



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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October 28, 2011

Reply to the attention of Lily Ford
ALC File 51712

Marie Roset-Crawford
Property Representative, Acquisition Services
BC Hydro
8th Floor, 333 Dunsmuir Street
Vancouver, BC
V6B 5R3

Dear Ms. Roset-Crawford:

Re: Application for a Non-Farm Use (Transportation/Utility Corridor) in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 321/2011 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Richard Bullock, Chair

Enclosure: Minutes

cc: Regional District of Kitimat Stikine

LF/51712d1



Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 13, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application:

[Submitted pursuant to section section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)]

Application: 51712
Applicant: BC Hydro
Agent: Marie Roset-Crawford
Proposal: Request to dedicate a 5.3 km section of electrical transmission line on land that not identified as within the ALR in the original application. The approximate area of additional disturbance within the ALR is approximately 20 ha.
Legal: Unsurveyed Crown Land between District Lot 1427 and District Lot 4014, Coast District
Location: Cedar River area, approximately 40 km north of Terrace
Background: On June 4, 2010, the Commission approved Application #51712, which proposed dedication of a 38 meter wide, 7.6 km long transmission line corridor over approximately 29 ha of ALR land. The portion of the transmission line currently under consideration was shown outside of the ALR in the original application, and thus was not included in the approval.
Attachment: Resolution #016N/2011

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #016N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- the development of a weed control plan by a professional agrologist which will help ensure that invasive weeds will not be introduced into the ALR by construction and maintenance activity;

- the replacement of any agricultural infrastructure disturbed by construction, such as fences, gates, drainage, etc.

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.

RESOLUTION # 321/2011

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in black ink, appearing to read 'Richard Bullock', is written over a horizontal line.

Richard Bullock, Chief Executive Officer



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Executive Committee of the Provincial Agricultural Land Commission on June 27, 2011 at Burnaby, BC.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Shaundehi Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

FILE: 135-45/ALC/CEO/APPL

ISSUE: To amend the criteria for delegation of decision-making to the CEO by adding the following as Criterion 14 to the Criteria for Delegation of Decision-Making to the CEO that was approved by the Commission by Resolution #008N/2011 on January 26, 2011.

PROPOSED CRITERION 14:

14. Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criterion (Criterion 1 – 13) but nonetheless is minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

EXISTING CRITERIA FOR DELEGATION OF DECISION-MAKING TO THE CEO

1. Exclusion, subdivision, non-farm use and inclusion applications that fulfill a requirement of the Commission contained in a previous decision made by resolution;

2. Exclusion, subdivision, non-farm use and inclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River-Fort St. John Comprehensive Development Plan);

(Clarification: This criterion for decision-making does not include general comments or endorsement of the Commission regarding Official Community Plans, Zoning Bylaws or their respective amendments.)

3. Non-farm use applications made necessary by minor deviations from the permitted uses identified in sections 2 and 3 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);
4. Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);
5. Non-farm use applications that involve the replacement of existing electrical transmission infrastructure and oil and gas pipelines located within an existing statutory right of way;
6. Applications that involve the dedication of a statutory right of way for existing electrical transmission infrastructure and oil and gas pipelines where the landowner(s) have no objection to the proposal;
7. Subdivision applications for boundary adjustments that are consistent with the intent of section 10 BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation) but cannot be approved by the local approving officer due to the limitations on parcel size and on the number of parcels involved in the proposed boundary line adjustment;

(Clarification: This criterion for decision-making does not include permission for the CEO to consider boundary adjustment subdivisions of non-contiguous parcels.)

8. Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision;
9. Non-farm use applications involving proposals to reconstruct an existing golf course within the same area footprint, to construct or reconstruct golf course buildings, structures and amenities within the footprint of the existing golf course. Delegation only applies to golf courses that were constructed prior to the introduction of the ALR, constructed as a permitted use in the ALR or were subsequently approved for non-farm use in the ALR;
10. Subdivision applications involving the disposition (sale) of Crown land where Crown parcels are divided by existing rights of way;

11. Non-farm use applications for compressor stations for oil and gas development that exceed 450 m²; 5th or greater stand alone well sites (including associated roads, temporary camps, sumps, borrow pits etc) and well site applications where the area exceeds 7 ha. All other oil and gas-related applications such as processing facilities, drilling and production waste handling, produced water and gas handling; commercial waste handling and disposal facilities will continue to be referred directly to the panel for decision making; and
12. Subdivision applications that are consistent with the provisions and intent of the Commission's *Homesite Severance Policy*.
13. Non-farm use applications that involve the placement of not more than 1,000 m³ of fill on a property.

