



## Report to CEO

<b>To:</b> Kim Grout – CEO	October 18, 2108 C&E File: 50456 NRIS: 59207
<b>From:</b> David Assels – C&E Officer	
<b>Subject:</b> Construction of Road on ALR Parcel, City of Powell River	

### **BACKGROUND:**

On January 25, 2016 a complaint was received alleging that a non-compliant dedication of a right-of-way and construction of an asphalt road on an ALR parcel had taken place at "Lot A, Plan BCP23887, District Lot 450, Group 1, New Westminster Land District, Except Plan BCP42255" (the 'Property').

Research into Land Title documents revealed that the Property was owned by PRSC Land Developments LTD and on April 13, 2011 a Statutory Right of Way was registered on title under Plan BCP47962 (*Attachment 2 and 11*). The City of Powell River (COPR) was registered as the owner of the Right of Way (*Attachment 11*). Plan BCP47962 indicates that the Right of Way encompasses a total of 0.210 hectares of land and appears to form a u-shaped strip connecting two residential roads. The ALC did not grant permission for the Right of Way at any time.

On June 09, 2016 application #55021 was submitted to the ALC to partially exclude the Property from the ALR.

On June 13, 2016 Compliance and Enforcement Officer David Assels conducted an inspection that revealed an asphalt road had been built on the Property (*Attachment 3*). Construction of the asphalt road required the importation of fill. The apparent purpose of the road was to connect two residential roads both labeled Hemlock Street.

On January 04, 2017 Officer Assels was notified that application #55021 was refused (*Attachment 4*). Officer Assels subsequently sent a Notice of Contravention to the COPR on April 19, 2017 (*Attachment 5*). The Notice requested the submission of a compliance proposal by May 19, 2017.

On May 04, 2017 Officer Assels received a response from COPR CAO Mac Fraser advising that the deadline would not be met but a detailed response was forthcoming (*Attachment 6*).

On August 09, 2017 Officer Assels received a letter COPR Acting CAO Chris JACKSON confirming that the registration and construction of the roadway was contrary to the ALCA (*Attachment 7*). The letter further advised that a proposal would be submitted by August 18, 2017.

Assels received a letter on September 27, 2017 from Director of Planning Service Thomas Knight advising that the COPR would be making an application to bring the road into compliance (*Attachment 8*).

On June 23, 2017 the COPR purchased the Property (*Attachment 10*).

On October 17, 2017 Application #56916 was submitted to the ALC to bring the existing Right of Way (BB1318856) and the constructed road within into compliance.

On March 01, 2018 Application #56916 was refused by the Island Panel (*Attachment 9*). The panel found that the Property has agricultural capability, despite some limitations, and that the Right of Way occupies approximately 0.2 ha of the Property and alienates an additional approximately 0.2 ha. The panel was "not in favor of utilizing and alienating ALR land in order to accommodate residential development outside of the ALR" and expressed concerns that the intrusion of the road into the ALR could give rise to trespass issues on adjacent agricultural land. It also found that the COPR's proposal for buffering of the Right of Way would not mitigate its negative impact on the Property's agricultural utility as it would further reduce the Property's farmable area.

#### **PROPERTY INFORMATION:**

**Civic:** N/A

**Legal:** Lot A, Plan BCP23887, District Lot 450, Group 1, New Westminster Land District, Except Plan BCP42255

**PID:** 026-685-591

**Area:** 53.8 ha - 47.9ha within ALR

**Property Owners:** City of Powell River

**Owner address:** 6910 Duncan Street, Powell River, BC V8A1V4

- The Agricultural Capability, based on the BC Land Inventory Map for the area in question, is listed as:
  - 8:5M~2:5MP
  - Improved 8:4M~2:4PM

#### **LOCAL GOVERNMENT INPUT:**

COPR Director of Planning Thomas Night has stated that the City does not support the removal of the road as it may cause emergency access issues.

#### **RECOMMENDATION:**

THAT a Remediation Order be issued to the COPR requiring:

1. The removal of the road and remediation of the area within the Right of Way indicated in Plan BCP47962; and
2. The removal of the registered Right of Way from the title of the Property.



David Assels  
Compliance and Enforcement Officer

**ATTACHMENTS:**

- Attachment 1:* Site Map
- Attachment 2:* Plan BCP23887
- Attachment 3:* June 13, 2016 Inspection Report
- Attachment 4:* Application #55021 Decision Letter
- Attachment 5:* April 19, 2017 Notice of Contravention
- Attachment 6:* May 04, 2017 COPR Response
- Attachment 7:* August 09, 2017 COPR Letter to ALC
- Attachment 8:* September 27, 2017 COPR Letter to ALC
- Attachment 9:* Application 56916 Decision Letter
- Attachment 10:* Current Land Title Documents
- Attachment 11:* Previous Land Title Documents.

Agree with Recommendations:



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Kim Grout, CEO

*Oct. 22/18*

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Date