



**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

May 9, 2006

Reply to the attention of Simone Rivers

Richard Myhill-Jones  
BCR Properties Ltd  
506 - 221 - West Esplanade  
North Vancouver, BC V7M 3J3

Dear Mr. Myhill-Jones:

Re: **Application #W-36566-0**  
1. PID: 014-913-569  
District Lot 1131, North East ¼ of Peace River District, Except Plan A2033  
2. PID: 014-903-121  
District Lot 357, Block A, Peace River District, Except Plans 28110 and A1805  
3. PID: 014-682-532  
District Lot 357, Block B, Peace River District, Except Plan CG570

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide and exclude 64.8 ha from the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on May 1, 2006. The Commission found the meeting and site visit informative. In particular, the Commission noted that no specific plans to expand the sulphur loading facility were given and that the properties to the north of the railway tracks were used for grazing. The Commission believed that exclusion could impact neighbouring agricultural operations and noted that the sulphur plant has operated within the ALR for many years.

For these reasons, the Commission refused your application as proposed.

However given the particular circumstances regarding the application the Commission, grants permission to subdivide the 64.8 ha parcel and sell it to the current lease holder, Enersul. The approval is subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance 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. The Commission suggests you contact the Peace River Regional District at your earliest convenience.

The property will remain in the ALR and be subject to the provisions of the *Agricultural Land Commission Act* and regulations except as provided by this approval.

The decision noted above is recorded as Resolution #199/2006.

Page 2 - #36566

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

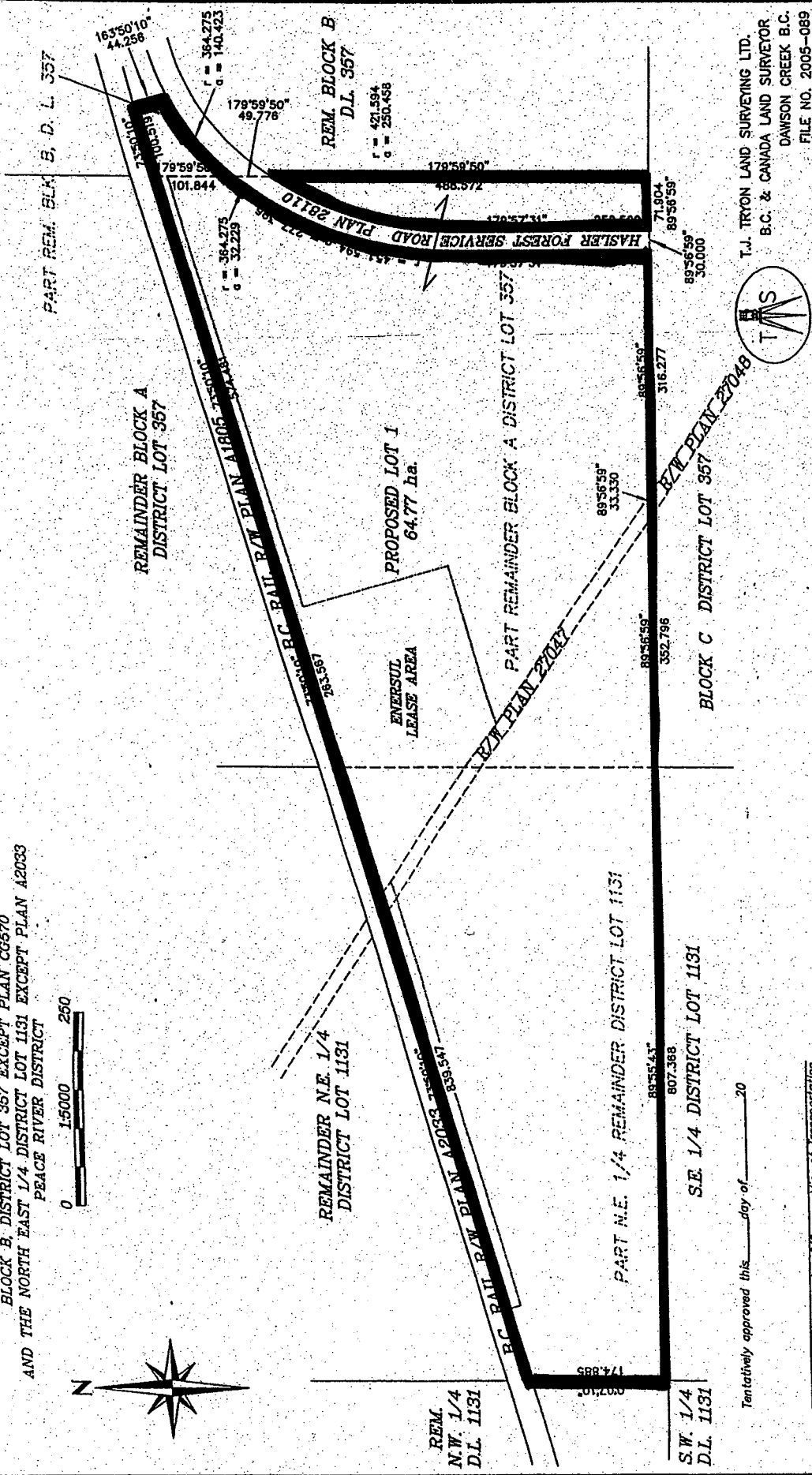
Per:

