

To: Fraser Valley Regional District Board

Date: 2025-03-13

From: Amy Hsieh, Planner I

File no: 3015-20 2024-07

Subject: Agricultural Land Commission Application for Fill Placement at 13028 Stave Lake Road, Electoral Area F

Reviewed by: Katelyn Hipwell, Manager of Planning
Graham Daneluz, Director of Planning & Development
Jennifer Kinneman, Chief Administrative Officer

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse to forward the application for Placement of Fill at 13028 Stave Lake Road, Electoral Area F, to the Agricultural Land Commission.

BACKGROUND

Fraser Valley Regional District (FVRD) was referred an Agricultural Land Commission (ALC) application for the placement of fill at 13028 Stave Lake Road in Electoral Area F on October 5, 2024. Following the FVRD Board meeting in November 2024, the application was deferred for decision until a framework **was endorsed by the Board which summarizes the FVRD's existing authority** in relation to soil deposit applications.

FVRD has seen an increase in applications involving soil deposits, which coincides with an ongoing regional crisis involving illegal dumping and unauthorized soil deposits, posing risks to agricultural operations, the community and the environment. Significant time and effort by FVRD staff and the Board have resulted, underscoring the need for a more coordinated and structured approach to applications that involve soil deposits.

Through the lens of this new framework, the role of the FVRD Board in an ALC application is to review the information and determine whether or not the application should proceed to the ALC for a final decision. If forwarded, the Board may provide additional comments beyond this staff report for the **ALC's consideration. If refusal to forward the application is decided by the Board, the application** would end without ALC consideration. The Board considered a draft framework on February 27, 2025 and referred back to staff for minor revisions. The draft framework has been applied in the staff review of this application.

