

NO: R191

COUNCIL DATE: September 13, 2010

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **September 10, 2010**
FROM: **General Manager, Engineering** FILE: **4520-20(4624-192)**
SUBJECT: **Application to Deposit Soil at 4552 and 4624 - 192 Street**

RECOMMENDATIONS

The Engineering Department recommends that Council:

1. Receive this report as information related to an application to deposit soil at 4552 and 4624 - 192 Street; and
2. Resolve to forward the application to deposit soil on the properties at 4552 and 4624 - 192 Street 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 to deposit soil on the properties at 4552 and 4624 - 192 Street and to seek Council approval to forward the application to the ALC for consideration.

BACKGROUND

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

The owners of the properties at 4552 and 4624 - 192 Street applied to deposit soil over a portion of the properties for farming purposes (i.e., a vineyard). The proposed soil deposition is considered to be a 'non-farm use' under Section 20 of the *Agricultural Land Commission Act, S.B.C., 2002, c.26*. Surrey's Soil Removal and Depositing Regulation By-law and the *Agricultural Land Commission Act* specify that placement of fill in the ALR is subject to approval by the City and the Agricultural Land Commission (ALC).

The provisions of the *Agricultural Land Commission Act* require that an application for soil deposition works on land in the ALR be first submitted to the local government for review. The Council of the local government has the authority to either refuse the application or to authorize the application to proceed to the ALC for review and approval.

This application to deposit soil at 4552 and 4624 - 192 Street was originally presented to Council in May of 2008 by way of Corporate Report (Ro84; 2008), a copy of which is attached as Appendix I. At that time, Council requested that the applicant be invited to appear before Council to explain the merits of the application. In response, the applicant appeared as a delegation before Council in Committee on December 14, 2009. The section of the minutes of that meeting regarding the delegation is attached as Appendix II. Following the delegation, Council directed that staff forward a report to Council that would allow the application to proceed through the necessary process, including referral to the ALC for consideration of approval.

DISCUSSION

The subject site consists of two properties. One of the properties is at 4624 - 192 Street. It has an area of approximately 8.1 hectares, is within the Agricultural Land Reserve (ALR) and is illustrated in Appendix III.

The other property at 4552 - 192 Street has an area of approximately 22.9 hectares, is located in the ALR, and is also illustrated in Appendix III. This property was previously subject to an aggregate extraction and soil deposition operation and has since been restored. A vineyard operation has been established on this property.

The applicant has indicated that he is seeking to deposit a total of 35,000 m³ of soil on the properties (25,000 m³ of soil at 4624 - 192 Street, and 10,000 m³ of soil at 4552 - 192 Street) to allow for the establishment of a vineyard operation on the lot at 4624 - 192 Street and to better contour this property with the lot at 4552 - 192 Street.

The neighbours in the vicinity of these lots have expressed concerns with the proposed application, as soil removal and depositing works at 4552 - 192 Street by the same applicant have been ongoing for over 12 years. This has resulted in complaints from the neighbours related to the impacts of the soil deposition works to the neighbourhood including traffic safety, dust, noise, dirty roads, groundwater impacts, loss of trees, unauthorized filling and visual impacts due to the height and location of the filling.

In an effort to address these concerns staff has worked with the applicant to revise their application. The applicant is now proposing to complete the soil deposition activities within 6 months from the date of permit issuance in an effort to minimize the impact to the neighbours and has indicated his intention to comply with the City's Erosion & Sediment Control By-law and Noise By-law.

The applicant has also prepared a traffic management plan to the satisfaction of the Traffic Operations Section that addresses traffic safety concerns regarding the ingress and egress of approximately 40 trucks per day during the 6 months of soil deposit operations.

The applicant has proposed an extensive planting plan along the west property line of both properties (i.e., the 192 Street frontage) in an effort to address the visual impacts that the height and location of the filling may cause.

The Engineering Department has reviewed the revised application and has determined that the application meets the requirements of the Surrey Soil Conservation and Protection By-law, 2007, No. 16389. A summary in this regard is provided in Appendix IV.

Agrology Assessment

In support of the application, an Agrologist's report was prepared by C&F Land Resources. This report outlines the need to tie in grades between properties at 4624 and 4552 - 192 Street to allow for the expansion of the vineyard development on 4552 - 192 Street and to improve the contours of the property at 4624 - 192 Street.

The Agrologist's investigation revealed that the native soils are unsuitable for grape production as the soil structure restricts drainage, leaving the property waterlogged throughout the year. The Agrologist advises that importing up to 2.0 metres of suitable soil will provide a well-drained soil profile suitable for growing grapes.

Ownership Status

The property located at 4552 - 192 Street is currently listed for sale on the MLS. The permit issuance process includes the posting of security with the City to ensure that the soil deposit operation is undertaken in accordance with approval conditions and that restoration works are properly completed.

Review of Application by Agricultural Advisory Committee (AAC)

The Agricultural Advisory Committee (AAC) reviewed the application for soil deposition at its meeting on May 1, 2008 and again on January 7, 2010. In both meetings, the AAC did not support the application. Based on discussions at the meetings, the AAC held the view there was no net benefit to agriculture as there are more than 10 suitable crops that could be grown on the property based on the uses listed in "Soil Management Handbook for the Lower Fraser Valley" for the soil profile of the site as it currently exists. The AAC also noted that properties in the vicinity of the subject properties are being actively farmed without having previously been filled.

