

ITEM	9
MANAGER'S REPORT NO.	33
COUNCIL MEETING	1978 11 27

RE: APPLICATION FOR PERMIT TO FILL MUNICIPAL LANDS IN AGRICULTURAL LAND RESERVE

Following is a report from the Director of Planning regarding the filling of lands in the agricultural land reserve.

RECOMMENDATION

1. THAT the recommendation of the Director of Planning be adopted.

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Planning Department
1978 November 16
Our File #02.134 ALR

TO: MUNICIPAL MANAGER
FROM: DIRECTOR OF PLANNING
RE: APPLICATION FOR PERMIT TO FILL MUNICIPAL LANDS IN AGRICULTURAL LAND RESERVE

RECOMMENDATION:

1. THAT Council instruct staff to advise the applicants, who have applied for a permit to place fill on Lots 18, 19 and 20, D.L. 155B, Plan 1248, N.W.D., that the Municipality is prepared to support the granting of a permit subject to the satisfactory completion of a soil consultant's report as outlined in the following report.

REPORT

BACKGROUND

As a result of an enquiry on the landfill operation being conducted by Meadowland Peat Ltd. in the Big Bend area, staff visited the area on 1978 August 28 to determine the precise nature and scope of the Meadowland Peat operation. During this site visit, it became apparent that certain other landfills were being conducted on the adjacent Municipal lands without a permit. The Municipal lands, which are shown on the attached Figure 1, are described as Lots 18, 19 and 20, District Lot 155B, Plan 1248, N.W.D.

These lands are within the area of the Agricultural Land Reserve and consequently, soil removal and the placement of fill are governed by the Soil Conservation Act. This Act, which received Royal Assent on 1977 September 27, enables local authorities to effectively control land filling and soil removal activities within the Agricultural Land Reserve.

On 1977 October 31, the Municipality was advised that the Soil Conservation Act had been enacted and that regulations pursuant to the Act would be forwarded as soon as the appropriate Order-in-Council was passed. We were further advised that a regional meeting would be held to provide additional information. On 1978 April 11 the Soil Conservation Act regulations were forwarded and staff was invited to attend a seminar, which was held on 1978 May 26, to explain the Soil Conservation Act and the regulations.

In addition to sponsoring the seminar, the Ministry of Agriculture placed advertisements in the newspapers to make the general public aware of the requirements of the Act.

Essentially, the revised Act and the regulations provide the Municipality with the control to regulate landfill and soil removal in the Agricultural Land Reserve. In the case of the subject properties, the Municipality has an additional interest as the owner of the lands which have been filled without a permit.

It was determined that the landfill which was deposited on the Municipal lands had been placed by Burnaby Lath and Band Company, Pasco Lumber Sales Ltd., and the R.T. Kennedy sawmill operation which is operating on land owned by Nikolai Millwork Industries Ltd. Letters were forwarded to these industries advising them that the landfill had been undertaken without a permit and that they were in contravention of Section 2 of the Soil Conservation Act. Section 2 of this Act states that "No person shall remove soil from or place fill on land in an agricultural land reserve unless

- (a) the (Provincial Agricultural Land) commission approves in writing,
- (b) the local authority in which the land is situated issues a permit, and
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions set out in the permit."

The Municipal Council is the local authority pursuant to Section 2(b) of the Soil Conservation Act and they have appointed the Director of Planning as the enforcement officer to administer and enforce the Act and regulations within the Municipality of Burnaby.

These industries were further advised that, if they wish to pursue the landfill, it will first be necessary to receive Municipal approval and subsequently, to receive a permit under the Soil Conservation Act. Section 3 of this Act states:

- "(1) Where a local authority in which land is situated is satisfied that
 - (a) approval of the grant of a permit has been given by the commission, and
 - (b) the applicant has complied with the regulations and paid the prescribed fee,

the local authority may grant a permit to remove soil or place fill on land in an agricultural land reserve."

- "(2) A permit is subject to the prescribed terms and conditions and to any additional terms and conditions imposed by the local authority or the commission and set out in the permit."

Application forms were forwarded to these parties and they were advised that upon receipt of an application, the Municipality would review the conditions under which a landfill might be approved and pursue this matter with the Agricultural Land Commission. In the interim, they were advised that they would not be permitted to continue filling the Municipal lands.