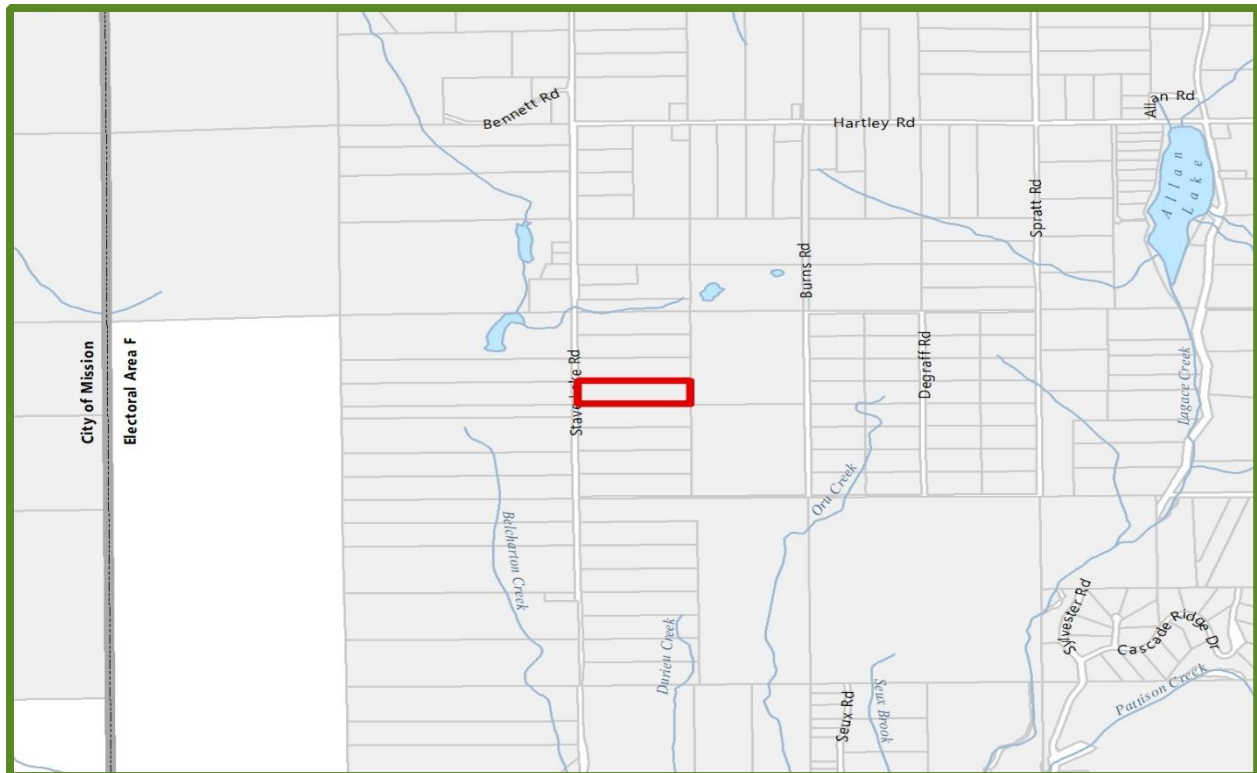
PROPERTY DETAILS

Address	13028 Stave Lake Road	Area	F
PID	012-779-750	Owner	Serguei Paxeev
Folio	775.02603.050	Agent	
Lot Size	3.88 hectares (9.6 acres)		
Current Zoning	Agricultural 2 (AG-2)	Proposed Zoning	No change
Current OCP	Agricultural (A)	Proposed OCP	No change
Current Use	Residential	Proposed Use	Agricultural
Development Permit Areas	2-F Riparian Areas		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Agricultural 2 (AG-2); Residential
East	>	Agricultural 2 (AG-2); Residential
West	<	Agricultural 2 (AG-2); Residential, Stave Lake Rd
South	v	Agricultural 2 (AG-2); Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Enforcement History

The FVRD received Bylaw Enforcement complaints in 2022 and 2023 about potential unpermitted fill activity. At the time, Bylaw Enforcement staff assessed the property for potential Riparian Areas **violations only. Both files were closed as there were no violations within the FVRD's authority**, but the owners were advised to submit applications to the ALC and Ministry of Transportation and Transit (MOTT). Per the application, the owners have an approved MOTT permit for a new driveway.

Staff spoke with an ALC Compliance & Enforcement Officer over the phone to inquire about the history of this property. Per ALC staff, there is an open Compliance & Enforcement file for fill placed without approval. However, the fill already placed was visually assessed during a site visit as good, clean fill, and the owner appeared to be proposing future agricultural activities. At the time, the land was being heavily cleared of trees, which did not require ALC approval. This is reflected in recent imagery of the property. In this case, the property owners were recommended by ALC staff to submit a soil and fill application to permit the fill already placed retroactively. Staff understands that in cases where the fill was contaminated, the enforcement action from the ALC would be to remove the material without the option to make an application.



Figure 1. 2021 vs 2022 Google Earth Imagery

Proposed Fill Placement

The purpose of the fill placement is to provide an area to add a new barn and create two 5-acre fields for alternate feed years for sheep. The property is 9.6 acres (3.88 hectares). This proposal would effectively require filling the entire undeveloped area of the property. Per the site plan, only a portion of the front of the property, where there are a number of existing structures, would not be altered.

The application notes that some fill has already been placed which is discussed further in the accompanying agrologist report.

Details of fill placement proposal	
Volume of material to be placed as fill	133,000 m ³
Total area for fill placement	32,374 m ² (3.24 ha)
Maximum depth of material to be placed as fill	5.85 m
Average depth of material to be placed as fill	3.4 m
Estimated duration of the project	2 years

For perspective on the scale of the proposed fill activities, a deposit of 133,000 m³ of fill would require approximately 11,000 dump truck trips (assuming a tandem axle dump truck carrying 12 m³ of fill). This amounts to an average of 22 trips each weekday, excluding statutory holidays, if the duration of the project is 2 years. However, soil deposit often occurs sporadically as material becomes available, resulting in intensive periods of activity followed by periods of inactivity. This may result in periods where much higher trucking volumes occur.

As part of the application, the following supporting documents were received:

- Agricultural Land Capability Assessment, dated April 19, 2024, prepared by McTavish Resource & Management Consultants Ltd
- Site plan for soil deposit, dated September 4, 2024, prepared by Target Land Surveying
- Future farm plan provided by the applicant

Agrologist Report

An Agricultural Land Capability Assessment (LCA) was undertaken by an agrologist and submitted in support of the application. The scope of the LCA completed by McTavish Resource & Management Consultants Ltd (McTavish) only considered the effects of the existing unauthorized fill importation. The LCA did not assess the fill amount that is being proposed as part of the application but rather the fill already placed prior to the application. The report identified three distinct areas of imported fill: a proposed permanent fill area, and two temporary fill areas.



Figure 2. Areas of Imported Fill

The fill area described in the agrologist report has a total fill area and volume of 1,422 m² and 2,680 m³ respectively. Per the LCA, the purpose of the fill placement was to create a building pad for a new sheep barn. Two other fill areas were identified as a temporary access road and turnaround to access the fill area and stockpile topsoil to be placed in the fill area after completion. Both are to be removed after fill placement within the fill area. McTavish did not commit to any follow-up reporting or oversight within the report.

The LCA concludes that within the fill area, the agriculture capability has been reduced and recommends improving the capability back to be comparable to the surrounding area. At the time of the assessment, McTavish conducted soil test pits outside of the three areas of imported fill identified and those test pits identified the surrounding soil as native soils.

