



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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December 21, 2005

Reply to the attention of Gordon Bednard

Norske Skog Canada Ltd  
16th Floor - 250 Howe Street  
Vancouver, BC V6C 3R8

Dear Sir/Madam:

**Re: Application # X-35449**  
**District Lot 450, Block 55, Plan 8096, EXCEPT Portions in Plans 13475,**  
**14965, and 16963**

Further to correspondence received from Richard Wright on December 2, 2005, the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

The Commission, by Resolution # 669/2005, has agreed to the registration of a plans showing the creation of statutory rights-of-way over the subject lot(s) as proposed in the attached map. These rights-of-way are for non-motorized trail purposes and are not to be considered or used as roads.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation that may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that may have jurisdiction. Before your development can proceed, other approvals may be necessary and we urge you to check with the District of Powell River.

When the final survey plans or documents as required for Land Title purposes have been prepared, please send two paper prints to this office well in advance of commencing registration procedures. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the plan(s).

Please quote the above application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

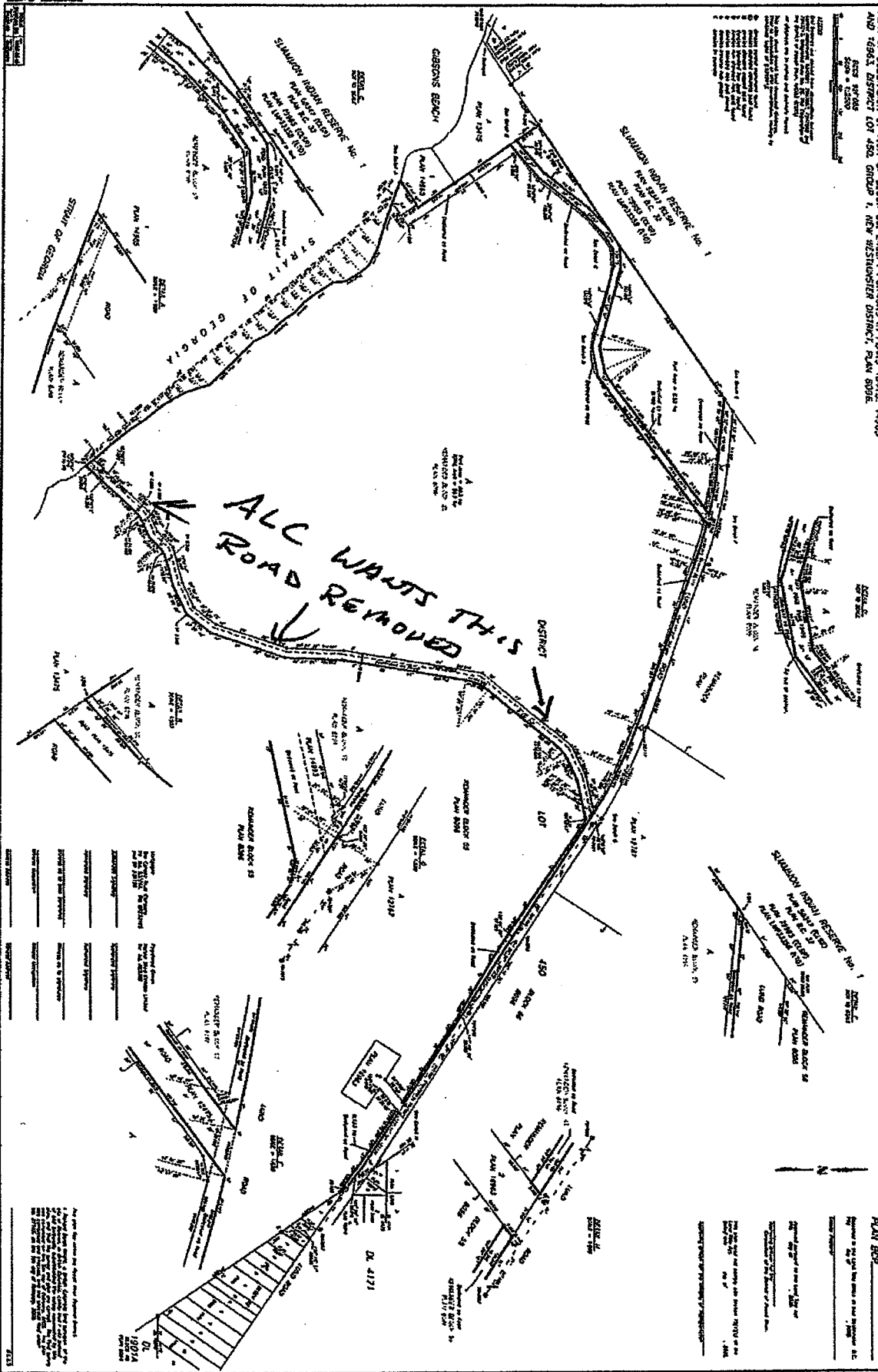
Erik Karlsen, Chair

cc District of Powell River file # 3320-20-7/8  
Focus Corporation - Attn: Dick Wright (# 011236-00)

