



Agricultural Land Commission
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March 14, 2017

ALC File: 55847

City of Chilliwack
8850 Young Road
Chilliwack, BC V2P 8A4

Attn: Wayne Moseanko:

Re: Application for a Transportation Corridor Use the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the South Coast Panel (Resolution #59/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Kamelli Mark at Kamelli.Mark@gov.bc.ca.

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

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Kamelli Mark, Land Use Planner

Enclosures: Reasons for Decision (Resolution #59/2017)
Sketch plan

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AGRICULTURAL LAND COMMISSION FILE 55847

REASONS FOR DECISION OF THE SOUTH COAST PANEL

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)

Applicant:

**City of Chilliwack
(the “Applicant”)**

Agent:

**Wayne Moseanko
(the “Agent”)**

Application before the South Coast Regional Panel:

**William Zylmans, Panel Chair
Satwinder Bains
Sam Wind**



THE APPLICATION

[1] The legal description of the properties involved in the applications are:

Property 1

Parcel Identifier: 002-278-561

Lot 2, District Lot 273, Group 2, New Westminster District, Plan 70351

Civic Address: 7697 Lickman Road, Chilliwack

Parcel Area: 15.1 ha

Area Affected: 0.3 ha

Property 2

Parcel Identifier: 024-872-911

Lot 4, District Lot 271, Group 2, New Westminster District, Plan LMP47662

Civic Address: 44150 Luckakuck Way, Chilliwack

Parcel Area: 11.1 ha

Area Affected: 0.3 ha

[2] The Properties are located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "*ALCA*").

[3] The Properties are located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[4] Pursuant to s. 6 of the BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation"), the Applicant is applying to utilize 0.3 ha from Property 1 and 0.3 ha from Property 2 as Right-of-Way (RoW) for the construction of a roundabout as part of the Lickman/Trans-Canada Highway Interchange upgrade (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").



RELEVANT STATUTORY PROVISIONS

[5] The Application was made pursuant to s. 6 of the Regulation:

6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;
- (b) construction of a road within an existing right of way;
- (c) dedication of a right of way or construction of any of the following:
 - (i) a new or existing road or railway;
 - (ii) a new or existing recreational trail;
 - (iii) a utility corridor use;
 - (iv) a sewer or water line other than for ancillary utility connections;
 - (v) a forest service road under the [*Forest Act*](#);
- (d) the new use of an existing right of way for a recreational trail.

[6] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.



EVIDENTIARY RECORD BEFORE THE PANEL

[7] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery
4. Lickman Road Interchange Business Case Report by Urban Systems, dated April 2015

All documentation noted above was disclosed to the Agent in advance of this decision.

[8] The Panel reviewed four previous applications involving Property 1 and two previous applications involving Property 2:

Application ID: 15244
Legacy File: O-05700
(Stobbe, 1977)

To re-construct a second dwelling on Property 1 for farm help; the original structure was destroyed by fire. The application was approved by ALC Resolution #7769/77.

Application ID: 15243
Legacy File: O-06087
(Stobbe, 1978)

To subdivide Property 1 into a 25 acre lot and a 14.7 acre lot. The 25 acre lot would be utilized for a golf course, driving range, squash courts, and clubhouse. The 14.7 acre property would be utilized for agriculture. The application was approved by Resolution #9176/78 with the condition that no squash courts were to be incorporated within the clubhouse complex and that a suitable barrier be erected between the golf course complex and adjacent agricultural operation.

Application ID: 15241
Legacy File: O-18765
(District of Chilliwack, 1985)

To construct and operate non-farm use buildings and structures to facilitate the development of the Lickman Agricultural Park and exhibition site on Property 2. The application was approved by Resolution #242/85.



Application ID: 15239
Legacy File: O-22870
(District of Chilliwack, 1989)

To exclude 3.6 ha of Property 2 to allow for future non-farm development of the land for commercial/highway related purposes (truck stop/motel). The Commission found that property was capable of supporting agriculture and that the existing Village West Industrial Park located to the north of the highway was 50% underutilized, and as such there was no justification for exclusion. The application was refused by Resolution #190/89.

