



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

November 4, 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
PID: 010-267-361
District Lot 450, Block 55, Plan 8096, EXCEPT Portions in Plans 13475,
14965, and 16963

The Provincial Agricultural Land Commission (the "Commission") has reviewed your subdivision plans regarding the above application, submitted in response to the Commission's letter of July 29, 2004 and Resolution #309/2004. The Commission noted in its review that a road dedication of 3.0 ha through the ALR along the proposed subdivision boundary had been added to the proposal. The Commission understands that in your discussions with the Provincial Approving Officer, the need for access to the Strait of Georgia was discussed and the Approving Officer agreed that the proposed road would satisfy this requirement.

However, the Commission is concerned that the dedication of this road could lead to speculation regarding potential for future subdivision and development of the ALR. It was therefore not prepared to agree to the subdivision plan if it included the proposed dedication. It was felt that in the case of this application, an increase in public access by Gibsons Beach by extending the road dedication already proposed would be more appropriate and have less potential for negative impacts on the ALR.

The Commission will therefore not forward the Plan of Subdivision for registration.

The decision noted above is recorded as Resolution #552/2005.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: District of Powell River (#3320-20-7/8)
Focus Corporation Ltd., Attn: Dick Wright (# 011236-00), 552 Trunk Road
Duncan, BC V9L 2R1

GB/lv/35449d2



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 (± 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.

END OF REPORT

Director's Signature

Date

Sept 2/05