



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

August 15, 2008

Reply to the attention of Ron Wallace  
ALC File: MM-37374

W. Maxwell R Newby  
Box - 390 9259 Main Street  
Chilliwack, BC V2P6K2

Dear Sir:

**Re: Reconsideration of Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 440/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify the applicant regarding this decision.

The Commission draws your attention to sections 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration. Please note the very specific requirements 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.

A revised proposal does not constitute new information and will not be considered as a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

cc: John Kolawski Box 83 - 38056 Lougheed Highway, Dewdney, BC V0M1H0  
Fraser Valley Regional District (3015-20-2006-04)

Enclosure: Minutes



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on June 17, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

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

### For Consideration

Application: # MM- 37374  
Applicant: John Kolawski  
Agent: Maxwell Newby  
Proposal: Reconsideration request to subdivide the subject property pursuant to the Homesite Severance Policy to create a 1.5 ha parcel.  
Legal: PID: 011-228-768  
Lot 1, Parcel 2 ( Explanatory Plan 8594), New Westminster District, Except Parcel C (Reference Plan 9730), Section 27, Township 20, Plan 6667  
Location: 38506 Lougheed #7 Highway Dewdney

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### Discussion

The Commission previously reviewed this application for subdivision under the Homesite Severance Policy on 7 November 2007. At that time the Commission did not receive proof that John Kolawski has owned the property since 1972 and therefore did not consider the application pursuant to this policy.

With regard to the subdivision proposal it was felt the creation of a residential lot would reduce the agricultural potential of the property and potentially lead to subdivision applications from adjacent property owners.

In correspondence dated 12 May 2008 Maxwell Newby of Baker Newby LLP provided additional information regarding the history of ownership of the subject property by the Kolawski family. While it is evident that the subject property has been owned by the

Kolawski family since prior to 1972, the applicant John Kolawski retained ownership to the subject property in 1982. As such, the Commission cannot consider the application as a subdivision under the Homesite Severance Policy.

**Conclusions**

1. That the applicant has not owned the subject property since 1972 and therefore does not qualify for consideration under the *Homesite Severance Policy*.
2. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Tomlinson

**SECONDED BY:** Commissioner Bose

THAT the reconsideration of the application to subdivide the subject property pursuant to the *Homesite Severance Policy* be refused.

**CARRIED**

**Resolution # 440/2008**