Fraser Valley Regional District

STAFF REPORT

To: Electoral Area Services Committee
Date: 2025-03-13
From: Amy Hsieh, Planner I
File no: 3015-20 2024-08

Subject: Agricultural Land Commission Application for Fill Placement at 35225 Dale 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 35225 Dale Road, Electoral Area F, to the Agricultural Land Commission.

BACKGROUND

The Fraser Valley Regional District (FVRD) was referred an Agricultural Land Commission (ALC) application for the placement of fill at 35225 Dale Road in Electoral Area F on October 7, 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 over soil deposit applications.

The 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 values, 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.

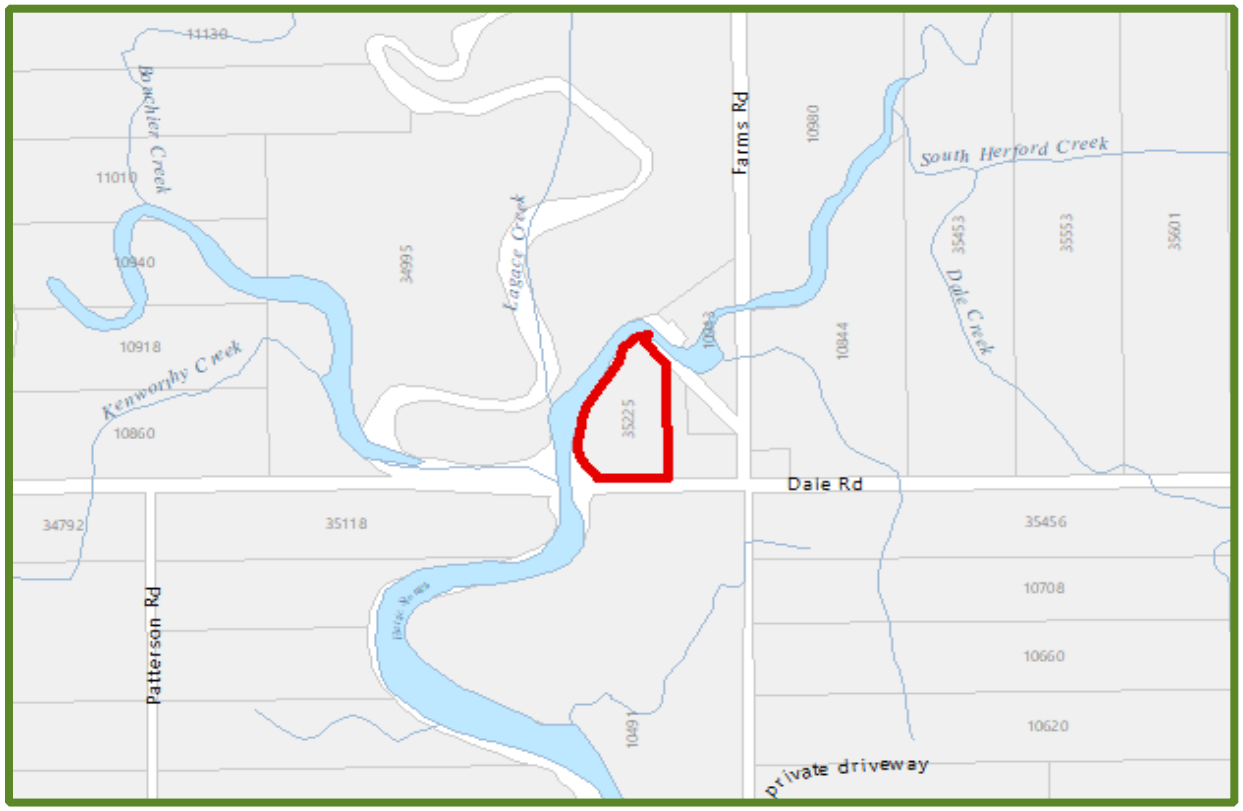
Through the lens of this new soil deposit framework, the role of the FVRD Board in an ALC application is to review the information and determine whether or not the application should proceed to the ALC for a final decision. If forwarded, the Board may provide additional comments beyond this staff report 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.

