



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

Reply to the attention of Gordon Bednard (re application, procedure)
Reply to the attention of Tony Pellett (re planning)

24 July 2006

City of Chilliwack
8550 Young Road
Chilliwack BC V2P 8A4

Attention: Gary Wickham, Director of Engineering & Operations

Re: Proposed Island 22 Wing-Dyke — Application #MM-36624

On behalf of the Provincial Agricultural Land Commission (the "Commission"), we thank you for meeting the South Coast Panel members and staff last week near the site of the proposed Island 22 wing-dyke to be constructed within the agricultural land reserve (ALR). The Commission was interested to learn that implementation of the wing-dyke is to be deferred pending new scientific information. The Commission has therefore deferred its consideration of the City's application until the new information is available.

From its meeting with you, the Commission understands that the new information may allow the wing-dyke to be redesigned. The Commission is hopeful that it may prove possible to reduce the impacts on the farm operation on Island 22 while at the same time providing the farm better erosion protection, and to that end the Commission asks that an opportunity be provided for its staff to be consulted at the design stage.

From its meeting with you, the Commission also understands that the attached document entitled *An Advisory for Landowners in the Agricultural Land Reserve* was not provided to ALR landowners as required under section 7 of the ALR Use, Subdivision and Procedure Regulation. Given that the application is now deferred, that omission is currently immaterial. Nevertheless, it will be essential to supply the document to the owners of all affected ALR properties well in advance of the City's resubmission of the application to the Commission.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

Encl.

TP/

36624 d1

TRANSPORTATION AND UTILITY CORRIDORS AND AGRICULTURAL LAND

AN ADVISORY FOR LANDOWNERS IN THE AGRICULTURAL LAND RESERVE

The purpose of this advisory is to describe the application process for pipelines, roads, recreational trails and other utility corridors in the Agricultural Land Reserve (ALR), and the rights and duties of proponents and affected landowners. It does not address compensation or other issues that may arise between a proponent and a landowner, which are private matters to be resolved between the parties and their professional advisors.

Application Process

The provincial *Agricultural Land Commission Act* protects agricultural land in BC for present and future farm use. Proponents of transportation and utility corridors through the ALR must, in addition to obtaining a landowner's permission, apply and receive permission from the Agricultural Land Commission for such development. Upon receipt of an application, the Commission may contact local governments and other agencies for their comments and recommendations. After reviewing the proposal, the Commission will make a decision and communicate this in writing to the proponent.

The proponent is responsible for notifying the affected landowners at two stages in the process:

- At the time the application is filed with the Commission, and
- When the Commission makes a decision.

If the Commission approves an application, the second notice must include any conditions of approval imposed by the Commission.

Landowner's Rights

As an owner of land in the ALR through which a gas, sewer or water line, road, recreation trail or other utility corridor is being proposed, you have the right:

During the Route Selection Stage

- To all information from the proponent on the options and preferred route location of the transportation or utility corridor through your property; and
- To contact the proponent and the Commission to express concerns or suggest specific changes to the preferred route location.

During the Application Stage

- To be notified by the proponent that an application under the *Agricultural Land Commission Act* has been filed for that portion of the proposal which affects your property; and
- To contact the proponent and the Commission to express concerns or make suggestions on site preparation and reclamation.

During the Decision Stage

- If approved, to be notified by the proponent of the Commission's decision, by way of a copy of the Commission's approval letter outlining the conditions of approval; and
- To view any of the proponent's site preparation and reclamation reports submitted to the Commission. (During any negotiations between a landowner and the proponent, the landowner may request construction or rehabilitation conditions beyond those specified by the Commission.)

During the Construction & Reclamation Stages

- To review all site preparation, construction and reclamation work as it proceeds; and
- To contact the Commission directly if the Commission's conditions are not being met.

To ensure that the Commission's conditions are being met, the Commission staff Agrologist will review the construction and reclamation procedures. If the procedures being used do not satisfy the approved conditions, the Commission may amend the conditions or issue a stop work order. The Commission Agrologist has the authority to modify the approval conditions, provided the modifications do not materially alter the intent of the approval.

Notification of Affected Landowners

The Commission requires the proponent to give this advisory to affected landowners. If you have any concerns about the proposal, please complete the back of this form and send it to the Commission within 14 days of receiving the notification.



Staff Report
Application # MM – 36624
Applicant: City of Chilliwack

DATE PREPARED: July 6, 2006

TO: Chair and Commissioners – South Coast Panel

FROM: Colin Fry, Director – Regional Operations

PROPOSAL: To dedicate a statutory right of way involving 5.2 ha of land to facilitate the construction of a new "Wing Dyke" for flood protection.

This application is made pursuant to section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

The existing "Wing Dyke" is currently in peril of being eroded. Studies have concluded that the existing dyke cannot be saved, Installation of access ramps will be built on the property located at 44643 Cartmell Road to provide the landowner access to the land on the west side of the proposed dyke.

