



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

March 29, 2010

Reply to the attention of Ron Wallace
ALC File #MM-34272

Murray Cooper Holdings Ltd.
8450 Broadway Street
Chilliwack, BC V2P 5V5

Dear Sir/Madam:

Re: Request for Reconsideration

This is further to your letter of December 1, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #212/2004.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2300/2009 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: City of Chilliwack (3370-20/ALR00062)

Enclosure: Minutes/Sketch Plan

RW/34272d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 8, 2009 at the Best Western Regency at 32110 Marshall Road, Abbotsford, BC.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	John Tomlinson	Commissioner
	Michael Bose	Commissioner
	Ron Wallace	Staff
	Tony Pellett	Staff

For Consideration

A letter from Murray Cooper Holdings Ltd was received requesting that the Commission reconsider its decision recorded as Resolution #212/2004. The request is to amend the existing covenant registered on the title of the subject property as it relates to the buffering requirements of the Commission. MCHL requests that the covenant be modified as follows:

- Construct a chain link fence along the north border of the property instead of within the three (3) meter buffer along the north and east boundaries of the excluded area.
- Permit the use of two rows of hedging cedar stock within the three meter buffer zone instead of the Schedule B evergreen hedge required by the Commission.
- Permit establishment of the vegetative buffering on the excluded parcel in a manner that allows access through the buffer to the farmland so long as the two parcels stay in common ownership and/or provisions permit agricultural access through the excluded parcel.

Application:	MM-34272
Applicant:	Murray Cooper Holdings Ltd.
Agent:	
Original proposal:	To exclude up to 0.8 ha for the 4 ha subject property to facilitate the development of a helicopter operations base.
Original decision:	Approved subject to the excluded area being buffered from the balance of the property so as to prevent trespass, vandalism and dumping and so as to minimize nuisance. The registration of a covenant over the excluded area in favour of the Commission that the buffer shall be maintained free of buildings and structures other than fencing.
Current proposal:	As outlined above.
Legal:	Lot D, District Lot 343, Group 2, New Westminster, Plan 19813
Location:	8450 Broadway Street, Chilliwack

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

S33(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.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

Based on the new information provided by the applicant, the Commission supported the proposed buffering requirements for the sole benefit of the applicant and is non-transferable.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Tomlinson

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to amend the buffering requirements as proposed be approved.

AND THAT the approval is subject to the following condition:

- Approval for the proposed buffering requirements is granted for the sole benefit of the applicant and is non-transferable.

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.

CARRIED

Resolution # 2300/2009

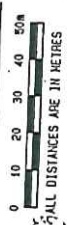
**REFERENCE PLAN OF COVENANT AREA OVER
PART OF LOT "D" DISTRICT LOT 343
GROUP 2 NEW WESTMINSTER DISTRICT
PLAN 19813.**

**B.C.G.S. 92H.011
PURSUANT TO SEC. 99(1) (E) L.T.A.**

LEGEND:

- BEARINGS ARE ASTRONOMIC, AND ARE DERIVED FROM PLAN LMP 42711.
- STANDARD IRON POST FOUND
- STANDARD IRON POST PLACED

SCALE 1 : 1000 (METRIC)



AIRPORT ROAD

STREET

BROADWAY

"N"

EXP. PLAN 17357

FILING M10253

185	PLAN 67988
186	PLAN

187

PLAN 67988

DISTRICT LOT 343

GROUP 2

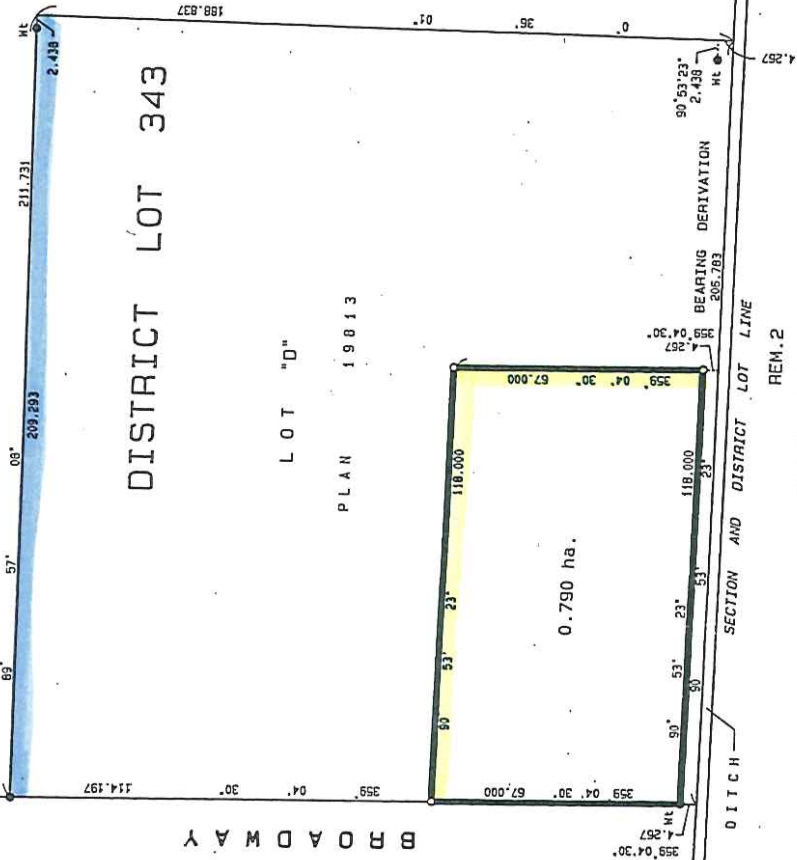
LOT "D"

PLAN 19813

LOT "E"

PLAN 19813

0.790 ha.



SECTION 29 TOWNSHIP 26

REM. 2
PLAN LMP 42711

Provincial Agricultural Land Commission
Application #MM-34272
Resolution #2300/2009

	Subject property
	Location of chain link fence
	Location of buffer vegetation

J. ALLAN W. TUBRIDGE, A BRITISH COLUMBIA LAND SURVEYOR OF THE CITY OF CHILLIWACK, IN BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT AT AND PERSONALLY SUPERINTENDED THE SURVEY REPRESENTED BY THIS PLAN, AND THAT THE SURVEY AND PLAN ARE CORRECT. THE FIELD SURVEY WAS COMPLETED ON THE 18TH DAY OF JUNE, 2005. THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER NO. ECP32131, ON THE 2ND DAY OF JUNE, 2005.

B. C. L. S.