



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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Fax: 604 660-7033
www.alc.gov.bc.ca

June 3, 2016

ALC File: 54539

Tervita Corporation
500, 140 - 10th Avenue SE
Calgary, Alberta T2G 0R1

Attention: Peter Nelson

Dear Mr. Nelson:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #185/2016) as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. A sketch plan depicting the decision is also attached.

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this 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 section 6 or does not adequately take into account the considerations set out in section 4.3”. I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Further correspondence with respect to this application is to be directed to Jess Daniels at (Jessica.Daniels@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosures: Reasons for Decision (Resolution #185/2016)
Sketch plan

cc: Peace River Regional District (File: 240/2015)

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AGRICULTURAL LAND COMMISSION FILE 54539

REASONS FOR DECISION OF THE NORTH PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

**Tervita Corporation
(the “Applicant”)**

Agent:

**Peter Nelson
(the “Agent”)**

Application before the North Regional Panel:

**Dave Merz, Panel Chair
Sandra Busche
Garry Scott**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 014-652-854

BLOCK A OF SECTION 8, TOWNSHIP 88, RANGE 20, WEST OF THE 6TH
MERIDIAN, PEACE RIVER DISTRICT, EXCEPT THE SOUTH 25 METRES
(the "Property")

[2] The Property is 71.3 ha in area.

[3] The Property is generally described as being located along the Beaton Airport Road approximately 11 km north of Highway 97N.

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

[5] The Property is located within Zone 2 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to replace lost capacity and expand an existing secure landfill to provide on-going environmental and regulated disposal for the oil and gas sector and other various industries in northeast British Columbia (the "Proposal"). The Proposal along with supporting documentation is collectively (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the ALCA:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.



[8] The Panel considered the Application pursuant to its mandate in s. 4.3 of the *ALCA*:

4.3 When exercising a power under this Act in relation to land located in Zone 2, the commission must consider all of the following, in descending order of priority:

- (a) the purposes of the commission set out in section 6;
- (b) economic, cultural and social values;
- (c) regional and community planning objectives;
- (d) other prescribed considerations.

[9] The purposes of 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

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

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



[11] The Panel reviewed two previous applications involving the Property:

Application ID: 4021
Legacy File: 30084
(Rudiger Enterprises, 1992)

To exclude two properties of 99.1 ha for the development of a municipal/industrial landfill site. The proposal includes two landfill cells each designed to hold 45,000 cubic meters lasting 3 - 5 years on one parcel and the second will contain buildings, weigh scale, etc. The application was approved by Resolution #1016/1995 with the condition that the development must be in substantial compliance with the plans contained in the Silverberry Secure Landfill application to the BC Environmental Assessment Office.

Application ID: 4717
Legacy File: 25799
(Rudiger Enterprises, 1992)

To use approximately 6 ha of the 246.33 ha properties for a land farm/waste disposal facility. The Commission approved the proposal by Resolution #1003/1992.

SITE VISIT

[12] 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

Section 4.3(a) and Section 6 of the ALCA: First priority to agriculture

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil



Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 94A/11 for the mapping units encompassing the Property are Class 4 and Class 5; more specifically (6:4X – 4:5C).

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are X (combination of soil factors) and C (adverse climate)

[14] The Panel reviewed the CLI ratings and find that the Property has moderate agricultural capability; however, the Property is not presently used for agriculture.

[15] The Panel considered the agricultural history of the Property as stated in the Application: *"Between 1970 and 1972, the south part of Block A, Section 8 was cleared. Further land was cleared on Block A from 1973 to 1987. There are no other documented agricultural improvements made to the parcels".*

[16] The Panel noted that the surrounding land uses are predominately industrial: *"To the west is the existing secure landfill owned and operated by Tervita. To the north is unused agricultural land, owned by Tervita, and slated for future facility expansion...The eastern boundary is currently farmed by a local farmer".*

