

NO: R031

COUNCIL DATE: February 28, 2011

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 23, 2011**

FROM: **General Manager, Engineering**

FILE: **4520-20(17155-01200)**

XC: **4520-80(17155-01200)**

SUBJECT: **Application to Deposit Soil at 17155 - 12 Avenue**

RECOMMENDATIONS

The Engineering Department recommends that Council:

1. Receive this report as information; and
2. Resolve to forward to the Agricultural Land Commission (ALC) for consideration the application to deposit soil on the property at 17155 – 12 Avenue.

INTENT

The purpose of this report is to advise Council about an application that has been received by the City to allow the deposition of soil on the property at 17155 – 12 Avenue 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 property at 17155 – 12 Avenue have applied to deposit soil over a portion of the subject property to enhance its agricultural capability. 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), respectively.

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 consideration of approval.

DISCUSSION

Site Characteristics

The subject site is located in the northwest quadrant of the intersection of 12 Avenue and 172 Street and is within the Agricultural Land Reserve (ALR). The location and general characteristics of the property are illustrated on the air photograph attached as Appendix I to this report.

The property has an area of 3.18 hectares (7.88 acres). The owners reside on the property in a single family residence located in the center of the property. At this time, there are no agricultural activities occurring on the lot.

In 2008 a building permit (BP) was issued by the City for an accessory farm building on the lot. This building was to have been located in the northwest corner of the property. Fill was deposited in support of building construction but the BP has since expired and no building has been constructed.

Along the west property line is a Department of Fisheries and Oceans (DFO) classified watercourse, which drains the properties adjacent to it.

Improvements Proposed

The proposed fill area on the site covers approximately 50% of the lot area as illustrated in Appendix I. The applicant proposes to raise the land by 0.75 meters by depositing 22,500 cubic meters of clean soil and installing sub-surface drains. The intent of the fill operation is to improve the on-site drainage system and improve and broaden the agricultural capabilities of the lot.

Agrology Assessment

In support of the application, an Agrologist's report was prepared by Catherine Orban, M.Sc., P.Ag. The Agrologist's report outlines the purpose of placing soil on the subject property and the existing site conditions. The Agrologist's investigation revealed that the native soils are unsuitable for agricultural production as the soil structure restricts drainage. Currently, the site is within "Class 4WD (unimproved)" under the Ministry of Agriculture's Land Capability Classification. The Agrologist claims that once the fill operation and related improvements are completed the Land Capability Classification will be Class 2D (improvements to drainage) and will enhance the agricultural potential of the lot.

Engineering Department Comments

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.

DFO was consulted with respect to the classified watercourse along the west property line and has determined that a 5.0-metre setback is required from the toe of the fill slope to the watercourse. The design reflects DFO comments and requirements.

Agricultural Advisory Committee Comments

The subject application was presented to the City's Agricultural Advisory Committee (AAC) on December 4, 2008, and March 4, 2010. On both occasions, members of the AAC raised concerns regarding soil classification and hydrology.

Minutes from these AAC meetings are included in Appendices II and III, respectively.

The applicant recently submitted a revised report to the AAC addressing the Committee's outstanding concerns. The revised Agrologist report outlined a more complete plan to manage local drainage on and off site and discussed soil values and farming potential in more detail. AAC members reviewed the report and resolved that the application needs no further review by the AAC and that it should proceed to Council for their approval to advance to the ALC for consideration.

Application Requirements

Should Council resolve to forward this application to the ALC, and the ALC subsequently approve the application, the applicant will be required to satisfy the following requirements to receive a soil deposition permit from the City:

- Demonstrate that any potential impacts to existing utilities will be fully mitigated;
- Demonstrate the geotechnical stability of the fill on the site;
- Design and implement an erosion and sediment control plan that provides for:
 - watercourse protection and stormwater management to address any potential on-site and downstream impacts; and
 - the management of dust and the mitigation of mud being tracked onto the adjacent roads.
- Design and implement measures to mitigate noise on any noise sensitive adjacent development;
- Implement a traffic management plan;
- Mitigate any visual impacts on the adjacent roads and surrounding development;
- Mitigate any other impacts to neighbouring properties; and
- Comply with all City by-laws and provincial & federal laws.

SUSTAINABILITY CONSIDERATIONS

The soil deposition application will support the Economic and Environmental Pillars of the City's Sustainability Charter under the following specific elements of the Charter:

- EC12: Surrey's Agricultural Land Base: Although the application will result in the temporary loss of agricultural lands, the agricultural potential of the lot will be enhanced once the fill operation and related improvements are completed; and
- EN9: Sustainable Land Use Planning and Development Practices: The application will assist in delivering the highest economic use of land.

