work)		Tel.	
Fax 604-725-2418 or 604 572-1296		Fax	
E-mail		E-mail	

LOCAL GOVERNMENT JURISDICTION (Indicate Regional District or Municipality)

SURREY

LAND UNDER APPLICATION (Show land on plan or sketch)

Title Number	Size of Parcel (Ha.)
PC LINW SEC 2 T2	
SK 8613C (EXS100)	

CURRENT USE OF LAND UNDER APPLICATION (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings

BLUEBERRY FARM - NO BUILDINGS



PROPOSAL (Show on plan or sketch)

To Place Fill To Remove Soil To Remove Soil and Place Fill

Type of Material: STRUCTURAL

Volume: cubic metres ~~10,000~~ 18,171

Depth: metres 2.6 metres

Total Project Area: 0.3 hectares ~~1.0~~ incl. ~~1.0~~ incl. 1.0
Approx.

Duration of Project: 2-3 years

Type of Equipment to be Used: (i.e. screening plants, washers, portable asphalt and concrete plants)

BULLDOZER, EXCAVATOR ROLLER

Proposed Reclamation Measures: APPROX 0.8 HECTARE FOR PROJECT

Reclamation plan prepared by Professional Agrologist Yes (If yes, attach plan) No

Purpose of Project: ^{FILL} ~~REMOVE~~ FOR RESIDENTIAL (DUPLEX) ~~REAR PORCH~~
structural fill for

Explain how the proposal will benefit the agricultural use of the property: - THE OWNERS WILL BE LIVING IN THE BLUEBERRY FARMED AREA

USES ON ADJACENT LOTS (Show information on plan or sketch)

- North - HIGHWAY
- East - BUSHES
- South - BLUEBERRY SHRUBS
- West - INDUSTRIAL

Are there any farm activities such as livestock operations, greenhouses or horticultural activities in proximity to the proposal?

Yes (If yes, please specify farm activity and location) No

DECLARATION

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the Agricultural Land Commission Act and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

JUNE 19, 2009 x 
Date Signature of Owner or Agent

MIMMAJ SEKHON
Print Name

JUNE 19, 2009 x Mohinder Sekhon
Date Signature of Owner or Agent

MOHINDER SEKHON
Print Name

JUNE 19, 2009 x Sukhdev Kaur Sekhon
Date Signature of Owner or Agent

SUKHDEV K. SEKHON
Print Name

JUNE 19, 2009 x Karanvir J. Sekhon
Date Signature of Owner or Agent

KARANVIR S. SEKHON