

To: Electoral Area Services Committee  
From: Hayley Katan, Planning Technician

Date: 2025-04-10  
File: 3015-20 2024-04

Subject: Agricultural Land Commission Application for Fill at 10940 Stave Lake Road, Electoral Area F

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

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board refuse to forward the application for Placement of Fill at 10940 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 10940 Stave Lake Road in Electoral Area F on August 14, 2024. The proposal is to remove large rocks, rebar and concrete debris, relocate some of the construction fill behind the watercourse that crosses the property, and place new fill on top of two construction fill areas. The purpose is to raise the land to reduce inundation of water and support farming of the land.

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 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.

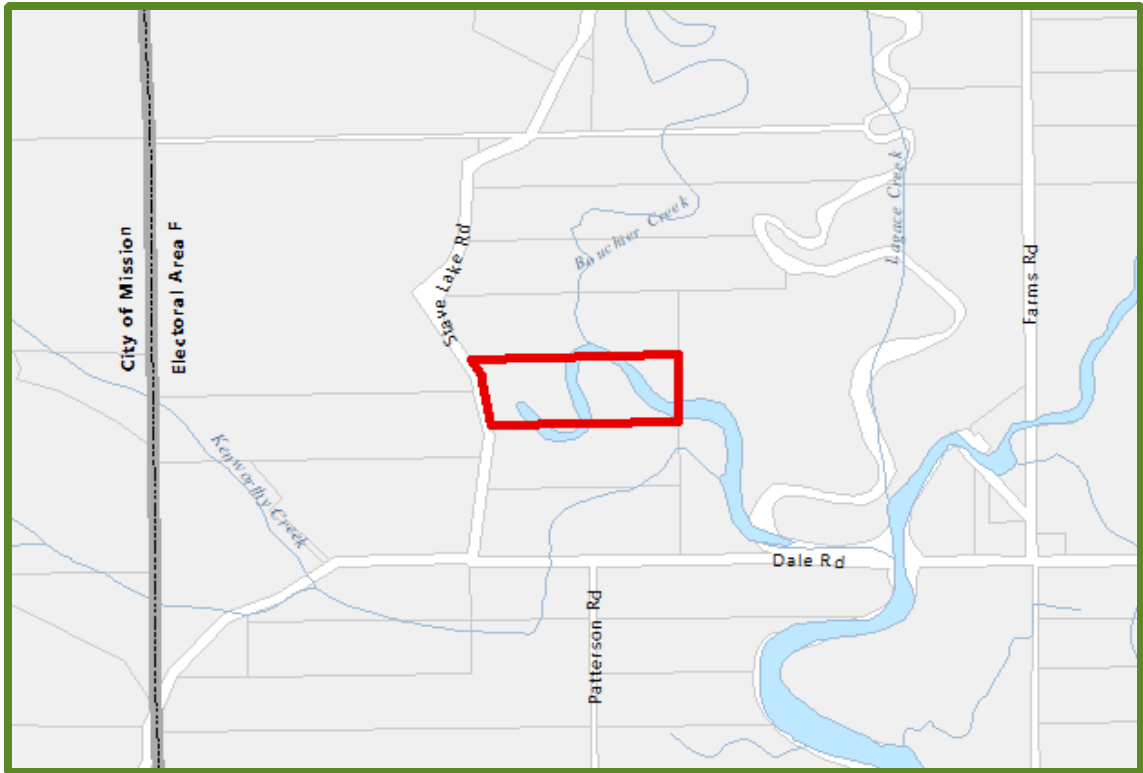
The Board considered a draft framework on February 27, 2025 and referred back to staff for minor revisions. The framework was adopted by the Board on March 27, 2025.

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.

PROPERTY DETAILS			
Address	10940 Stave Lake Road	Area	F
PID	001-867-211	Owner	Dawne & Sean Mennie
Folio	775.02213.004	Agent	John Paul
Lot Size	4.29 hectares		
Current Zoning	Agricultural 4 (AG-4)	Proposed Zoning	No change.
Current OCP	Agricultural (A)	Proposed OCP	No change.
Current Use	Agriculture	Proposed Use	No change.
Development Permit Areas	1-F Geologic Hazard & 2-F Riparian Areas		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	Agricultural 4 (AG-4); Agriculture, Single Family Dwelling
East	>	Agricultural 4 (AG-4); Kenworthy Creek, Agriculture, Single Family Dwelling
West	<	Agricultural 4 (AG-4); Stave Lake Road, Agriculture
South	v	Agricultural 4 (AG-4); Agriculture, Single Family Dwelling

NEIGHBOURHOOD MAP



PROPERTY MAP



## DISCUSSION

### Property Description and Background

The application states that this property was historically used for hay production in the summer, as it was flooded in the fall and winter. The current owners purchased the property in 2013 and were able to farm for a few years before changes to Hatzic Lake and Legace Creek flooding and drainage issues caused it to be inundated with water longer throughout the year. Most of the land is recorded to have a 5WI and 6WI agriculture capability.