GB/lv/Encl.  
35449d03

**PLAN OF SUBDIVISION OF PART OF BLOCK 55, EIGHT PARCELS IN PLATS 1472E, 1489E AND 1488E, DISTRICT OF WASH. COUNTY, NEW WESTMINSTER DISTRICT, PLAT 899E**

**LEGEND**  
 The following symbols are used in this plan to indicate:  
 1. The location of the proposed subdivision.  
 2. The location of the proposed roads.  
 3. The location of the proposed easements.  
 4. The location of the proposed utility lines.  
 5. The location of the proposed structures.  
 6. The location of the proposed boundaries.  
 7. The location of the proposed easements.  
 8. The location of the proposed utility lines.  
 9. The location of the proposed structures.  
 10. The location of the proposed boundaries.



Symbol	Description
(Symbol)	Proposed Road
(Symbol)	Proposed Easement
(Symbol)	Proposed Utility Line
(Symbol)	Proposed Structure
(Symbol)	Proposed Boundary
(Symbol)	Proposed Easement
(Symbol)	Proposed Utility Line
(Symbol)	Proposed Structure
(Symbol)	Proposed Boundary

**PLAN 899**  
 Prepared by the City of New Westminster, B.C.  
 Date of Issue: 1997  
 Scale: 1" = 100'  
 The City of New Westminster, B.C. is not responsible for the accuracy of the information contained in this plan. The user of this plan is advised to verify the accuracy of the information contained in this plan with the appropriate authorities.

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 7, 2005 at the offices of the Commission, 4940 Canada Way Burnaby.

**PRESENT:** Peter Dhillon Vice Chair  
Walter Dyck Commissioner  
Carol Paulson Commissioner

**STAFF:** Gordon Bednard, Regional Research Officer

**For Consideration**

Gordon Bednard presented a request dated December 2, 2005 for reconsideration of the above file. The request alters the original proposal for a 20 m road dedication through the property, and instead requests registration of a 20 m statutory right-of-way (SRW) for non-motorized access to water, which will include the existing sewer right-of-way. As well, a narrow 5 m wide SRW is requested along the foreshore from Gibson's Beach road which would meet up with the proposed trail through the property and provide a circle route for hikers.

**Commission Discussion**

The Commission felt that the proposed SRW's would have minimal effect on the ability to develop the lands for farming in the future and were therefore inclined to allow the proposal as amended.

**IT WAS**

**MOVED BY:** Commissioner Carol Paulson  
**SECONDED BY:** Commissioner Peter Dhillon

THAT the proposed SRW's be allowed for non-motorized trail access to water, subject to compliance with all other legislation, and local government bylaws.

CARRIED



**Staff Report**  
**Application # X – 35449-0**  
**Applicant: Norske Skog Canada Ltd.**

**Location: Lund Street (Hwy 101 NORTH), Powell River**

**DATE PREPARED:** August 31, 2005

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

**FROM:** Tony Pellett, Planner

**PROPOSAL:** To reconsider the original approval to subdivide the 351 ha subject property into one 98 ha lot and a 253 ha remainder. Based on the *Land Title Act* requirement for access to water, it is now proposed to subdivide the 351 ha subject property into one 97 ha lot, one new 3 ha road allowance, one extended 1 ha road allowance and a 250 ha remainder. This request is made pursuant to section 33(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

In 1971, the District of Powell River acquired a site for development of a municipal sewage treatment facility across the road from the subject property and later constructed an outfall line across the subject property, leading to the ocean.

In 1991, the Commission considered an application to exclude a 93.0 ha portion of the subject property to facilitate the development of a portion of it for pulp mill sewage effluent. This was refused as proposed, but the Commission allowed the exclusion of the area required for construction of the treatment facility ( $\pm 10$  ha) subject to buffering and substantial commencement. The mill owner then advised it would not be proceeding with a treatment facility within the subject property and the Commission rescinded its approval.

In 2004, the current owner applied to use the municipal sewer line to delineate the boundary of two proposed lots. The 98 ha lot north of the sewer line was deemed surplus to its needs and was to be offered to the adjoining Sliammon First Nation on the basis of a right of first refusal. The applicant stated that the creation of the additional lots does not impact on the ALR or on neighboring properties. The lot is being created along physical boundaries that presently exist. The creation and sale of the lot should be of benefit to the Powell River area since Norske Canada now under utilizes the lands. Sale to another party may result in the lands being utilized to their full potential. The Commission viewed the property and allowed subdivision as requested.