Local Government:

City of Chilliwack

Legal Description of the Properties:

1. PID: 005-136-679
East Half Legal Subdivision 6, Section 4, Township 3, Range 30, West of the 6th Meridian,
New Westminster District

Owners: **Lehigh Cement Ltd.** (As to an undivided ½ interest)
Margaret and Kenneth Alendal (As to an undivided ½ interest)
2. PID: 013-173-332
Parcel "A" (263956E), West Half Section 4, Township 3, Range 30, West of the 6th Meridian,
Being Part of Island No. 22 in the Fraser River, Except: Parcel 11 (Statutory Right of Way
Plan 82076), New Westminster District

Owner: **City of Chilliwack**
3. PID: 008-480-133
District Lot 248, Group 2, New Westminster District

Owner: **City of Chilliwack**

Location of Properties:

Northwest Chilliwack

Property Sizes:

1. East Half Legal Subdivision 6	46.8 ha
2. Parcel "A"	30.5 ha
3. District Lot 248	<u>40.0 ha</u>
Total	117.3 ha (All in the ALR)

Agricultural Capability:

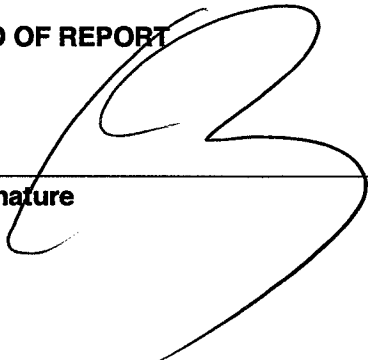
Data Source: Agricultural Capability Map # 92H/4(e)
The properties are identified as having Prime agricultural capability ratings.

Attachments:

1. May 12, 2006 letter from G.A. Wickham, Director of Engineering & Operations – City of Chilliwack
2. Wing Dyke Site Plan
3. Map showing location of existing and proposed Wing Dykes
4. Aerial Photograph showing location of proposed Wing Dyke

END OF REPORT

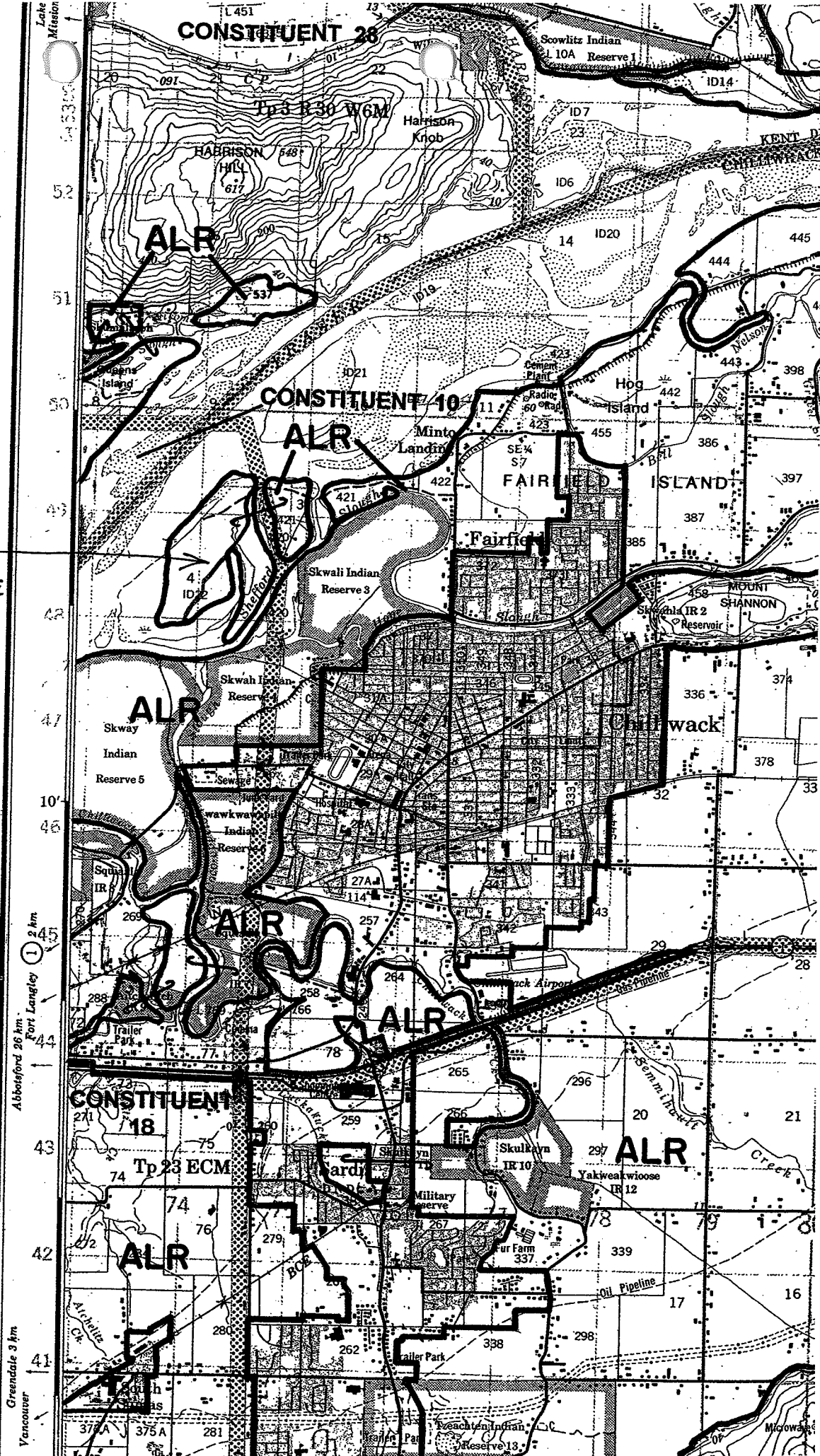
Signature



Date

July 6/06

PROPOSED
NEW
WING DYKE
LOCATION



92H/4