IT WAS

MOVED BY: Commissioner Bert Miles
SECONDED BY: Commissioner Jennifer Dyson

THAT the Commission add Criterion 14 to the Criteria for Delegation of Decision-Making to the CEO that was approved by the Commission on January 26, 2011 by Resolution #008N/2011;

AND THAT the CEO is not compelled to approve an application. If the CEO is not prepared to approve an application, the application must be referred to the appropriate regional panel for a decision;

AND THAT as to the delegation criteria, where the Chair and the CEO positions are occupied by the same individual, the Chair must not participate in deciding an application if as CEO, he/she chose not to approve an application under the delegated authority specified herein;

AND THAT as to the delegation criteria, where the Chair and the CEO positions are occupied by the same individual, the CEO must not exercise decision-making authority specified herein if he/she, as CEO, has participated in an enforcement action involving a person(s) and/or a property that is the subject of an application meeting the delegation criteria;

AND THAT the CEO may exercise decision-making in accordance with the established criteria effective this date; and

AND THAT the CEO is required to provide to the Executive Committee a semi-annual report regarding decisions made pursuant to the established criteria.

AND FINALLY THAT the complete list of criteria will now read:

1. Exclusion, subdivision, non-farm use and inclusion applications that fulfill a requirement of the Commission contained in a previous decision made by resolution;
2. Exclusion, subdivision, non-farm use and inclusion applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River-Fort St. John Comprehensive Development Plan);

(Clarification: This criterion for decision-making does not include general comments or endorsement of the Commission regarding Official Community Plans, Zoning Bylaws or their respective amendments.)

3. Non-farm use applications made necessary by minor deviations from the permitted uses identified in sections 2 and 3 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);
4. Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);
5. Non-farm use applications that involve the replacement of existing electrical transmission infrastructure and oil and gas pipelines located within an existing statutory right of way;
6. Applications that involve the dedication of a statutory right of way for existing electrical transmission infrastructure and oil and gas pipelines where the landowner(s) have no objection to the proposal;
7. Subdivision applications for boundary adjustments that are consistent with the intent of section 10 BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation) but cannot be approved by the local approving officer due to the limitations on parcel size and on the number of parcels involved in the proposed boundary line adjustment;

(Clarification: This criterion for decision-making does not include permission for the CEO to consider boundary adjustment subdivisions of non-contiguous parcels.)

8. Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision;
9. Non-farm use applications involving proposals to reconstruct an existing golf course within the same area footprint, to construct or reconstruct golf course buildings, structures and amenities within the footprint of the existing golf course. Delegation only applies to golf courses that were constructed prior to the introduction of the ALR, constructed as a permitted use in the ALR or were subsequently approved for non-farm use in the ALR;

10. Subdivision applications involving the disposition (sale) of Crown land where Crown parcels are divided by existing rights of way;
11. Non-farm use applications for compressor stations for oil and gas development that exceed 450 m²; 5th or greater stand alone well sites (including associated roads, temporary camps, sumps, borrow pits etc) and well site applications where the area exceeds 7 ha. All other oil and gas-related applications such as processing facilities, drilling and production waste handling, produced water and gas handling; commercial waste handling and disposal facilities will continue to be referred directly to the panel for decision making; and
12. Subdivision applications that are consistent with the provisions and intent of the Commission's *Homesite Severance Policy*.
13. Non-farm use applications that involve the placement of not more than 1,000 m³ of fill on a property.
14. Exclusion, subdivision, non-farm use and inclusion applications that are not consistent with any of the existing approved criterion (Criterion 1 – 13) but nonetheless is minor in nature and in the opinion of the CEO, the interests of the Commission would be unaffected by an approval of the application.

CARRIED
RESOLUTION #016N/2011

135-45/ALC/CEO/APPL