SUBMISSION OF APPLICATIONS

Applications to continue the landfill were subsequently received and on 1978 September 20 a reply was forwarded which stated that in order for the Planning Department to submit a recommendation to Council, it would be necessary to obtain a report on the appropriate method of filling the Municipal lands and any particular measures which must be incorporated in the fill procedure. In addition, provision must be made to have the landfill inspected on a regular basis.

The applicants were advised that the Planning Department had discussed this matter with the Municipal Engineer who had advised that his Department does not have the resources to undertake such a study and therefore, it would be necessary to engage a soils consultant. The Municipality's position in this regard is that the applicants must undertake responsibility for hiring the consultant.

The applicants were cautioned that the completion of this report would not imply approval of the fill application, but rather provide the technical basis from which a recommendation could be submitted to Council. In the event that Council approves the application, it will then be necessary to obtain the Agricultural Land Commission's approval.

TERMS OF REFERENCE FOR SOILS CONSULTANT

The terms of reference for the soils consultant were also provided as follows:

1. Analysis of Existing Fill

The subject properties have been filled in part with wood waste. The consultant should determine the effect of this fill on the future industrial development of the land and determine what, if any, remedial action is necessary to place the land already covered by the wood waste in a condition suitable for future development.

2. Continuance of the Fill

The essential question which needs to be answered here is, what is the most appropriate method of filling the subject properties, considering that their ultimate use is intended as industrial. If it is concluded that the placement of wood waste is beneficial, how should this landfill be undertaken and what special measures should be provided. In preparing a report on this matter, the soils consultant shall consider the following factors:

- (a) the kind and quantity of soil, sand, gravel, rock or other material that is to be deposited
- (b) the method of depositing that is to be employed
- (c) the means of entering and leaving the subject lands

(d) the method of draining the land before, during
and after the depositing

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(e) the proposed procedure for cleaning streets should
soil or other material be borne and tracked or
spilled by vehicles entering or leaving the land.

The report should further provide information on the following:

- (a) the final height of the fill which shall not be less
than one foot above or below the designed elevations,
as established by the Engineering Department
- (b) existing watercourses on the land
- (c) any further information the consultant feels is
pertinent to the filling of the subject lands.

The lands designated for the future construction of Marine Way
shall not be considered as suitable for landfill. Additional
factors which should be considered by the consultant are as
follows:

- (a) the depositing shall not in any way endanger any adjacent
surrounding or neighbouring land or the support thereof
or thereto. Particular consideration should be given to
the stability of the B.C. Hydro rail line adjacent to
these properties.
- (b) the depositing shall not adversely affect the stability
of, foul, obstruct, impede, injure or damage any drain,
ditch, creek, stream, waterway, watercourse, sewer,
highway, land right-of-way or easement or public utility.
- (c) the depositing shall not disturb, damage, destroy or
divert the drainage of any area.
- (d) the deposit site shall be kept free at all times of
stagnant water, rodents and vector
- (e) provision should be made to curtail windborne material
from becoming a nuisance.

3. Inspection of Landfill

Provision should be made in the report for the ongoing inspection
of the landfill at the cost of the applicant.

EXISTING SITUATION

The applicants have contacted a soils consultant who has advised that this
initial study would cost approximately \$5,000. In view of the monies invol-
ved, the applicants are hesitant to proceed without first obtaining the
reaction of the Municipal Council and the Agricultural Land Commission to
the proposed landfill. Specifically, they want to know, in the event that
the soil consultant's report concludes that the landfill is beneficial to
the future industrial development of the subject Municipal lands, would the
Council be in favour of granting a permit for this landfill.

In the opinion of staff, it is conceivable that a properly supervised fill
program could be of benefit to the Municipality in preparing the lands for
future industrial development. The terms of reference for the consultant's
study include an analysis of the fill which has been placed to date, the
conditions for the continuance of the fill and as well, provision for the
ongoing inspection of the fill program.

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It is also conceivable that the consultant may conclude that the placement of wood waste and the associated cover materials is not the most appropriate method of filling the lands. In which case, the terms of reference include provision for determining what remedial action, if any, is necessary to place the land already covered by wood waste in a condition suitable for future development.

In this situation, the applicants would be required to undertake any such remedial action.

