



Agricultural Land Commission
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November 30, 2016

ALC File: 55478

McElhanney Consulting Services Ltd
202-5855 York Road
Duncan, BC V9L 3S3

Attention: Reg Harding

Re: Application for Transportation, Utility, or Recreational Trail Uses the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island (Resolution #412/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the Agricultural Land Commission Act](#), the Chair may direct the executive committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the Agricultural Land Commission Act](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (sara.huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #412/2016)
 Sketch Map

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AGRICULTURAL LAND COMMISSION FILE 55478

REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Application submitted pursuant to s. 6 of BC Regulation 171/2002 (ALR Use, Subdivision and Procedure Regulation)

Applicant: Island Timberlands GP Ltd.,
Inc. No. 714328
(the "Applicant")

Agent: Reg Harding
(the "Agent")

Application before the Chief Executive Officer: Kim Grout
(the "CEO")

THE APPLICATION

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

Parcel Identifier: 023-114-827

Parcel D, District Lots 1631 and 7702, Group 1, New Westminister District, Plan
LMP23245

(the "Property")

[2] The Property is 54.8 ha in area (22.2 ha in the ALR).

[3] The Property has the civic address 1869 Loubert Road, Powell River, BC.

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

[5] The Property is located within Zone 1 as defined in subsection 4.2 of the *ALCA*.

[6] Pursuant to s. 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*) (the "Regulation"), the Applicant is applying for a 10 metre road dedication within the ALR to accommodate a six lot subdivision (the "Proposal"). The Proposal along with supporting documents is collectively the "Application".

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 6 of the Regulation:

- 6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:
 - (a) widening of an existing road right of way;
 - (b) construction of a road within an existing right of way;
 - (c) dedication of a right of way or construction of any of the following:
 - (i) a new or existing road or railway;

- (ii) a new or existing recreational trail;
 - (iii) a utility corridor use;
 - (iv) a sewer or water line other than for ancillary utility connections;
 - (v) a forest service road under the *Forest Act*;
- (d) the new use of an existing right of way for a recreational trail.

[8] Pursuant to s. 27 of the *Agricultural Land Commission Act* (the “ALCA”) the CEO may approve some applications:

- 27 (1) The commission, by resolution, may establish criteria under which the following may be approved by the chief executive officer:
- (a) specified types of applications for exclusion, subdivision or non-farm use;
 - (b) applications with respect to specified regions of British Columbia.
- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
- (3) An application that meets the criteria established under subsection (1) may be approved by the chief executive officer on the terms that the chief executive officer may impose.
- (4) If the chief executive officer considers that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
- (5) An approval of an application by the chief executive officer under subsection (3) is decision of the commission for the purposes of this Act.
- (6) The chief executive officer may not exercise a power that has been delegated to a local government, a first nation government or an authority by an agreement entered into under section 26.

[9] On June 27, 2011, the Agricultural Land Commission (the “Commission”) delegated decision-making to the CEO by Resolution #016N-2011 (File: 140-60/ALC/CEO/APPL). In accordance with section 27 of the *ALCA* the Commission has specified that the following application may be decided by the CEO under Criterion 4.

Criterion 4

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

BACKGROUND

[10] In 2008, a proposal to allow a 10 metre road dedication within the ALR was approved through Resolution #797/2008. The Panel found that the proposal had minimal impact on the ALR as the proposed road is along the ALR boundary.

[11] A condition of Resolution #797/2008 was to complete the subdivision within three years from the date of decision. The three year time limit lapsed in 2011, and as such the Applicant has reapplied.

[12] The Proposal remains the same as the proposal approved through Resolution #797/2008.

DECISION

[13] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #4 of Resolution #016N/2011 and approve the Proposal.

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

- a. the final survey plan be in substantial compliance with the plan submitted with the Application;
- b. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission; and
- c. the final survey plan must be completed within three (3) years from the date of this decision.

[15] 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.



[16] Decision recorded as Resolution #412/2016.