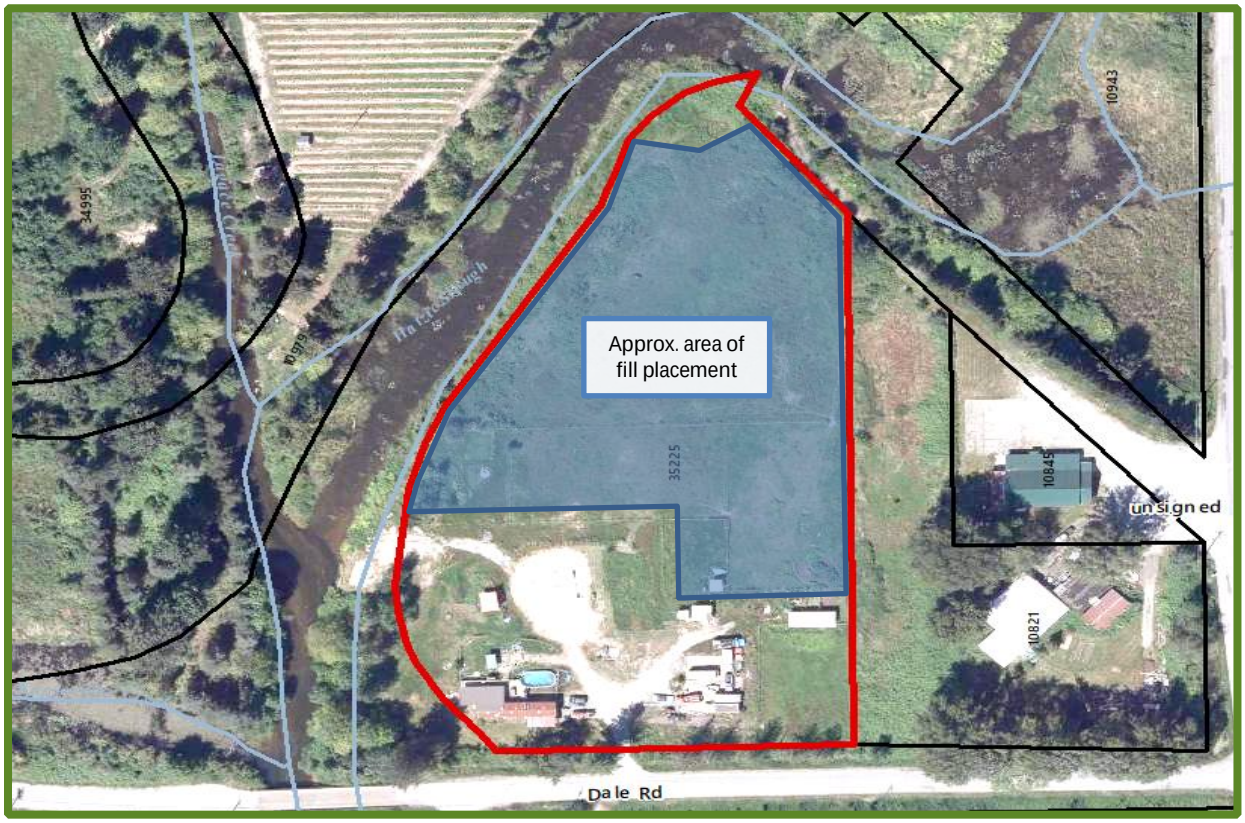
PROPERTY DETAILS			
Address	35225 Dale Road	**Area**	F
PID	011-062-355	**Owner**	Doug & Sheri Hancock
Folio	775.02236.000	**Agent**	Renee Larsen – Associated Engineering Ltd.
Lot Size	1.9 hectares		
Current Zoning	Agricultural 4 (AG-4)	**Proposed Zoning**	No change
Current OCP	Agricultural (A)	**Proposed OCP**	No change
Current Use	Residential	**Proposed Use**	Agriculture
Development Permit Areas	1-F Geologic Hazard & 2-F Riparian Areas		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	Agricultural 4 (AG-4); Hatzic Slough, agriculture
East	>	Agricultural 4 (AG-4) & Civic Assembly (CA); Community hall
West	<	Agricultural 4 (AG-4); Hatzic Slough
South	v	Agricultural 4 (AG-4); Dale Rd., agriculture