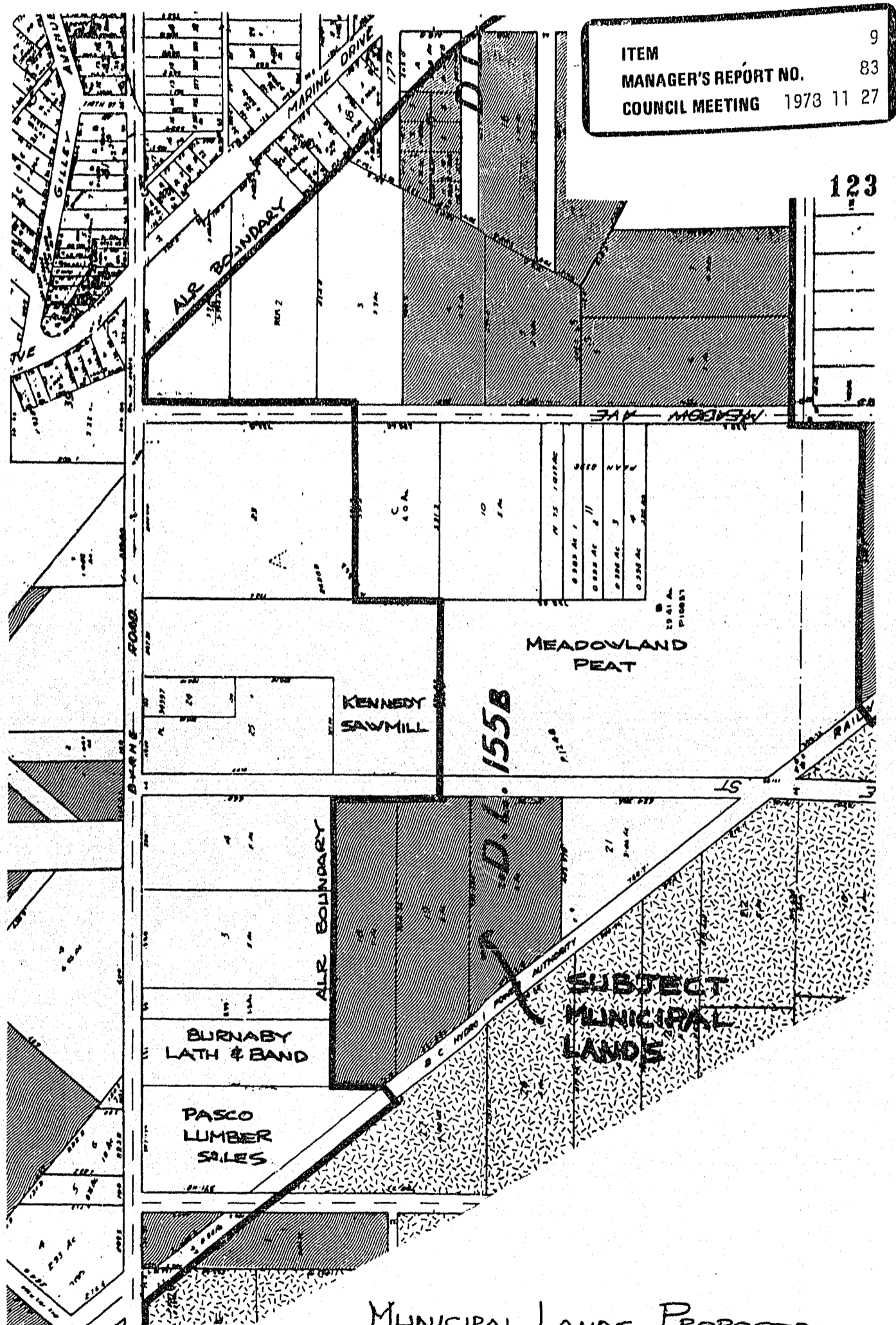
It should be recognized that, although these lands are within the area of the Agricultural Land Reserve, they are not suitable for agricultural use and they are being considered for exclusion as part of the current review of the Agricultural Land Reserve.


A. L. Parr
DIRECTOR OF PLANNING

PB/hf

Attach.

c.c. - Municipal Engineer
Land Agent



MUNICIPAL LANDS PROPOSED
FOR LANDFILL.

FIGURE 1

1" = 400' FB

1978 Nov.