



**Agricultural Land Commission**  
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June 19, 2007

Reply to the attention of Jennifer Carson  
ALC File: #MM - 37370

Janet Demarcke  
City of Chilliwack  
8550 Young Road  
Chilliwack, BC V2P 4P1

Dear Ms. Demarcke:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 265/2007 outlining the Commission's decision as it relates to the above noted application.

The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR when it has received confirmation that the first of the conditions of approval has been met and that the City has adopted policies to ensure that the second and third of the conditions of approval shall be carried out at the earliest opportunity.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read "E. Karlsen". The signature is written in a cursive, somewhat stylized font.

Erik Karlsen, Chair

Enclosure: Minutes

JC/lv  
37370d1





# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on May 22, 2007 in Chilliwack, B.C.**

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	Erik Karlsen	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

## For Consideration

Application: # MM - 37370  
Applicant: City of Chilliwack  
Proposal: To exclude two properties from the Agricultural Land Reserve. One of them was already permitted and used as a landfill before the inception of the Agricultural Land Reserve, and the second is proposed to be used for landfill expansion, a buffer area, a composting facility and stormwater detention.

Legal:

- PID: 023-041-579  
Lot 1, New Westminster District, EXCEPT Part Dedicated Road on Plan LMP22861, Section 8, Township 26, Plan LMP22428
- PID: 013-510-002  
North West Quarter of the South East Quarter, Section 8, Township 26, New Westminster District, EXCEPT Part on Plan 25256,

Location: 5940 Matheson Road, Chilliwack

## Site Inspection

A site inspection was conducted on May 22, 2007. Those in attendance were:

- Sylvia Pranger                      Chair, South Coast Panel
- Michael Bose                        Commissioner
- Erik Karlsen                         Commissioner
- Tony Pellett                         Staff
- Jennifer Carson                     Staff
- Tara Friesen                         City of Chilliwack Staff
- Teresa Carlson                      City of Chilliwack Staff

The Commissioners and Staff met with Tara Friesen and Teresa Carlson, both Environmental Engineers for the City of Chilliwack, at the site to discuss the exclusion application on the subject properties and present the basic proposal. When asked about the impact the proposal would have on agriculture, Tara Friesen responded that:

- compost produced on site would be made available to the agricultural community,
- while the current landfill is not producing adequate methane to be harnessed and used elsewhere, upon expansion of the landfill, it is possible that there would be enough for greenhouses, and
- onsite storm water retention would reduce off site impacts to the surrounding farms.

At this time the Commission staff also pointed out that one panhandle lot (between the two lots requested for exclusion) was not included in the application. The engineers advised they would alert the City to the possible need to submit a further application.

### **Exclusion Meeting**

An exclusion meeting was conducted on May 22, 2007 at the FVRD Board Room in Chilliwack. Those in attendance were:

- Sylvia Pranger                      Chair, South Coast Panel
- Michael Bose                      Commissioner
- Erik Karlsen                      Commissioner
- Tony Pellett                      Staff
- Jennifer Carson                      Staff
- Janet Demarcke                      Applicant

The Commissioners and Staff met with Janet Demarcke, the Manager of Environmental Services at the FVRD board room. The Commissioners asked why exclusion was being proposed instead of non-farm use. Ms. Demarcke responded that exclusion was essential for the northern parcel due to the long term use of the parcel. The southern parcel is the area being utilized for the landfill and thus would not be appropriate for soil based agriculture. With the expansion, it is also possible that agricultural animal waste may be able to be accepted at the landfill. For example, during the avian flu emergency, the City made the landfill available for poultry carcasses.

### **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **Discussion**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that the land is no longer suitable for agriculture and suitability will be further compromised with the landfill activities. As a result the Commission believes that the proposed exclusion is an acceptable proposal.

### **Assessment of Other Factors**

The Commission considered that:

- this landfill could function as an acceptable location for bringing excavation material (as opposed to it being illegally placed on other ALR lands) which would be of benefit to agriculture in the area, and
- the landfill may be able to assist the agricultural community with an agricultural emergency as it has in the past.

## **Conclusions**

1. The land is no longer suitable for agriculture and suitability will be further compromised.
2. The landfill should be able to function as an acceptable location for bringing excavation material as opposed to it being illegally placed on other ALR lands.
3. The landfill may be able to assist the agricultural community with an agricultural emergency as it has in the past.