Application ID: 55346
(Oostenbrink, 2014)

To construct and utilize a 170 m² retail area, a 60 m² café area, and a 225 m² herb and preserve sales area in conjunction with the existing agricultural operation on Property 1. The Commission found that the proposed non-farm uses would support and enhance the farm operation and agricultural activities already occurring on the property. The application was approved by Resolution #226/2014.

Application ID: 54969
(Oostenbrink, 2016)

To construct a 0.4 ha non-farm use building on Property 1. The non-farm use building would be utilized for a farm market with retail area, bistro, market square, food preparation space, agricultural learning centre, community kitchen, commercial wedding/event venue, office space, storage space and coolers. The Panel found that the application would transfer the non-farm use previously approved under Resolution #226/2014 to a different site on the property while also dramatically increasing the scale and scope of the non-farm use activities on the property well beyond what the Panel considered appropriate on agricultural land. The application was refused by Resolution #246/2016.



Reconsideration Request The Commission received a request, dated July 20, 2016 from the applicant to reconsider Resolution #246/2016. The Executive Committee referred the Request for Reconsideration to the Panel who determined that the proposed non-farm use was still for a substantial facility well beyond what the Panel considered to be an appropriate use of agricultural land. The Request for Reconsideration was refused by Resolution #246/2016.

SITE VISIT

[9] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[10] In assessing agricultural capability, the Panel referred to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92G/01h & 92H/04e for the mapping units encompassing the portions of the Properties proposed for non-farm use are Class 2 and Class 3, more specifically (7:2DT - 3:3DW).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure), W (excess water) and T (topographic limitations).

[11] The Panel reviewed the BCLI ratings and finds that the Properties are of prime agricultural capability and could support a wide range of crops.

[12] The Proposal portion of Property 1 currently supports a blueberry crop. The Proposal portion of Property 2 forms part of an existing agricultural exhibition site where no active agriculture production is taking place.

[13] The Panel reviewed the background information and rationale for the Proposal as provided by the Applicant:

The need to construct a roundabout at this intersection is driven by the need to improve the efficiency of the Lickman Road/Trans-Canada Highway Interchange. Traffic travelling east on the Trans-Canada Highway and wanting to exit the off ramp to Lickman Road are being forced to wait in the east bound slow lane of the Trans-Canada Highway, thus putting drivers and passengers at risk. The installation of a roundabout as proposed will eliminate the left hand turn onto Lickman Road from the east bound off ramp and increase the capacity of the ramp to accept vehicles wishing to exit to Lickman Road without negatively impacting the flow of traffic along the two Trans-Canada highway lanes.

Although the rationale supplied by the Applicant is not agricultural in nature, the Panel acknowledges that a reduction in risk for vehicles would be beneficial to users of the Lickman Road/Trans-Canada Highway Interchange. As the subject interchange is located adjacent to an agricultural area, the Panel found it reasonable to conclude that local farm operators using the interchange would also benefit from any resulting risk reduction. The Panel acknowledges that the southern portion of the existing Lickman/Trans-Canada Highway Interchange is located entirely within the ALR and that any proposed upgrading of this portion of the infrastructure would therefore have the potential to impact ALR lands.

[14] With regards to the Proposal design, the Panel wishes to be clear that the design of the proposed roundabout and road infrastructure should not result in any restrictions to the movement of agricultural equipment along Lickman Road. In addition, maintaining

roadway access to ALR properties both during construction and following the completion of the project is crucial to current and future agricultural operations; as such, existing road access to the Properties must be maintained, or new access must be provided to the Properties, if required.

[15] With regards to drainage, the Panel notes that agricultural operations are dependent on functioning local drainage and irrigation systems; therefore, it is important that any existing systems continue to function with minimal disruption during construction and following completion of the project.