FVRD Considerations on Fill Placement

A draft soil deposit framework, titled "Framework for Consideration of Soil Related Development Applications and Referrals" (**the Framework**), has been considered by the FVRD Board and referred back to staff following the February 27, 2025 meeting. The draft Framework outlines three main

approaches for Board resolution on ALC Applications: 1) Refuse to forward, 2) Forward with comments identifying gaps, and 3) Forward without comments.

The proposal at 13028 Stave Lake Road is not a minor fill proposal that could be forwarded without comments. When assessing the Board's options to either refuse to forward or forward with comments, by applying the draft Framework, the FVRD's Considerations include the following:

FVRD Considerations	Applicability to this proposal
Impacts on adjacent properties and the broader community	The LCA did not assess the fill amount that is being proposed as part of the application but rather the fill already placed prior to the application.
Cumulative floodplain	The property is not within a mapped floodplain hazard.
Incomplete applications	While a site plan was submitted that shows the cross-sections for soil deposit, no lot grading plan has been submitted to demonstrate that drainage has been considered to minimize impacts on neighbouring properties.
Lack of demonstrated QP oversight	McTavish did not commit to any follow-up reporting or oversight within the report.

The scope of the agrologist report by McTavish does not match the scope of the area-wide fill placement that is being considered as part of this ALC application. The fill activity proposed within the Agricultural Land Capability Assessment report by McTavish is intended to resolve the unpermitted fill already placed and restore the agricultural capability impacted from imported fill. The areas with imported fill and site description by McTavish matches the site visit details from both FVRD Bylaw Enforcement and ALC Compliance & Enforcement. What does not match is the new fill being proposed in the application.

There is insufficient rationale provided for why additional fill to this amount is required for the agricultural activity proposed. The cross-sections show the existing grade as relatively flat, and the property is not within a mapped floodplain hazard. The agricultural benefits and impacts of the proposed additional fill over the rest of the property is unknown.

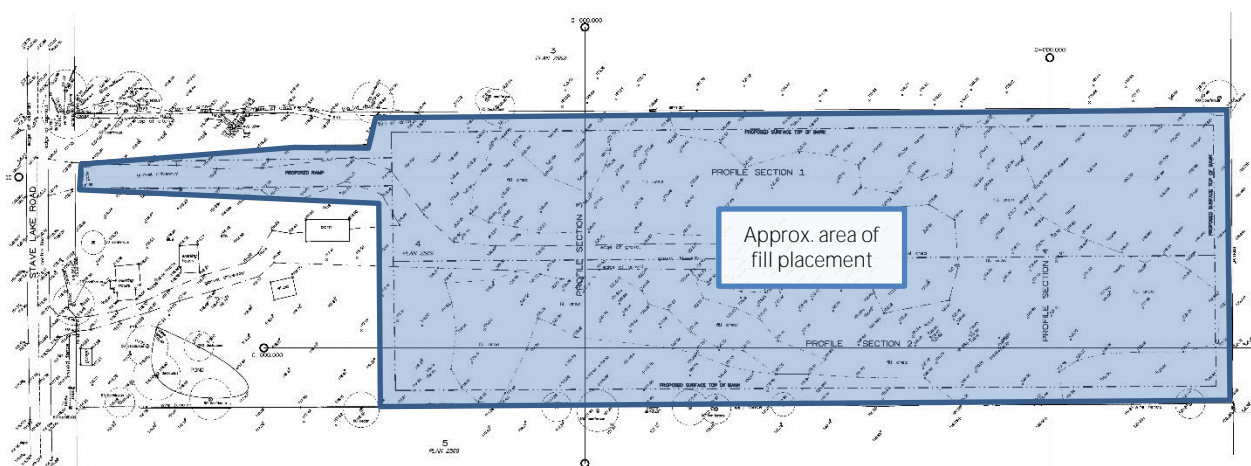


Figure 3. Excerpt of topographic site plan showing area of fill placement

Zoning Bylaw

The subject property is zoned Agricultural 2 (AG-2) in *Fraser Valley Regional District Zoning Bylaw No. 1638, 2021*. Farm use is permitted in this zone, and the construction of a barn for sheep, hay storage, and equipment storage would be considered farm use. The soil placement activity on its own is outside the scope of the Zoning Bylaw.

Official Community Plan (OCP)

The subject property is designated Agricultural (A) in the Fraser Valley Regional District Official Community Plan for Hatzic Valley, Electoral Area "F" Bylaw No. 0999, 2010. Agricultural use is supported in this land use designation, and the proposed future use of the property would be considered agricultural use.