CONCLUSION

Based on the above discussion, it is recommended that Council resolve to forward the application to deposit soil on the property at 17155 - 12 Avenue to the Agricultural Land Commission (ALC) for consideration.

Vincent Lalonde, P.Eng.
General Manager, Engineering

VL/JA/CAB/TS/brb

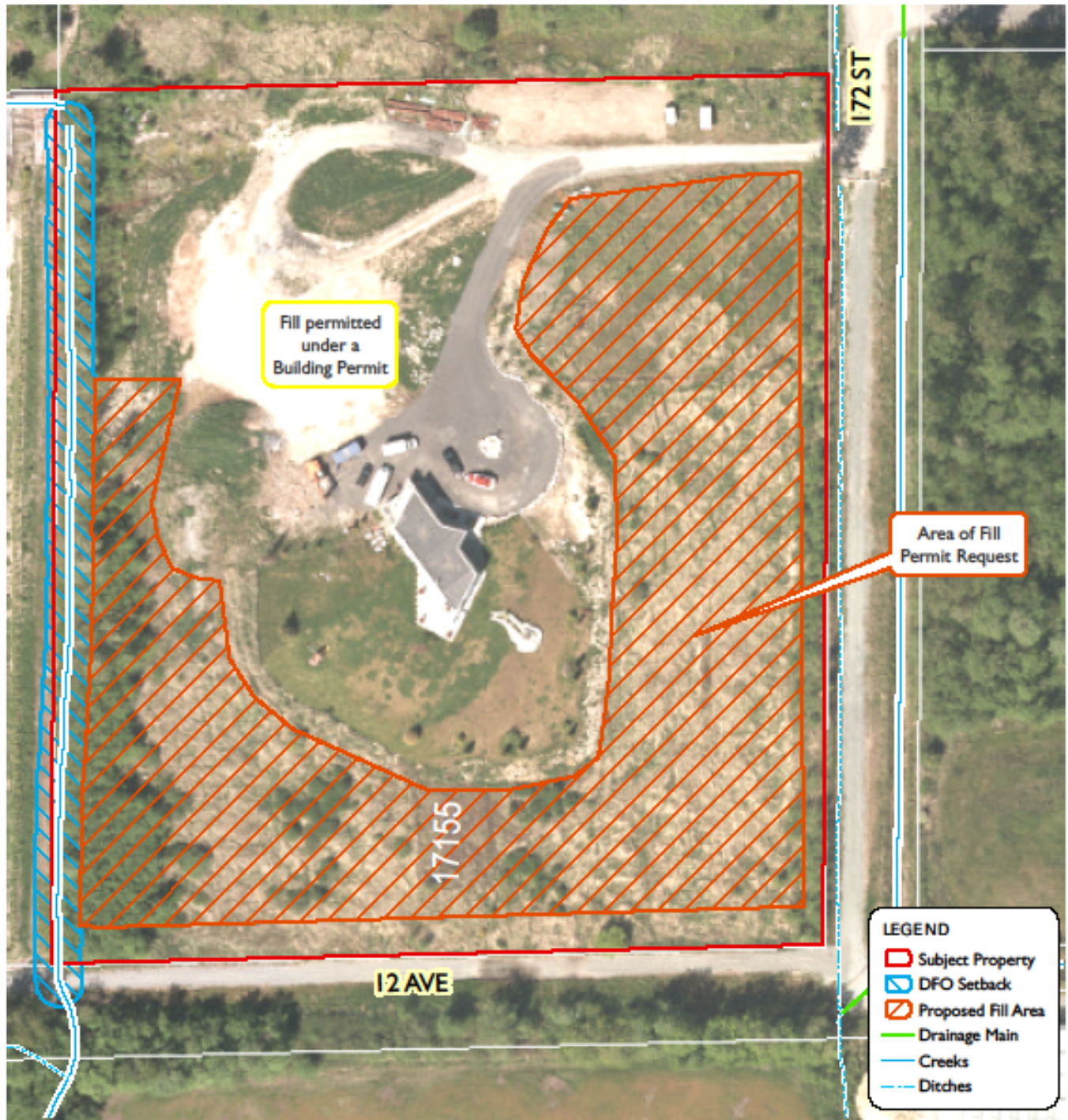
c.c. - General Manager, Planning & Development

Appendix I - Aerial Photograph of Site

Appendix II - AAC Meeting Minutes - December 4, 2008

Appendix III - AAC Meeting Minutes - March 4, 2010

APPENDIX I AERIAL PHOTOGRAPH OF SITE



Produced by GIS Section: January 11, 2011; JJR

Date of Aerial Photography: May 2010



SUBJECT PROPERTY 17155 - 12 AVENUE

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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