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Property Description

The subject property at 35225 Dale Road is a 4.7 acre (1.9 hectare) parcel located adjacent to Hatzic Slough. Hatzic Slough flows into Lagace Creek at this location. The property is susceptible to flooding due to its proximity to multiple watercourses and is located within the Fraser River floodplain. In the past, this property has been one of several properties subject to sediment removal and bank stabilization activities after flooding events, including after the Atmospheric River Floods in 2021. Previous soil activities for this purpose received approval from the Agricultural Land Commission and was undertaken by flood management authorities.

Proposed Fill Placement

The purpose of the proposed fill placement is to grade the property to minimize flooding of lower-lying areas that generally flood in wetter seasons. The fill placement would also facilitate a future Christmas tree farm business and a new house. The scope of the fill placement would encompass the majority of the property except for the southwest portion, where there are existing structures. The placement of fill has not yet occurred.

Details of fill placement proposal	
Volume of material to be placed as fill	17,000 m^3
Total area for fill placement	11,265 m^2 (1.12 ha)
Maximum depth of material to be placed as fill	2.3 m
Average depth of material to be placed as fill	1.2 m
Estimated duration of the project	Up to 1 year

For perspective, a deposit of 17,000 m^3 of fill would require approximately 1,417 dump truck trips (assuming a tandem axle dump truck carrying 12 m^3 of fill). This amounts to 6 trips each weekday for one year, excluding statutory holidays. 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 technical submissions were received:

- Agrologist Report and Reclamation Plan, dated October 2024, prepared by Associated Engineering Ltd
- Draft lot grading and drainage plan, dated October 5, 2024, prepared by Associated Engineering Ltd
- Survey plan showing existing topography, dated June 27, 2025, prepared by Axis Land Survey Ltd

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 35225 Dale 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, considerations include the following:

FVRD Considerations	Applicability to this proposal
Impacts on adjacent properties and the broader community	The report included consideration of adjacent properties and watercourses when designing drainage to avoid any unnecessary pooling on surrounding parcels. Land use considerations and impacts pertaining to industrial-like land uses are not addressed in the application.
Cumulative floodplain	The purpose of the fill placement is to reduce flooding and ponding at a site-specific level. Cumulative floodplain impacts were not included in the report.
Incomplete applications	The application included all the necessary components required by an

	ALC application.
Lack of demonstrated QP oversight	The report included oversight from the qualified professional of record (P. Agrologist). Fill placement activities would be monitored to ensure consistency with the recommendations in the agrologist report.

The agrologist report concludes that the fill placement would improve the agricultural capability of the existing soil, reducing the soil wetness for better drainage, and create a more level site. Fill and accompanying regrading would create soil conditions that can support a tree farm by raising low-lying land susceptible to flooding, as well as encouraging positive drainage from the site during heavy rainfall events. To avoid sediment entering the creek, the report proposes installing silt fencing along the boundary of the parcel. Grading of the lot has also considered drainage pathways to avoid any unnecessary pooling on surrounding parcels. Through the reclamation plan and accompanying lot grading design, it appears the site drainage would enter swales at the perimeter of the property and flow towards Hatzic Slough or Dale Road.

From the topographic survey provided, the existing elevations within the proposed fill area range from 2.64 metres to 4 metres. For perspective, the *Fraser Valley Regional District Floodplain Management Bylaw No. 1669, 2022* establishes a minimum ponding elevation of 5.2 metres GSC, and a flood construction level of 10.3 metres GSC for construction.

Cumulative Flood Hazard

Hatzic Valley has a long history of hazard events that are further detailed in section 8.1 of *Fraser Valley Regional District Official Community Plan for Hatzic Valley. Electoral Area "F" Bylaw No. 0999, 2010*. Naturally occurring hazards have been significantly exacerbated by changes to the landscape to facilitate farming in the valley. This included widespread filling, channelizing, relocating, and berming of streams. These alterations had the effect, of reducing overall stream density and storage capacity; increasing and confining deposition and stream bed aggradation; and, increasing bank erosion.