## **IT WAS**

**MOVED BY:** Commissioner Pranger

**SECONDED BY:** Commissioner Bose

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- vegetative buffering being planted so as to protect adjacent ALR properties from any adverse impacts originating from the landfill,
- methane gas being made available for greenhouses when feasible, and
- the landfill being designed and operated so as to accommodate excavation material which might otherwise be placed illegally on ALR lands.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

## **CARRIED**

**Resolution # 265/2007**



**Staff Report**  
**Application # MM – 37370**  
**Applicant: City of Chilliwack**

**DATE RECEIVED:** April 18, 2007

**DATE PREPARED:** May 8, 2007

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To exclude from the Agricultural Land Reserve two of the three parcels in the property functioning as Chilliwack's "Bailey Landfill". The most southerly was already used as a landfill in 1972 and is currently permitted under the *Environmental Management Act*. The most northerly is proposed to be used for landfill expansion, a buffer area, a composting facility and storm water detention. The central parcel is partly used in conjunction with the main landfill (in its non-ALR area) and for a principal access road (in its ALR area), but the application proposes it for landfill expansion notwithstanding that it is not being proposed for exclusion. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

City of Chilliwack

**Legal Description of Property:**

1. PID: 023-041-579 (northerly parcel under application)  
Lot 1, New Westminster District, Section 8, Township 26, Plan LMP22428, Except Part Dedicated Road on Plan LMP22861
2. PID: 013-510-002 (southerly parcel under application)  
North West Quarter of the South East Quarter, Section 8, Township 26, New Westminster District, Except Part on Plan 25256
3. PID: 008-711-887 (central parcel, not under application)  
Lot 7, Section 8, Township 26, New Westminster District, Plan 25256, Except Part in Plan LMP20648

**Location of Property:**

1. 6150 Matheson Road, Chilliwack
2. 5940 Matheson Road, Chilliwack
3. 5990 Matheson Road, Chilliwack

**Size of Property:**

1. 29.8 ha (Approximately 99% of the property is in the ALR).
2. 15.1 ha (Approximately 30% of the property is in the ALR).
3. 3.3 ha (Approximately 15% of the property is in the ALR).



**Present use of the Property:**

1. Gravel and clay stockpiles, receiving and recycling area for the Bailey Landfill
2. Landfill (mostly non-ALR)
3. Landfill access road (in the ALR portion) and landfill (solely in the non-ALR portion)

**Surrounding Land Uses:**

**WEST:** Tzeachten Indian Reserve 13 - forested land and recreation facilities  
**SOUTH:** Hudson Road rural-residential area (above escarpment)  
**EAST:** 1.6 ha farm, 1.1 ha farm, Teskey Way/Prest Road (arterial street)  
**NORTH:** 24.6 ha farm (also extends partially to east of subject property)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92H/4d  
The majority of the property is identified as having Unclassified ratings.

According to a 2002 report by Brian French, the native soils were highly variable and difficult to manage due to inter-bedded silt and peat layers.

**Official Community Plan and Designation:**

1. Agricultural
- 2, 3. Institutional & Civic Use

**Zoning Bylaw and Designation:**

Zoning: RSV2 - Public Use Reserve (permitted uses include agriculture)

**PREVIOUS APPLICATIONS:**

**Application #28829-0**

**Applicant:** BAILEY FARMS LTD.  
**Decision Date:** June 30, 1994  
**Proposal:** Construct a 60,000 m<sup>3</sup> storm water detention pond - Promontory Hill development site and stockpile material for the reclamation of the Bailey Road landfill site.  
**Decision:** ALC approved stockpile site for storage of material to reclaim Bailey Road land fill site. ALC refused request for a detention pond but suggested a reconsideration option should discussions with Tzeachten First Nation fail.

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**Application #28829-1**

**Applicant:** BAILEY FARMS LTD.  
**Decision Date:** September 22, 1994  
**Proposal:** Alter the location of the stockpile site within the boundaries of the property.  
**Decision:** The Commission approved the relocation.

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**Application #28829-2**

**Applicant:** BAILEY FARMS LTD.  
**Decision Date:** July 22, 1997  
**Proposal:** To allow the construction of a maximum 150,000m<sup>3</sup> detention pond facility to be located on an 8.6 ha portion of the 47.9 ha property.  
**Decision:** Approved in principle the use of the site for storage ponds pending further drainage engineering analysis.

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**Application #34663-0**

**Applicant:** City of Chilliwack

**Decision Date:** January 29, 2003

**Proposal:** The proposal was to relocate the refuse drop-off and recycling components of the Bailey Road landfill site outside of the active landfill area to a new site ± 2.5 ha in size, and relocate the scales and access road presently located on the Matheson Road Right of Way onto City owned lands immediately to the east of Matheson Road, thus re-establishing use of Matheson Road as access to Indian Reserve lands of the Tzeachten First Nation.

**Decision:** Allowed subject to conditions intended to ensure land is protected for agriculture in the long term.

- 1) site preparation, decommissioning and rehabilitation as outlined in the Nov. 3, 2002 Report prepared by C & F Land Resource Consultants Ltd.;
  - 2) on-site monitoring of the work by a Supervising Agrologist to ensure that all work is carried out according to the specifications outlined in the Nov. 3, 2002 Report and that any agricultural, soils or drainage issues which arise during the work are addressed and mitigated;
  - 3) submission of progress reports through the construction phase; and
  - 4) submission of a final report upon completion of the works.
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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**City of Chilliwack Council:**

The City of Chilliwack Council forwarded its application with a recommendation of support.