#### *Land Capability Classification for Agriculture in British Columbia*

Class	Description
Class 5	Land in this class has limitations that restrict its capability to producing perennial forage crops or other specifically adapted crops.
Class 6	Land in this class is nonarable but is capable of producing native and/or uncultivated perennial forage crops.
Subclass	Description
I (Inundation)	This subclass includes soils where overflow by streams, lakes, or marine tides causes crop damage or restricts agricultural use.
W (Excess Water)	This subclass applies to soils for which excess free water, other than from inundation (flooding), limits their use for agriculture. The excess water occurs because of imperfect to very poor drainage due to high water tables, seepage, or runoff from surrounding areas.

In September 2022, the owners allowed construction fill from Metro Vancouver to be dumped onto the property to raise the land. The amount of fill (approximately 11,500 m<sup>3</sup>) and quality of fill (construction waste, rebar and chunks of concrete) is an ALC violation without the appropriate approvals.

The owners were issued a Stop Work Order from the ALC and an Agrologist was hired to write a report. The FVRD understands that the ALC Compliance & Enforcement Officer is awaiting the completion of this application before ordering remediation.

Some of this fill was placed within 30 meters of a watercourse without a Riparian Areas Protection Regulation report and not in compliance with the Water Sustainability Act. The Ministry of Forests (MOF) became aware of the situation. The property owner engaged a Qualified Environmental Professional to write a report and provide a restoration plan for the watercourse to MOF. Once the removal of fill and restoration of the area surrounding the watercourse following the restoration plan is complete, the MOF requirements will be met and the FVRD bylaw enforcement file related to alteration of land within a Riparian Area will be closed. However, this report was not included as part of the ALR Fill Placement Application.

Report Provided:

- **Agrologist Report** dated August 14, 2024, by John W Paul, Ph.D, P.Ag. of Transform Land and Soil Investigation

### Fill Proposal

The stated intent of this ALC application is for the owners to be able to farm on this property. The owner has expressed interest in bringing cows back onto the property. The proposal is to relocate 5,750m<sup>3</sup> of the construction fill to the other side of the watercourse. At this time, large rocks and other debris (e.g. chunks of concrete) are to be removed from the construction fill. Then, new fill is proposed to be brought in to cover the construction fill in front of and behind the watercourse that snakes through the property. The new fill is to add a depth of 0.5 meters, a total of approximately 7,850m<sup>3</sup> of fill spread between the two bases of construction fill.

	Fill to be placed	Fill already placed
Volume	6,500 m <sup>3</sup>	11,550 m <sup>3</sup>
Area	13,000 m <sup>2</sup>	7700 m <sup>2</sup>
Maximum Depth	0.5 m	2 m
Average Depth	0.5 m	1.5 m
Placement of fill project duration	2 years	

For perspective on the scale of works proposed, a deposit of 6,500 m<sup>3</sup> of fill would require approximately 542 dump truck trips (assuming a tandem axle dump truck carrying 12 m<sup>3</sup> of fill).



## APPLICATION SITE PLAN



### Agrologist Report

The Agrologist states that the result of this proposal will be agricultural land of at least Class 2 of Agricultural Capability for future farm use.

### *Land Capability Classification for Agriculture in British Columbia*

Class	Description
Class 2	Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

The Agrologist identifies that an access across the waterway may be required to be built for the trucks to get to the eastern portion of the property to move fill as proposed.

The Agrologist highlights drainage with the following:

The owner/contractor will ensure at all times that adequate drainage is maintained on the property, including drainage of the surface water. Adequate erosion control will be maintained along fill edges particularly near the stream.

However, a drainage and erosion plan is outside the scope of an Agrologist. No professional assurances have been provided by a Qualified Professional to undertake this design and monitoring. This application includes no further information or consideration on what the drainage would look like and how it might impact adjacent properties.

### **FVRD Policies, Regulations, and Role on ALC Referrals**

#### **FVRD Considerations on Fill Placement**

A **soil deposit framework**, titled “Framework for Consideration of Soil Related Development Applications and Referrals,” was endorsed by the Board at the March 27, 2025 meeting. The 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 10940 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 Framework, considerations include the following:

<b>FVRD Considerations</b>	<b>Applicability to this proposal</b>
<b>Impacts on adjacent properties and the broader community</b>	This application does not include consideration or a plan of drainage impacts on adjacent properties, watercourses, and the broader community.
<b>Cumulative floodplain</b>	The purpose of the fill placement is to reduce flooding and ponding at a site-specific level. Cumulative floodplain impacts were not considered.
<b>Incomplete applications</b>	The application does not include all the necessary components required by an ALC application, as there is no cross-section.
<b>Lack of professional assurance</b>	There are no professional assurances from a QP assessing the transfer of risk.

#### **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 are similar to those that arise from industrial activity. This has resulted in high levels of community conflict. While the community may be expected to accept some amount of 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. The soil placement activity on its own is outside the scope of the Zoning Bylaw.

