



Agricultural Land Commission

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14 September 2009

Reply to the attention of Tony Pellett

Powers Environmental Services
2543 Pandora Street
VANCOUVER BC V5K 1V7

Attention: Tim Powers

Re: Application #MM-38034—request for reconsideration

The Provincial Agricultural Land Commission (the “Commission”) has considered your letter of 20 July 2009 requesting that the Commission alter the conditions of approval set forth in its decision under Resolution #660/2008. Under section 33 of the *Agricultural Land Commission Act* the Commission is bound to consider such a letter under “reconsideration” procedures.

Prior to the Commission’s consideration, City of Chilliwack Assistant Fire Chief Ian Josephson provided additional information after having been advised of the substance of the Commission’s decision. That correspondence is being provided to you.

Following consideration of your request and the additional information from the City, no member of the Commission would agree to grant reconsideration. It was the Commission’s view that its original decision

1. appropriately required that adjacent farming activities be protected by specifying that the sole public and staff access to the meditation centre be from Velma Avenue,
2. provided that direct access from Prairie Central Road be for farm access, not for access to the meditation centre,
3. stated a preference for farm use of the existing bridge but did not rule out having the existing bridge replaced by a pair of bridges, e.g. if required by the City, and
4. did not specify how emergency response vehicles would access the site, that being the prerogative of the City of Chilliwack—thus it is consistent for the farm-access bridge from Prairie Central Road to be designed and constructed for use by emergency response vehicles and that an emergency access roadway be provided from the bridge to the meditation centre provided steps are taken to block public or staff access to the meditation centre from that bridge (e.g. with an installed gate or bollards).

We trust that the foregoing information will allow your client to proceed with the intended upgrading of the meditation centre in accordance with the requirements of the Commission and the City of Chilliwack. As consultant it is your responsibility to advise your client accordingly.

Yours very truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per: 
Erik Karlsen, Chair

cc: City of Chilliwack

TP/
i/MM38034/d2



PROVINCIAL AGRICULTURAL LAND COMMISSION
Request for Reconsideration

Application: #MM-38034
Applicant: Po Lam Buddhist Association
Agent: Powers Environmental Services per Tim Powers
Property: PID: 011-826-924 and 010-397-736, Lots 3 and 4... Plan 1429
Location: 46350 and 46372 Prairie Central Road, Chilliwack
Original Proposal: build new meditation centre with principal access from Prairie Central Road
Original Decision: allow new meditation centre with principal access from Velma Avenue
Resolution: #660/2008

Basis for Reconsideration

Fire Department Requirement to gate Velma Road and require a new principal access from Prairie Central Road.

Statutory Provision for Reconsiderations

- S.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, or (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.
(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

Staff Comments

Fire Department has confirmed in writing that they do not require the principal access be from Prairie Central Road provided a new bridge is built to fire department standards, allowing access by emergency response vehicles

Review

After reviewing the applicants' submission and the file material the Commissioners were canvassed to determine if they believe the requirements of section 33 have been met. The Commissioners concluded as follows:

- 1. Does the information provided represent evidence not available at the time of the original decision.?

YES [] NO [x]

- 2. Does the information provided represent evidence that all or part of the original decision was based on evidence that was in error or was false?

YES [] NO []

Decision

I agree to the reconsideration

I do not agree to the reconsideration

Sylvia Pranger _____

S. Pranger

Mike Bose _____

Michael Bose

John Tomlinson _____

[Signature]

(Note: A minimum of two (2) Commissioners are needed to grant or deny reconsideration)

If a reconsideration is granted, did the Commission identify any person that it considers is affected by the reconsideration.

YES

NO

Person(s) Considered Affected

1. _____

2. _____

3. _____

4. _____

5. _____

Date Reviewed: 30 July 2009

Witnessed By: KAPellett
Tony Pellett
ALC Regional Planner