Applicant Status

The applicant is currently operating two permitted soil deposition sites in Surrey. The applicant also operates three soil processing sites, which involve the temporary onsite storage of soil. These sites are as follows:

Location	Purpose	Permitted Volume of Soil
13846 - 40 Avenue	Preload for future dwelling (<i>Flood Protection</i>)	35,000 m ³
18886 - 20 Avenue	General Grading (<i>Reclamation of Gravel Pit</i>)	11,500 m ³
3075 - 188 Street	Soil Processing	26,850 m ³
19417 - 32 Avenue	Soil Processing	85,200 m ³
18992 - 32 Avenue	Soil Processing	36,000 m ³

The Engineering Department has no outstanding concerns at any of these locations.

The proposed application, combined with the applicant's current permitted soil deposit applications, will allow for a total of 81,500 m³ of soil deposition, which represents approximately 15% of the total volume related to current soil deposition permits across the City. The proposed application is seeking to accept free-draining soil, whereas all other permitted sites in the City are seeking to receive either structure fill or organic material.

CONCLUSION

Based on the above discussion, it is recommended that Council resolve to forward the application to deposit soil on the properties at 4552 and 4624 – 192 Street 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.

Vincent Lalonde, P.Eng.
General Manager, Engineering

JA/CAB/TS/brb

- Appendix I - May 26, 2008 Corporate Report and Council Meeting Minutes
- Appendix II - Council Meeting Minutes of Delegation
- Appendix III - Aerial Photograph of Site

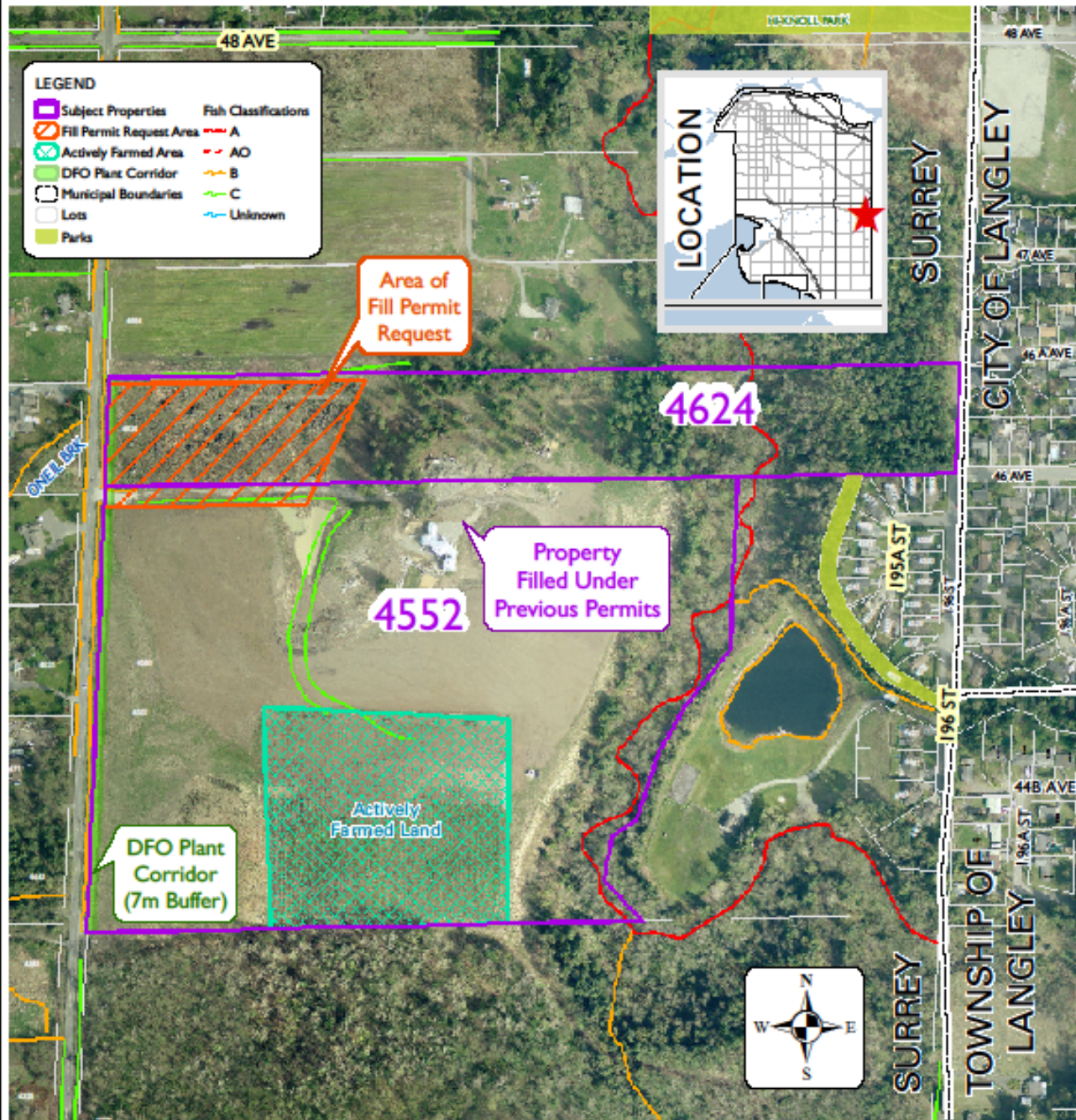
APPENDIX I

May 26, 2008 Corporate Report and Council Meeting Minutes

APPENDIX II

Council Meeting Minutes of Delegation

APPENDIX III AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: June 15, 2010, CS

Date of Aerial Photography: April 2009



SUBJECT PROPERTIES:
4624 & 4552 - 192 St

**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.

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