[17] Peace River Regional District planning staff provided the following comments: *"The proposed Non-Farm Use does not interfere with any agricultural use within the surrounding area. This proposal is consistent with the context of the area. It is an expansion of an existing secure landfill site."*

- [18] The Applicant provided the following information regarding closure of the site: *"Once the site is in post-closure there is an opportunity for a return to grazing and hay crop. After the final landfill cell is capped, it is re-seeded with a seed mixture approved by the BC Ministry of Environment. Post-Closure monitoring will be for a minimum of 25 years. After post-closure the land is returned to the Crown."*

Section 4.3(b) of the ALCA: Second priority to economic, cultural and social values

- [19] The Applicant did not provide any information specifically citing economic, cultural and social values.

Section 4.3(c) of the ALCA: third priority to regional and community planning objectives

- [20] The Property is designated HI (Heavy Industrial) pursuant to Peace River Regional District Rural Official Community Plan ("OCP"), bylaw No. 1940, (2011); hence, the Proposal is consistent with the OCP.

- [21] The Property is zoned I-4 (Oil and Gas Production Zone) pursuant to Peace River Regional District Zoning Bylaw No. 1000, (1996). Bylaw 1385, (2002) allows for the disposal of solid waste as a permitted use. Therefore, this Proposal is consistent with zoning.

Weighing the factors in priority

- [22] The Panel found that the Proposal is consistent with the context of the area. The Panel notes that the proposal is an expansion of an existing secure landfill site which has been previously approved by the Commission. As a result, the Panel finds that the Proposal will pose minimal impact to agriculture.

- [23] In considering s. 4.3, the Panel found that the Proposal is consistent with regional planning objectives of which the Property is designated and zoned for industrial purposes.

DECISION

[24] For the reasons given above, the Panel approves the Proposal to replace lost capacity and expand an existing Secure Landfill to provide on-going environmental and regulated disposal for the oil and gas sector and other various industries in northeast British Columbia.

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

- a. The development and reclamation of the Property must be in substantial compliance with Ministry of Environment Permit 17150; and
- b. A final report submitted to the Commission upon completion of the project. The final report must include, but is not limited to, the following:
 - Evidence that the reclamation has been completed as required by the Ministry of Environment Permit 17150;
 - Re-seeding with a seed mixture approved by the BC Ministry of Environment to promote the return of the Property to grazing/hay crop as outlined in the Proposal and
 - Photographs of the reclaimed area accompanied by a scale drawing (map) showing the location and direction the photos were taken.

[26] 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.

[27] Panel Chair **Dave Merz** concurs with the decision.

Commissioner **Sandra Busche** concurs with the decision.

Commissioner **Garry Scott** concurs with the decision.

[28] Decision recorded as Resolution #185/2016.

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



Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution #185/2016. The decision is effective upon release.

A handwritten signature in black ink, appearing to be 'CJF', is positioned above the signature line.

Colin J. Fry, Chief Tribunal Officer

June 3, 2016

Date Released

121°10'0"W

ALC #54539
Tervita Corporation
Resolution #185/2016

ALR

Sec 27, TP 88, Rge 20

Sec 21, TP 88, Rge 20

Sec 20, TP 88, Rge 20

Map Location

56°38'0"N

Sec 18, TP 88, Rge 20

DL 3240

Sec 13, TP 88, Rge 21

Sec 17, TP 88, Rge 20

Property approved for
non-farm use by
Resolution 185/2016

DL 3273

Sec 7, TP 88, Rge 20

Sec 8, TP 88, Rge 20

Subject Property: 71.3 ha
ALR: 71.3 ha

Sec 12, TP 88, Rge 21

DL 3241

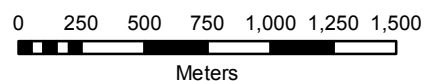
ALR

Sec 1, TP 88, Rge 21 Sec 6, TP 88, Rge 20



ALC Context Map

Map Scale: 1:30,000



ALC File #: 54539

Mapsheet #: 94A/11

Map Produced: Feb 26, 2016

Regional District: Peace River