



Agricultural Land Commission
133-4940 Canada Way
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April 1, 2011

Reply to the attention of Terra Kaethler
ALC File: 51551

Roberta Drake and Richard Kramp
9977 Grigg Road
Chilliwack, BC V2P 6H4

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **134/2011** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Chilliwack (3370-20(ALR00217))

TK/
51551d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 10, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair
	Sylvia Pranger	Vice-Chair, South Coast Panel
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Terra Kaethler	Staff

For Consideration

Application: 51551
 Applicant: Drake and Kamp
 Agent: Ryan Anderson
 Proposal: To establish a wedding business.
 Legal: PID: 018-047-319
 Location: Lot 3 District Lot 392 Group 2 New Westminster District Plan LMP8135
 9977 Grigg Road, 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 information that was not available or considered at the time of the original decision had been provided and as such reconsidered the application.

Reconsideration Meeting

A meeting was held to discuss the reconsideration request on March 10, 2010. Those in attendance were:

- Richard Bullock Chair
- Sylvia Pranger Vice-Chair, South Coast Panel
- John Tomlinson Commissioner
- Tony Pellet Staff
- Terra Kaethler Staff

- Robbie Drake Applicant
- Richard Kramp Applicant
- Ryan Anderson Agent

The proponents of the application presented their reasons for requesting reconsideration, which included addressing the concerns of the Commission regarding parking issues and the potential impact on neighbouring agricultural operations. It was also discussed that the business would be temporary and seasonal and would not require the additions of any permanent structures the property. Furthermore, the applicant indicated that the business would work to support the agricultural community.

Discussion

The Commission reviewed its previous decision of Resolution #2600/2011, which refused the application on the grounds that the subject property has high agricultural capability and suitability, and that the proposal may adversely impact potential agricultural use the subject properties and surrounding lands.

The Commission appreciated the applicants' efforts to address its concerns and was sympathetic to the applicants' proposal. However, after much discussion, the Commission was of the view that the proposal could not be supported on the grounds that a commercial business of this nature should not be located within the ALR.

As such, the Commission was of the view that the reconsideration was not warranted.

IT WAS

MOVED BY: Commissioner Bullock

SECONDED BY: Commissioner Tomlinson

THAT Resolution #2600/2010 be confirmed.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- 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.*
- (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.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision

letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 134/2011

Commissioner Pranger wished to be recorded as opposed to the decision.