Erik Karlsen, Chair

cc: Peace River Regional District, Your File #09/2006  
District of Chetwynd  
Borden Ladner Gervais LLP, Attn: Cathy Mitchell, 1200-200 Burrard Street,  
Vancouver, B.C. V7X 1T2

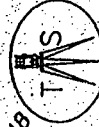
SBR/lv/Encl.  
36566d1

PROPOSED SUBDIVISION OF PORTIONS OF  
 BLOCK A, DISTRICT LOT 357 EXCEPT PLANS 28110 AND A1805  
 BLOCK B, DISTRICT LOT 357 EXCEPT PLAN CG570  
 AND THE NORTH EAST 1/4 DISTRICT LOT 1131 EXCEPT PLAN A2033  
 PEACE RIVER DISTRICT



Tentatively approved this \_\_\_\_\_ day of \_\_\_\_\_ 20

Approving Officer - Min. of Transportation



T.J. TRYON LAND SURVEYING LTD.  
 B.C. & CANADA LAND SURVEYOR  
 DAWSON CREEK B.C.  
 FILE NO. 2005-089

Provincial Agricultural Land Commission  
 Application: W-36566-0  
 Resolution # 199/2006

Approved subdivision of 64.8 ha



**IT WAS**

**MOVED BY:** Commissioner Kendrew

**SECONDED BY:** Commissioner Read

THAT the staff report be received and the application to exclude 64.8 ha comprising an area from three properties located in Hasler Flats be refused as requested.

AND that the Commission has no objection to the subdivision of the area as proposed so that the property can be sold to the current lease holder.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # W – 36566-0**  
**Applicant: BCR Properties Ltd**  
**Agent: Borden Ladner Gervais LLP**

**DATE RECEIVED:** March 22, 2006

**DATE PREPARED:** April 10, 2006

**TO:** Chair and Commissioners – North Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide 64.8 ha from three separate properties and exclude this area from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

There are three properties under application. Two previous applications for exclusion of these properties have been refused (in 1977 and in 1979). However, 7.9 ha was allowed for use as a sulphur processing plant within the ALR in 1979. An application in 1986 allowed for expansion of the sulphur plant within the existing 7.9 ha lease area.

The 7.9 ha area is a satellite of the District of Chetwynd and under municipal jurisdiction. The remainder of the properties are located within the Peace River Regional District. The proposal is to subdivide and exclude a portion of the three properties, creating a new 64.8 ha property. This area would then be sold to Enersul, the company that currently holds the lease and uses the 7.9 ha area of the sulphur plant.

No information is given about the future plans for use of the property if it is excluded.

**Local Government:**

Peace River Regional District

**Legal Description of Properties:**

1. PID: 014-913-569  
District Lot 1131, North East ¼ of Peace River District, Except Plan A2033
2. PID: 014-903-121  
District Lot 357, Block A, Peace River District, Except Plans 28110 and A1805
3. PID: 014-682-532  
District Lot 357, Block B, Peace River District, Except Plan CG570

**Location of Properties:**

Adjacent to the Enersul plant, a Chetwynd satellite property, near Hasler Flats.

**Size of Properties:**

Total Size: 155.6 ha

1. 64.9 ha
2. 64.9 ha
3. 26.3 ha

**Size of Properties after Subdivision and Exclusion**

1. 41.4 ha
2. 24.3 ha
3. 25.1 ha

New Lot 1. 64.8 ha

**Present use of the Property:**

Sulphur treatment and loading facility and a terminal facility for a liquid sulphur pipeline.