DECISION

[16] For the reasons given above, the Panel approves the Proposal to utilize 0.3 ha from Property 1 and 0.3 ha from Property 2 as Right-of-Way (RoW) in order to facilitate the construction of a roundabout as part of the Lickman/Trans-Canada Highway Interchange upgrade.

[17] The Proposal is approved subject to the following conditions:

- a. the construction and location of the RoW and the temporary workspaces shall be in substantial compliance with the plan submitted with the Application and the attached Sketch Plan;
- b. the Commission has outstanding concerns regarding the possible restrictions that the Proposal may present with regards to agricultural equipment utilizing the proposed roundabout and associated road infrastructure. A plan demonstrating that the Proposal design is able accommodate the movement of large agricultural equipment must be submitted to the Commission for review and approval within 60 calendar days of the release of this decision;
- c. the preparation of a survey plan(s) to delineate the area to be used for RoW as per the attached Sketch Plan;
- d. submission of two (2) paper copies or one (1) electronic copy of the final survey plan(s) to the Commission;

- e. the RoW and subdivision plan(s) being completed within three (3) years from the date of release of this decision;
- f. in consultation with a professional Agrologist, topsoil within the project footprint must be salvaged and relocated either within the affected parcel or to other ALR lands in accordance with the *ALCA* and Regulation;
- g. existing road access will either be maintained, or new access will be provided to any impacted properties if required;
- h. any drainage or irrigation infrastructure which is removed or damaged must be replaced, to the landowners' satisfaction, by the Applicant at the time of construction;
- i. any fencing which is removed or damaged must be replaced, to the landowners' satisfaction, by the Applicant at the time of construction; and
- j. appropriate invasive plant species control must be practiced on all areas disturbed by the Proposal.

[18] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the survey plan(s).

[19] 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.

[20] These are the unanimous reasons of the South Coast Panel of the Agricultural Land Commission.

[21] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[22] This decision is recorded as Resolution #59/2017 and is released on March 14, 2017.