During the process of subdivision approval, it became necessary to consider paragraph 75(1)(c) of the *Land Title Act*, which states in part that (in a rural area where the parcels into which the land is subdivided all exceed 0.5 ha) if the land subdivided borders on a body of water, the bed of which is owned by the Crown, access must be given by highways 20 m wide to the body of water at distances not greater than 400 m between centre lines. Subsections 76(3) and (4) of that *Act* provide that on the written recommendation of the local approving officer, the Provincial approving officer may grant relief from strict compliance with the foregoing standard. By letter of August 16, 2005, the proponent's notary has advised that the Provincial approving officer has agreed to grant only partial relief, as shown on the attached drawing.

The Provincial approving officer has accepted the existing public road to Gibsons Beach as providing public access to water only if the road is widened and extended south to provide a 40 m dedication alongside the Strait of Georgia. The 40 m dedication is not in the ALR and the widening is within the latitude provided by the regulations. Only the stretch east of the beach parcels requires Commission approval.

The Provincial approving officer is also requiring that a 20 m road be dedicated through the middle of the ALR block, dedicating the existing sewer outfall right-of-way as road, with additional road dedication on the south side of the existing right-of-way. On 25 July, 2005 Powell River staff drove Commissioner Paulson and Planner Pellett to the site of the proposed road in anticipation of a possible request for reconsideration.

**Local Government:**

District of Powell River

**Parcel Identifier (PID) and Legal Description of Property:**

PID: 010-267-361

Block 55, Except Those Portions in Plans 13475, 14965, and 16963, District Lot 450, Plan 8096

**Purchase Date(m/d/y):**

7/1/1998

**Location of Property:**

Northwest corner of the District of Powell River, adjoining Sliammon Indian Reserve No. 1

**Size of Property:**

± 350 ha (± 200 ha is in the ALR)

**Present use of the Property:**

Predominantly forested with cleared portions.

**Surrounding Land Uses:**

**NORTH:** Sliammon First Nation Indian Reserve  
**EAST:** Sewage treatment plant and forested ALR land across Highway 101  
**SOUTH:** Vacant forested land within the subject parcel  
**WEST:** Gibsons Beach Park, Strait of Georgia

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F/15  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Existing OCP designates the entire subject parcel as "Resource"  
Proposed 2005 OCP would designate the ALR part as "Agricultural Land Reserve"

**Zoning Bylaw and Designation:**

A2 Rural Zone with a 2.0 ha minimum lot size.

**PREVIOUS APPLICATIONS:**

**Application #04584**

**Applicant:** MacMillan Bloedel Ltd.

**Decision Date:** 1977

**Proposal:** To subdivide a 0.89 ha parcel for the Italian Community Hall.

**Decision:** Allowed.

**Application #25150**

**Applicant:** MacMillan Bloedel Ltd.

**Decision Date:** January 22, 1991

**Proposal:** To exclude a 93.0 ha portion of the 353.0 ha subject property in order to facilitate the construction of an effluent treatment facility.

**Decision:** Allowed in principle for the exclusion of the constructed area only, subject to a minimum of 30.48 m buffer of natural trees be left surrounding the site and subject to commencement of the construction. Decision subsequently rescinded upon notice the applicant no longer wished to proceed with proposal.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No formal recommendation on the reconsideration request.

**STAFF COMMENTS:**

Although the subject property has an improved agricultural capability rating of (8:4M 2:5PM), the location and aspect could be highly suited to tree fruit and grape production, for which the dry and stony soils are somewhat of an advantage. Given the extremely large parcel size, there is an opportunity for a large scale agricultural and agri-tourism venture here.

The extension of the existing public road should create little impact on future agriculture, even if the road were extended a little farther south than currently proposed.

The creation of the proposed public road through the middle of the ALR block would likely create expectations for non-farm development. Such expectations could negate the potential for agricultural investment of the type discussed above.

If the Commission decides to reconsider this application based on the new evidence, it would be very appropriate to notify the Sliammon First Nation *per* subsection 33(2) of the *ALC Act*.

Options:

1. Decide that reconsideration is appropriate and that the "persons affected by the reconsideration" are the owner, the local government and the "first right of refusal" holder.
2. Decide that the proposed road dedications are consistent with the previous approval, therefore the survey plan may be certified without the need for reconsideration.
3. Decide that the proposed extension of the existing public road (or its extension by a further 40 m or so) is consistent with the previous approval but the proposed new road is not, then
  - a. decline to reconsider in relation to the proposed new road or
  - b. decide that it is appropriate to reconsider in relation to the proposed new road and that the "persons affected by the reconsideration" are the owner, the local government and the "first right of refusal" holder.

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**END OF REPORT**

Director's Signature

Date

Sept 2/05