



Agricultural Land Commission
133-4940 Canada Way
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www.alc.gov.bc.ca

October 26, 2012

ALC File: # 52522

John Paul
3911 Mt Lehman Road
Abbotsford, BC
V4X 2N1

Dear John Paul:

Re: Reconsideration Request – ALC Resolution #46/2012

Please find attached the response of the Agricultural Land Commission with respect to your Request for Reconsideration.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'Brian Underhill', written over a long horizontal line.

Brian Underhill, Executive Director

Enclosure: Response to Request

cc: City of Abbotsford (3040-20/A11-011)

EW/52522d2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52522.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

REQUEST FOR RECONSIDERATION

The Commission received a letter dated May 17, 2012 requesting reconsideration of its decision recorded as Resolution #46/2012, by which, the proposal to conduct a non-farm use on the subject property was refused.

Owner:	Matway Farms Ltd.
Agent:	John Paul, Ph.D., P.Ag.
Original Proposal:	To develop a commercial composting and soil mixing and sales facility on the 8.2 ha subject property. All of the composting will take place on existing "hard" surfaces (concrete, asphalt). The applicant intends to sell all of the composted product off the property. Composting is a permitted use provided "Class A" compost is manufactured, and a minimum 50% of the compost product is used on the farm. (Submitted pursuant to section 20(3) of the <i>Agricultural Land Commission Act</i>)
Original Decision:	Refused on the grounds that composting can be located on lands outside the ALR.
Current Request:	Reconsider the decision.
Legal:	PID: 005-071-801 Lot 12, Section 1, Township 12, District Lots 45 and 407, Group 2, New Westminster District, Plan 52711
Location:	5205 Bates Road, Abbotsford

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission does not believe that the agent has provided evidence that was not available at the time of the previous decision or demonstrated that all or part of the original decision was based on evidence that was in error or was false. Although the May 17, 2012 letter does provide additional information with respect to the agent's position regarding the proposal, the Commission does not believe this constitutes new evidence.

Conclusion: The Commission decided not to reconsider Resolution #46/2012.