**STAFF COMMENTS:**

It is recommended that the Commission consider the following.

**Solid Waste Management Plan**

Under section 2 of the *Agricultural Land Commission Act*, the Act is subservient to only three other Acts, one of which is the *Environmental Management Act*, paragraph 24(2)(a) of which states that "On the written request of the minister [of Environment], a regional district must submit for approval by the minister a waste management plan that is for the benefit of the whole area of the regional district." Subsection 28(1) states that "If a waste management plan is approved by the minister, a director may, in accordance with the regulations, issue an operational certificate, with or without conditions, to the municipality or to any person who is the owner of a site or facility covered by the waste management plan."

In 1994, the Minister of Environment issued guidelines for preparation of solid waste management plans and wrote to every regional district "requesting" (i.e. ordering) that they each prepare a solid waste management plan (which would supersede any solid waste management plan which had previously been prepared by a municipality). All regional districts complied and now have solid waste management plans which are amended from time to time. Although it was intended that the consultation process would involve the Commission, in practice the great majority of regional districts submitted solid waste management plans which were then approved by the minister without Commission consultation. Where Commission considerations were not made part of a solid waste management plan, the Ministry's Directors of Environmental Management may issue or amend operational certificates for works within the ALR without reference to our interests.

The FVRD has provided information from its solid waste management plan. The original permit (for parcel 2 plus the access road on parcel 3) is still in place but will be replaced by operational certificates as part of the expansion. The plan does not rule out expansion onto ALR lands, but only in conjunction with a detailed screening assessment including consideration of groundwater flow paths (previously an issue being monitored by the Commission and Agriculture Ministry). There is nothing to stop the Commission from setting terms, e.g. buffering adjacent farmlands.



### Agrologists' Reports

November 2002

Brian French prepared a report which identified benefits to agriculture and included a rehabilitation plan. The report identified existing soil management difficulties and provided advice as to how the "soil discontinuities should be eliminated thus affording the opportunity for a much wider range of crops than experienced at present. The affected area may have subsurface drain lines installed which would provide significant improvement in drainage and extend the growing season", this improvement being "contingent upon whether the land is eventually needed for detention pond purposes".

December 2006

John Paul prepared a report which explained how Brian French's recommendations had been met or amended in the preparation of the receiving/recycling area. That facility was accommodated in a smaller area (on one end of an existing clay stockpile, thereby using less agricultural land) and a woven geotextile (rather than compost, sawdust or shavings) was used to separate the topsoil pile from the gravel and clay stockpile. Construction was complete in 2005 and hydroseeding in 2006.

April 2007

- John Paul prepared a report on the application to exclude the northern parcel. It does not deal with the other two parcels, which are substantially occupied by the existing landfill operation.
- The report notes that the northern parcel has always been of minimal use for agriculture because its high water table allow access to equipment only during the summer and because the soil is highly variable with interbedded silt, clay and peat layers. The April 2007 report does not mention the remedies identified in the November 2002 report by Brian French.
- The current report states that exclusion of the northern parcel is appropriate
  - because it is marginal for agriculture,
  - because it is already being used to store cover materials for the landfill (as well as to serve as a drop-off site *per* the Commission's previous approval),
  - because it will allow the existing greenwaste and yardwaste facility (currently in the ALR elsewhere in Chilliwack) to become an efficient composting facility as communities begin diverting organic waste from landfills, and
  - because a composting area and wetlands would provide an excellent buffer between the landfill and the agricultural lands to the north, as well as to nearby residential areas.
- The report proposes to remove any valuable topsoil and to manage all surface water and development so as to minimize impact on the agricultural lands on the northern border of the property. A minimum 30 m vegetative strip would remain in place on the northern edge of the property.

### Procedural Issue

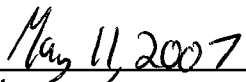
The application omits the central property, possibly as the result of an oversight. Because the application is for exclusion, it cannot now be amended without repeating the notification process, waiting times, etc. Given that the only use proposed for the central property is extension of the existing landfill, and given the power of a Ministry of Environment director to approve such an extension without reference to the Commission, it would be possible for the City to achieve its purpose without exclusion of the central property at this time (leaving the ALR boundary mapping problem to be cleaned up later in conjunction with a block application to clean up numerous ALR boundary anomalies within the City).

### ATTACHMENTS:

1. Base Map
2. Agricultural Capability Map
3. Aerial Photograph
4. Application by Local Government
5. Agrologist's Report for Exclusion of 6150 Matheson Road from the ALR

END OF REPORT

  
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Signature

  
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Date