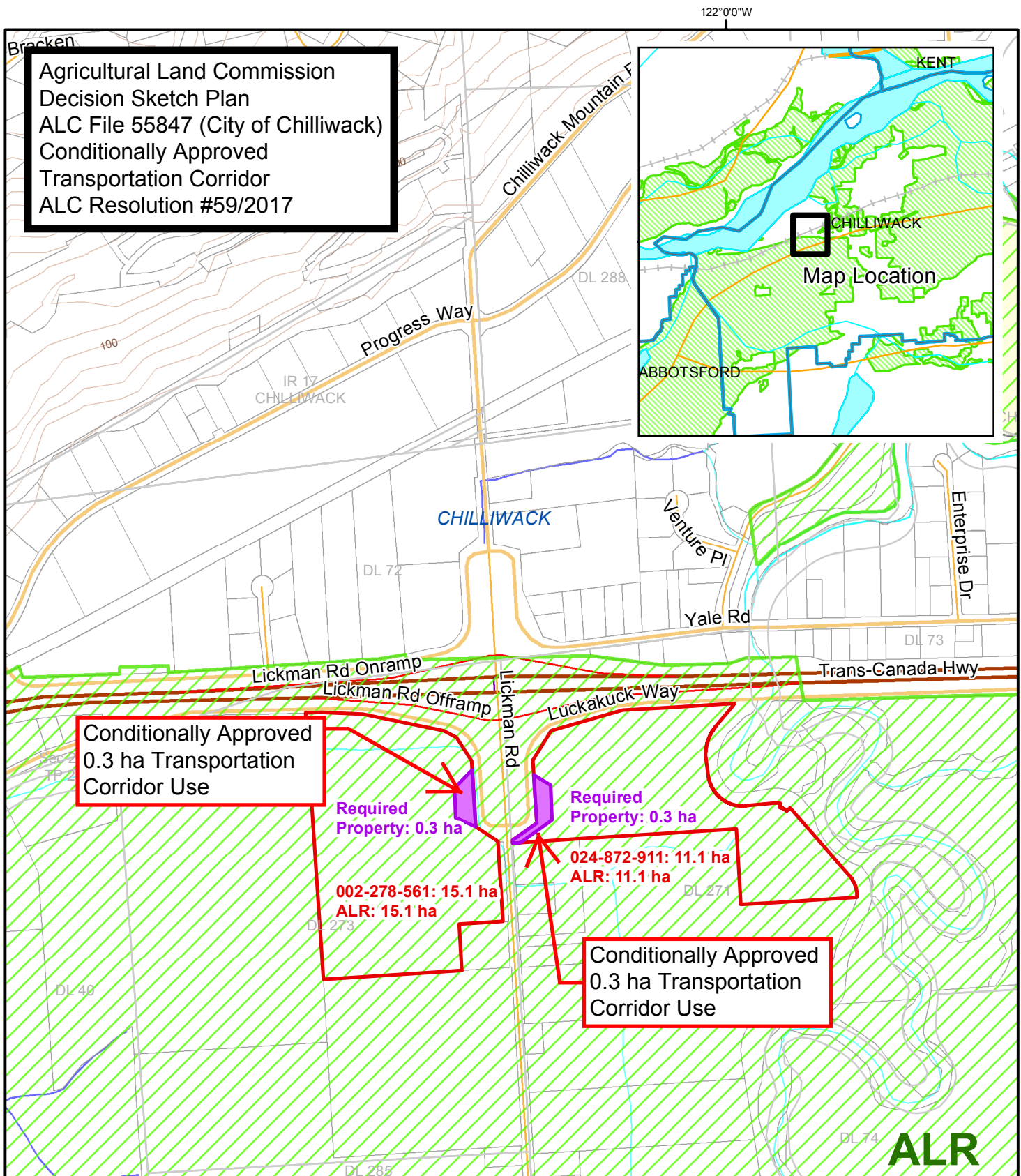


CERTIFICATION OF DECISION

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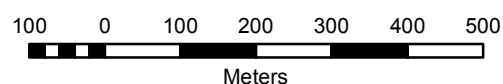
William Zylmans, Panel Chair, on behalf of the South Coast Panel

END OF DOCUMENT



ALR Context Map

Map Scale: 1:10,000



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| ALC File #: | 55847 |
| Mapsheet #: | 92G.020 & 92H.011 |
| Map Produced: | November 22, 2016 |
| Regional District: | Fraser Valley |

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Agricultural Land Commission Decision Sketch Plan
ALC File 55847 (City of Chilliwack)
Conditionally Approved Transportation Corridor
ALC Resolution #59/2017



Conditionally Approved 0.3 ha
Transportation Corridor Use

Property 1

Conditionally Approved 0.3 ha
Transportation Corridor Use

Property 2

ATTENTION
This drawing is prepared for the sole use of City of Chilliwack.
No representations of any kind are made by Urban Systems Ltd.
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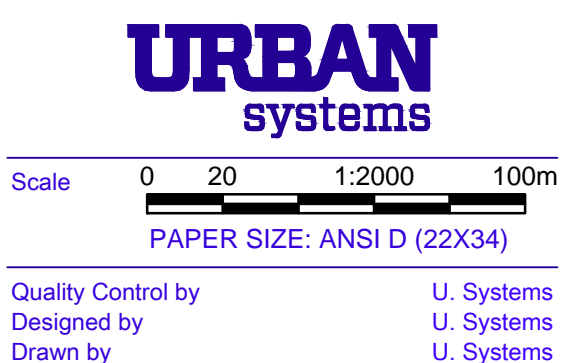
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APPLICATIONS. DETAILED ROAD
GEOMETRY AND REQUIREMENTS TO BE
CONFIRMED AS PART OF FUTURE
DETAILED DESIGN.

Issued for
INTERNAL REVIEW
April 10, 2015
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LICKMAN ROAD INTERCHANGE
CONCEPT 4 - PHASE 1

| Sheet Number | # of # |
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| Project Number 1036.0101.01 | Drawing Number C03 |
| Revision ---- | |