A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

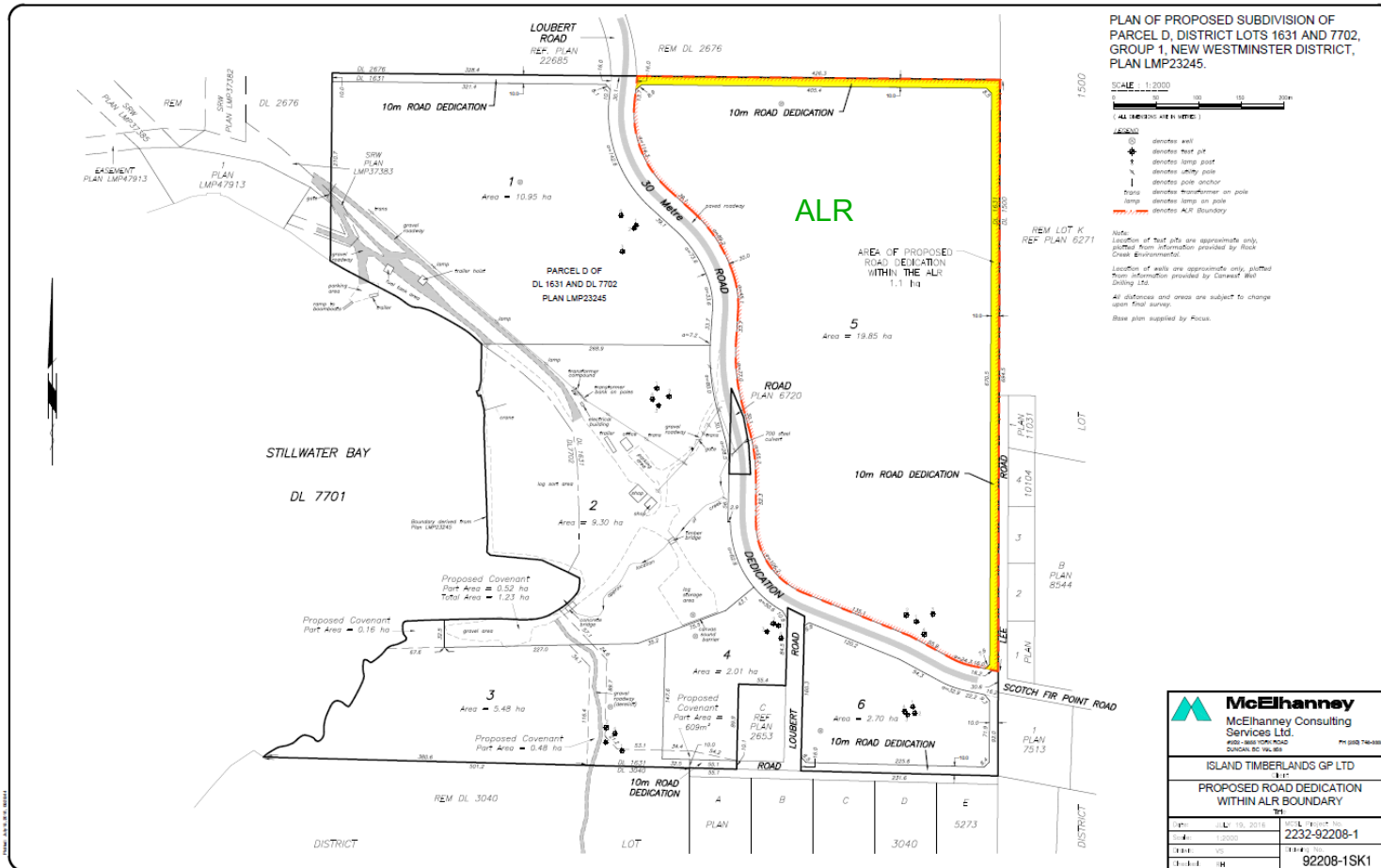
I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

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

Kim Grout, Chief Executive Officer

November 30, 2016
Date Released

ALC Application 55478 (Island Timberland)
Conditional Approval for Transportation, Utility, or Recreational Trail Use
Resolution #412/2016



Legend:

- ALR Boundary
- Conditionally Approved Transportation, Utility, or Recreational Trail Use