



Agricultural Land Commission
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November 1, 2005

Reply to the attention of Gordon Bednard

William Tolmie
51521 Chilliwack Lake Road
Chilliwack, BC - V4Z 1A7

Dear Sir:

Re: Application # 36191
Proposed Crown Land gravel permit over part of the NW¼ Sec.30 Twp.1
Rge.28 W6M NWD

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to remove 100 000 m³ of sand and gravel per year for 10+ years from an 18.2 ha lot. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on September 12, 2005 at the property. The Commission found the report on the meeting and site visit informative.

The Commission writes to advise that it approved your application subject to the following conditions:

- a) The 'sand and gravel' extraction shall follow a progressive extraction / reclamation plan, based on the three proposed development phases (Phases 1, 2 & 3). It is understood by the Commission that in following the progressive extraction / reclamation plan, reclamation in the Phase 1 area shall be initiated soon after all sand and gravel is extracted from that phase, and within one (1) year of the extraction activities progressing into Phase 2. Furthermore, the reclamation shall be substantially completed in the Phase 2 area prior to extraction progressing into the Phase 3 area.
- b) Activities related to sand and gravel extraction (specifically the construction, maintenance and operation of the access road, office and weigh scale, and stockpiling aggregate) shall be located in the Phase 1 area as proposed.
- c) Submission of a plan showing those specific areas to be dedicated to the storage of 'topsoil' in each phase. Please consider the logistics of minimizing the movement of salvaged 'topsoils' in the context of the proposed progressive extraction / reclamation.
- d) Submission of cross-sections showing the existing and proposed final elevations to be achieved upon completion of the project.
- e) Fill material of any type shall not be imported to the property without specific approval granted by the Commission.

- f) That all extracted and work areas disturbed by the project be reclaimed to an agricultural standard, as described in Chapter 7 (Reclaiming for Agriculture) in the 1995 publication, *Reclamation and Environmental Protection Handbook for Sand, Gravel and Quarry Operations in British Columbia* (copy attached).
- g) That an annual project status report that is prepared by a qualified registered professional be submitted to the Commission on or about the 31st of October each year.
- h) That the approval granted by the Commission is for a term of five (5) years, expiring October 31, 2010, or until the completion of extraction and reclamation of Phase 2, whichever occurs first.
- i) Should you require an extension beyond the October 31, 2010 expiry date to complete the entire extraction and reclamation project, a request shall be submitted to the Commission prior to October 31, 2009. The request shall include information describing the progress of the project. The request shall also be accompanied by an assessment of the reclamation achieved that is prepared by a qualified registered professional.
- j) Upon closure of the gravel pit, a report shall be submitted to the Commission, that is prepared by a qualified registered professional, confirming that reclamation is completed on all extracted areas.
- k) A reclamation security (bond) in the amount of \$15,000 shall be posted with the Ministry of Finance, in favour of the Provincial Agricultural Land Commission. The bond shall be in the form of an 'Irrevocable Letter of Credit' and shall include an automatic renewal clause.
- l) Compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Ministry of Energy, Mines and Petroleum Resources and the Fraser Valley Regional District, at your earliest convenience.
- m) Receipt by the Commission of a letter from Land and Water BC acknowledging that you have approval to use the land as proposed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

The decision noted above is recorded as Resolution #573/2005. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Fraser Valley Regional District Attn: Richard McDermid (#3015-30-021)
GB/lv/Encl./36191d1