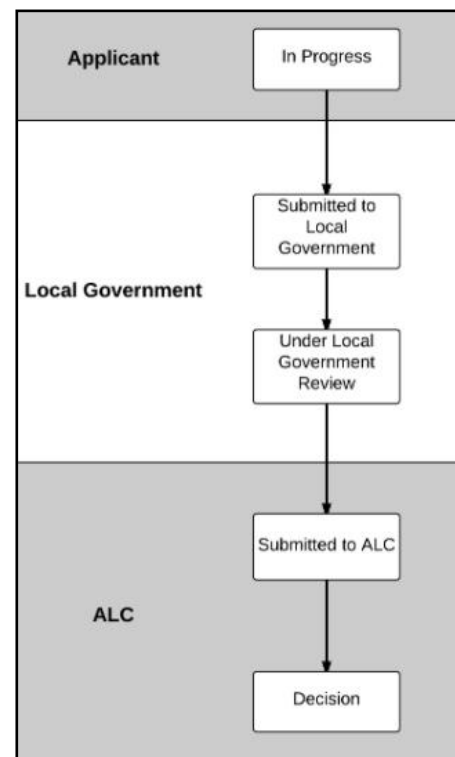
### Official Community Plan (OCP)

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 fill deposit area 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. However, works related to the fill placed illegally within a watercourse are being addressed on the provincial level through the ALC and the Ministry of Water, Land, and Resource Stewardship. This fill proposal is stated to be in compliance with the Water Sustainability Act and follow a 10-meter buffer from the stream that was determined by the Qualified Environmental Professional from Barsanti Environmental Services Ltd.

The OCP describes Hatzic Prairie historically being an area oriented to farming due to soil conditions, a long growing season, and an abundant water supply. However, over time there have been damaging landslides, flooding, debris events and drainage challenges that limit agricultural capabilities. As development and farming have increased, the filling, channelling, relocating, and berming of streams have reduced stream capacity, increased deposition and increased stream bank erosion. The groundwater table is noted to be shallow and unconfined and the Ministry of Environment has assessed the Hatzic Prairie Aquifer as highly vulnerable. The low elevation, low gradient streams, sedimentation in watercourses, and high water table have contributed to poor drainage issues. Activities, such as the logging of hillside slopes, excavation and dyking of stream channels, channel encroachment, gravel removal, and removal of riparian vegetation are accelerating natural stream erosion and processes.

### 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 authorize 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.

#### 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.

MOTT responded that the owners are to reach out to MOTT for a secondary access permit, as the current fill site access is an unauthorized driveway.

#### **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 this 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). According to the applicant, the proposed fill placement would facilitate future residential and farm uses on the property, which is permitted by zoning and supported in the Official Community Plan. The application includes a site plan and an Agrologist report but does not include a cross-section as required for the ALC.

This staff report follows **the “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. ALC Compliance and Enforcement will be responsible for addressing the illegally placed fill and the required remediation.**

Per the Framework, FVRD considers the cumulative flood hazard and the community impacts of the proposed fill activity. The cumulative flood risk in Hatzic Prairie has been exacerbated over time by filling and this proposal may incrementally increase the risk level. The community is also sensitive to area-wide fill proposals overall and the noise and dust impacts from frequent fill activity has reached levels of impact similar to industrial uses.

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

- There are gaps in technical reporting (and professional assurances) that address site-specific flooding, community impacts and cumulative flood hazards; and,
- Further information, and the permissions from the appropriate government agencies, is required for truckloads of fill to cross the waterway.

Refusal to forward the application to the ALC would not prevent the owner from undertaking any works required by FOR or the ALC to remediate the land.

Should the Board wish to support this application for its site-specific merits, the Board may choose to forward the application with the following comments:

- A grading and drainage plan should be undertaken by a professional engineer prior to any fill placement;
- A bridge or access to cross the waterway should be undertaken by a professional engineer and approved by the appropriate government agencies;
- The qualified Professional Engineer should provide assurance for monitoring and post-fill placement reporting;
- A cumulative floodplain impact assessment should be undertaken by a qualified professional to determine impacts the proposed fill may have on flood hydrology and flood risk to adjacent lands; and,
- The applicant is responsible for obtaining any necessary approvals from other government agencies including, but not limited to, the Ministry of Transportation and Transit.

## OPTIONS

### **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 10940 Stave Lake 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 10940 Stave Lake Road, Electoral Area F, to the Agricultural Land Commission with the following comments:

1. A drainage and lot grading plan should be undertaken by a professional engineer prior to any fill placement;
2. A bridge or access to cross the waterway should be undertaken by a professional engineer and approved by the appropriate government agencies;

3. The qualified professional Agrologist should provide assurance for monitoring and post-fill placement reporting; and,
4. The applicant is responsible for obtaining any necessary approvals from other government agencies including, but not limited to, the Ministry of Transportation and Transit.