Landslide areas in the Pattison Creek basin contribute large volumes of material to Lagace Creek and Hatzic Slough - the main stem that drains the watershed to Hatzic Lake. Deposition of this material in stream channels on the valley bottom increases erosion, flood and avulsion risks. Hatzic Prairie is largely within the floodplain of the Fraser River. The floodplain covers about one third of the overall Plan area.

On a site-by-site basis, it is understandable and reasonable for individual owners located next to Hatzic Slough to wish to raise the property to address flooding. Inadequate drainage and flooding are significant problems for agriculture on Hatzic Prairie. However, the incremental attempts over time to address ongoing flood impacts seems to have severely impacted the capacity of Hatzic Prairie to withstand seasonal flooding.

How this application for site-specific fill placement impacts the cumulative flood risk to the larger community is unknown and no study was provided with the application to address these concerns.

This makes it difficult to adequately assess the site-specific fill proposal and comprehensively consider cumulative flood hazard.

To understand the overall flood risks from incremental and cumulative fill placement, a broader hydrological study would be required. Staff recognize that this level of study and the measures likely required to manage the flood hazards are beyond the capability for individual property owners to undertake as part of site-specific applications. Proceeding with the consideration of site specific fill applications would require the Board to accept some level of risk that fill proposals to reduce flooding on a site-specific level may be contributing to an overall increase in flood risk for the entire community.

Broader Community Impacts

The area-wide fill placement activities that have been occurring in Hatzic Prairie have taken on the characteristics and scale of industrial uses within the community, even in cases where the final land use is intended for agricultural activity. The increase in hauling and heavy equipment usage is causing noise, dust, and safety impacts that is similar to impacts to arise from industrial activity. This has resulted in high levels of community conflict. While the community may be able to accept the occasional fill activity, the cumulative effect of constant fill activity in Hatzic Prairie over the last number of years exceeds the community's willingness and capacity to accept this level of impact.

Zoning Bylaw

The subject property is zoned Agricultural 4 (AG-4) in *Fraser Valley Regional District Zoning Bylaw No. 1638, 2021*. Residential and Farm uses are permitted in this zone. A future single-family dwelling and a tree farm would both be permitted in the AG-4 zone. 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 hazard development permit area. While all properties within the OCP are within the Riparian Areas Development Permit Area, agricultural activities are not required to obtain a permit.

Section 4.4 of the OCP describes the drainage issues historically known within Hatzic Prairie. Inadequate drainage and flooding are significant problems for agriculture on Hatzic Prairie. Drainage challenges are related to the high water table of Hatzic Prairie; the low elevation and low gradient of streams; and, sedimentation in agricultural watercourses and drainages, which reduces conveyance capacity.

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.

The *Local Government Act* and other legislation authorizes a regional district to regulate, by bylaw, the removal or deposit of soil and related activities. 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 be subject to that bylaw which may include a permit, fees, and technical reporting. In the case of 35225 Dale Road, the proposal is an area-wide fill placement. While technical information has been submitted that addresses flood risks on the property and its adjacent neighbours, the application has not sufficiently addressed cumulative flood hazards or broader community impacts. Under the draft Framework, the Board should proceed with option 1, which is to refuse to forward the application. As noted in the previous sections of this staff report, this may be difficult to accomplish for site-specific applications. There may be alternative options that proposes less fill which would meet the option to forward to the ALC under the draft Framework.