3. Submission of a plan showing those specific areas to be dedicated to the storage of 'topsoil' in each phase. Please consider the logistics of minimizing the movement of salvaged 'topsoils' in the context of the proposed progressive extraction / reclamation.
4. Submission of cross-sections showing the existing and proposed final elevations to be achieved upon completion of the project.
5. Fill material of any type shall not be imported to the property without specific approval granted by the Commission.
6. That all extracted and work areas disturbed by the project be reclaimed to an agricultural standard, as described in Chapter 7 (Reclaiming for Agriculture) in the 1995 publication, *Reclamation and Environmental Protection Handbook for Sand, Gravel and Quarry Operations in British Columbia* (copy attached).
7. That an annual project status report that is prepared by a qualified registered professional be submitted to the Commission on or about the 31st of October each year.
8. That the approval granted by the Commission is for a term of five (5) years, expiring October 31, 2010, or until the completion of extraction and reclamation of Phase 2, whichever occurs first.
9. Should you require an extension beyond the October 31, 2010 expiry date to complete the entire extraction and reclamation project, a request shall be submitted to the Commission prior to October 31, 2009. The request shall include information describing the progress of the project. The request shall also be accompanied by an assessment of the reclamation achieved that is prepared by a qualified registered professional.
10. Upon closure of the gravel pit, a report shall be submitted to the Commission, that is prepared by a qualified registered professional, confirming that reclamation is completed on all extracted areas.
11. A reclamation security (bond) in the amount of \$15,000 shall be posted with the Ministry of Finance, in favour of the Provincial Agricultural Land Commission. The bond shall be in the form of an 'Irrevocable Letter of Credit' and shall include an automatic renewal clause.
12. Compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Ministry of Energy, Mines and Petroleum Resources and the Fraser Valley Regional District, at your earliest convenience.
13. Receipt by the Commission of a letter from Land and Water BC acknowledging that you have approval to use the land as proposed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED

Staff Report
Application # MM – 36191 – 0
Applicant: William Tolmie

DATE PREPARED: September 2, 2005

TO: Chair and Commissioners – South Coast Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To remove 100 000 m³ of sand and gravel per year for 10+ years from an 18.2 ha lot.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant states that the land is currently forested with two smaller benches and steep growth separating them. The gravel extraction will make for one larger, more usable area.

Local Government:

Fraser Valley Regional District, Electoral Area E

Legal Description of Property:

Proposed Crown Land gravel permit over part of the NW¼ Sec.30 Twp.1 Rge.28 W6M NWD

Location of Property:

On Chilliwack Lake Road adjacent to Borden Creek.

Size of Property:

18.2 ha (The majority of the property is in the ALR).

Present use of the Property:

Forested crown land. No buildings

Surrounding Land Uses:

WEST: Dense forest (ALR)

SOUTH: Mountainside, dense forest (non-ALR)

EAST: Borden Creek, dense forest and further east, logging clearcut (ALR)

NORTH: Chilliwack Lake road. Beyond the road, dense forest and the River (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92H/4 (b & c)
The majority of the property is identified as having the following ratings: 4AP (3PT).

Official Community Plan and Designation:

Official Settlement Plan for Electoral Area E - Designation Agricultural (for the ALR portion of the property). The Official Settlement Plan policies provide for extraction uses on land designated Agricultural, subject to ALR approval.

Zoning Bylaw and Designation:

Bylaw No. 66, Zoning L-2 (Institutional). Extraction of raw materials is permitted in this zone.
Minimum Parcel Size (32.4 ha)

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Government Planning Staff:

The proposal is generally consistent with FVRD initiatives to encourage aggregate extraction uses at easily-accessible sites located away from settlements. However, truck traffic could be a significant concern on Chilliwack Lake Road if not managed properly. The applicant expects that there would be an average of about 20 loads hauled per day, which would not have an especially significant impact on traffic (about two truck trips per hour in each direction).

Staff are not aware of any nearby residential properties or other conflicts with neighbouring land uses.

The applicant states that he will re-contour and reforest the site on an ongoing basis to be completed in 2 ha sections. Local government staff feels that in practical terms, the best agricultural end use of the site for the foreseeable future may be silviculture.

The Fraser Valley Regional District does not object to the application for a license of occupation but listed 10 conditions that its agreement would be subject to. In general the FVRD recommends that approval, if granted, require a detailed quarry development and restoration plan. The subject property is not within the area of FVRD Soil Removal and Deposit Bylaw 0359, so a permit is not required under that bylaw.

END OF REPORT

Signature

Date