The property is not within a mapped floodplain hazard or hazard development permit area, and no other FVRD permits are required for fill placement. While all properties within the OCP are within the Riparian Areas Development Permit Area, agricultural activities are exempt from requiring a development permit. Future buildings and structures will require building permits.

Role of the FVRD on ALC Referrals

The FVRD is a referral agency for ALC application files, and the role of the Board is to review the proposal and determine whether the application should proceed to the ALC for a final decision. If forwarded, the Board may provide additional **comments for the ALC's consideration**. If the Board decides to refuse to forward the application, the application will end without ALC consideration. The applicant would need to make a new application to the ALC should they wish to continue with their proposal.

Section 327(2) of the *Local Government Act* authorizes a regional district to regulate, by bylaw, the removal or deposit of soil. The FVRD does not currently have a bylaw specifically regulating the placement of fill. If during the duration of the soil deposit, the FVRD establishes a soil deposit bylaw any soil being deposited would immediately be subject to that bylaw which may include a permit, fees, and technical reporting.

Under the draft Framework, staff believe the proposal meets the option 1, which is to refuse to forward applications where:

- Large-scale, area-wide soil deposits are proposed
- There are gaps in technical reporting, professional assurances provided, or information provided with the application

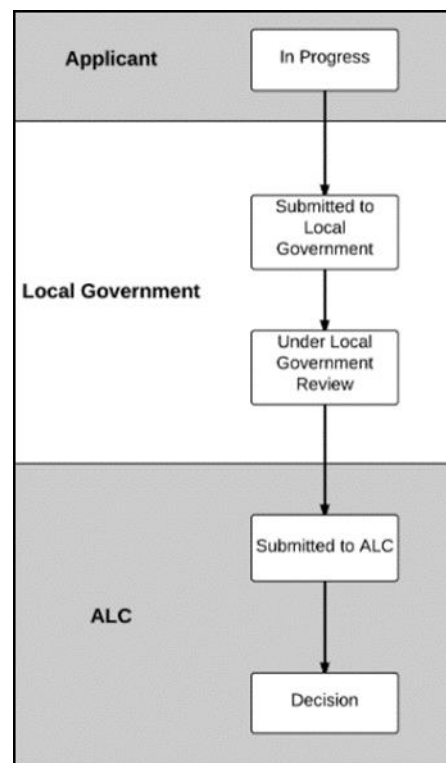


Figure 4. ALC Application Process

There are significant discrepancies between the technical reporting and the actual proposal. The agrologist report is assessing fill already placed. The proposal and site plan is a new area-wide fill proposal. There is no further reporting that justifies the additional fill placement, and no assessment related to lot grading, drainage, and adjacent impacts. Without this information, the broader community impacts related to drainage and land use are unknown.

Staff believe there is value in resolving the unpermitted fill placement for the work already completed. The fill described in the agrologist report is relatively minor and appears proportional to the stated purpose of construction of a new barn. Should a new ALC application be received where the scope of the proposal is consistent with the agrologist report by McTavish, these types of soil activity would be **able to meet the draft Framework's option for forwarding minor soils deposits, which includes building construction.**

Ministry of Transportation and Transit

The Ministry of Transportation and Transit (MOTT) has authority over roads in the Electoral Areas. The FVRD is a referral agency for ALC applications. As such, staff notified MOTT of the application for information purposes and did not seek comments. The applicant should ensure that the necessary MOTT approvals are obtained to manage traffic should the proposal be approved by the ALC.

COST

The \$750 FVRD portion of the application fee has been paid. The applicant will pay the Agricultural Land Commission portion of the fee (\$750) if the application is forwarded to the Agricultural Land Commission.

CONCLUSION

Placement of fill in the Agricultural Land Reserve (ALR) is regulated by the Agricultural Land Commission (ALC) depending on the end use of land. The proposed fill placement will facilitate future farm uses on the property, which is permitted by zoning and supported in the Official Community Plan. However, the application is missing technical reporting that matches the full extent of the scope of the proposal. The application included an Agricultural Land Capability Assessment that assessed fill already placed and does not recommend additional fill. This is inconsistent with the proposal and site plan which proposes a new area-wide fill placement.

This staff report follows the draft "Framework for Consideration of Soil Related Development Applications and Referrals" which guides the review of ALC placement of fill applications. The FVRD is a referral agency for ALC application files, and the role of the Board is to review the proposal and determine whether the application should proceed to the ALC for a final decision.

Staff noted significant gaps in reporting related to lot grading and neighbourhood impacts for area-wide fill placement. The proposal area and volume of fill placement is inconsistent with the agrologist report submitted. There is insufficient information on the area-wide fill placement being proposed for the Board to make an informed decision. Therefore, staff recommend the Board refuse to forward the application.