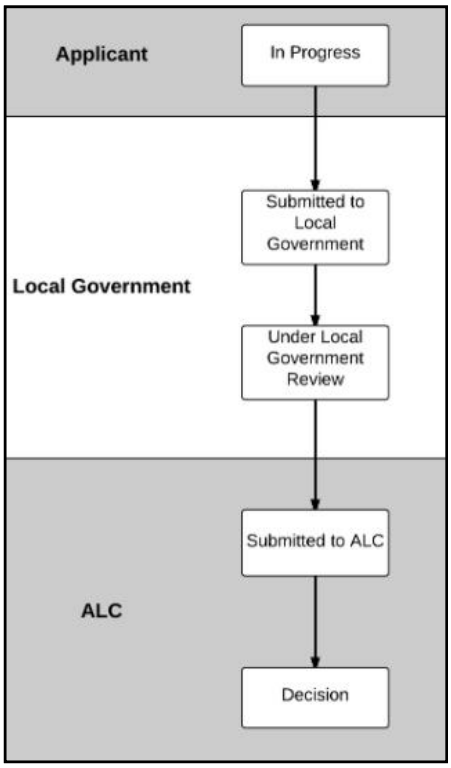


Figure 1. ALC Application Process

The application appears to include all the required technical information for an ALC placement of fill application. The lot grading plan provided has not been finalized. The plan requires drainage of stormwater into the Hatzic Slough or the ditch on Dale Road to avoid flows onto adjacent properties. It is unclear if this will be feasible as other provincial approvals may be required. Approval from the province under the *Water Sustainability Act* may be required as the flow of Hatzic Slough may be impacted.

This area where Lagace Creek flows into Hatzic Slough has a history of flooding and one of the main purposes of the proposal is to improve drainage and reduce flooding. The existing grade of the property is below ponding elevation, which is likely to impact the success of growing certain crops. Property owners that wish to begin farming are constrained by the flood risk, and understandably desire to elevate their properties.

Should the Board wish to support this application for its site-specific merits, the Board could choose to forward the application with comments related to drainage and requirements for additional approvals and qualified professional oversight on the proposed drainage plan. However, the Board would also

need to accept the potential flood risk this fill proposal will incrementally add to the cumulative flood risk in Hatzic Prairie.

Ministry of Transportation and Transit

The agrologist reported that the proposed tree farm will be irrigated initially by trucking in water until the applicant is able to upgrade their domestic water use license. Irrigation best practices are not considered as land use and are outside the scope of the FVRD's referral. If approved, this irrigation practice will increase trucking activity to the property in addition to what is required for the fill placement. The drainage plan also assumes drainages into a road ditch. Additional MOTT approvals may be required.

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.

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 residential and farm uses on the property, which is permitted by zoning and supported in the Official Community Plan. The application included the necessary technical information required for the ALC such as a site plan, cross-sections, and an agrologist report with a reclamation plan.

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.

Per the draft Framework, the FVRD also consider the cumulative flood hazard and the community impacts. The cumulative flood risk in Hatzic Prairie has been exacerbated over time from agricultural activity, and this proposal will incrementally increase the risk level. The level of overview study necessary to understand the flood risk from these incremental fill placements is beyond the capability of what individual property owners can undertake on site-specific applications. The community is also sensitive to area-wide fill proposals overall and the noise and dust impacts from frequent fill activity has reached levels similar to industrial use.

In considering the draft framework, staff recommend the Board refuse the application as:

- The proposal is area-wide
- There are serious concerns regarding broader community impacts
- There are serious concerns regarding cumulative flood hazards

Alternatively, the Board may decide to accept some level of risk from fill proposals that reduce flooding on a site-specific level but may be contributing to overall flood risk for the entire community. Should the Board wish to support this application for its site-specific merits, the Board may choose to forward the application with comments related to drainage and requirements for additional approvals and qualified professional oversight on the proposed drainage plan.

OPTION 1: Refuse to forward to the ALC (Staff Recommendation)

THAT the Fraser Valley Regional District Board refuse to forward the application for Placement of Fill at 35225 Dale Road, Electoral Area F, to the Agricultural Land Commission.

OPTION 2: Forward to the ALC with comments

THAT the Fraser Valley Regional District Board forward the application for Placement of Fill at 35225 Dale Road, Electoral Area F, to the Agricultural Land Commission with the following comments:

1. A finalized lot grading and drainage plan should be undertaken by a professional engineer prior to any fill placement;
2. The qualified professional should provide assurance for monitoring and post-fill placement reporting; and,
3. The applicant is responsible for obtaining any necessary approvals from other government agencies including, but not limited to, the Ministry of Transportation and the Ministry of Environment and Parks prior to any fill placement.