**Surrounding Land Uses:**

- WEST:** Grazing and railway (ALR)  
**SOUTH:** Grazing (ALR)  
**EAST:** Recreational residences (non-ALR)  
**NORTH:** Grazing and railway (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93P/12  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Peace River Regional District: West Peace Official Community Plan Bylaw No. 1086, 1997 designates a portion of the properties "Agricultural - Rural Resource"  
District of Chetwynd: Official Community Plan Bylaw No. 815/D&P/04 designates the property as "Industrial Land Use"

**Zoning Bylaw and Designation:**

Peace River Regional District: "Chetwynd Rural Area Zoning Bylaw No. 506, 1986 designates the property as A-2 (Large Agricultural Holdings).  
Minimum: 63 ha.  
District of Chetwynd: Zoning Bylaw # 816/ZON/04 designates the property as 1-2 (Heavy Industry)

**PREVIOUS APPLICATIONS:**

**Application #04687-0**

**Applicant:** British Columbia Railway/Westcoast Transmission  
**Decision Date:** October 27, 1977  
**Proposal:** To exclude the land to build a natural gas processing plant  
**Decision:** Refused, the property had an agricultural rating indicating it could be used for a moderate range of cropping options. Concern was also expressed with the negative impact the proposal would have on adjacent agricultural lands.

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**Application #04687-1**

**Applicant:** British Columbia Railway/Westcoast Transmission  
**Decision Date:** November 8, 1977  
**Proposal:** To use Block B, Lot 357 as a 'off loading facility' during construction of the Pine River Gas Plant. The possibility of locating a sulphur loading site within the ALR, adjacent to the B.C. railway was also discussed as part of this application.  
**Decision:** That the application for the 'off loading facility' be allowed  
That the request for the sulphur loading facility be considered when a specific site has been chosen.

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**Application #08403-0**

**Applicant:** British Columbia Railway/Westcoast Transmission  
**Decision Date:** June 5, 1979  
**Proposal:** To exclude land so that 7.2 ha could be developed as a sulphur loading facility.  
**Decision:** Refused as proposed but permission was granted to allow the subdivision and use of the 7.2 ha area as a sulphur loading facility by Petrosul.

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**Application #20687-0**

**Applicant:** Petrosul International Ltd.  
**Decision Date:** December 2, 1986  
**Proposal:** To expand the sulphur processing facilities at the Pine River sulphur pelletizing Plant  
**Decision:** Allowed the expansion of the plant by adding a process plant, a water tank, a conveyor and a railway extension subject to conditions. All of the proposed expansion was to be confined to the area of the existing plant and must not expand onto any other ALR land.

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**Application #20687-1**

**Applicant:** Petrosul International Ltd.  
**Decision Date:** August 23, 1989  
**Proposal:** To expand and reposition the office trailer at the sulphur plant  
**Decision:** Allowed.

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**Application #20687-2**

**Applicant:** Petrosul International Ltd.  
**Decision Date:** July 16, 1993  
**Proposal:** To expand the existing sulphur processing operations within the existing leased area in order to accommodate an increase in supply from Westcoast Energy.  
**Decision:** Allowed

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Peace River Regional District Board:** The Regional Board forwarded the application with the following resolution: "*That the Regional Board support and authorize the application to proceed... on the basis that the subdivision is consistent with both the Regional District's Official Community Plan and zoning policies. AND that the Regional Board request that the Agricultural Land Commission hold the Public Hearing for Agricultural Land Reserve Exclusion within the District of Chetwynd*"

**District of Chetwynd Council:** That Council support... and recommend authorization for the application as submitted to proceed to the Commission on the basis that the proposal is consistent with the Official Community Plan

**STAFF COMMENTS:**

**Agricultural Capability:**  
100% Class 5C

Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclass  
C - Adverse Climate

**Impact on Agriculture:**

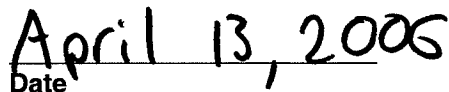
Staff recommend a site visit to determine the nature of surrounding agricultural operations and to determine the impact of the exclusion (and likely expansion) of non-farm use in this area.

It is assumed that the applicant is requesting subdivision and exclusion in order to expand the industrial use of the site, however, no plans for use after exclusion are presented in the application. Staff recommend the Commissioners ask for clarification of the applicants plans at the site visit.

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END OF REPORT

  
Signature

  
Date