



Agricultural Land Commission
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April 13, 2010

Reply to the attention of Ron Wallace
ALC File: MM-38783-1

Friesland Farms Ltd.
1709 Cameron Road
Agassiz BC V0M 1A1

Attention: Albert Riemersma, principal

Re: Request for Reconsideration

This is further to the District of Kent's letter dated July 14, 2009 in which Kent Council asked the Provincial Agricultural Land Commission to reconsider Resolution #178/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2376/2010 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: District of Kent (S07-012)

Enclosure: Minutes

TP/
i/38783d2



A meeting was held by the Provincial Agricultural Land Commission on March 25, 2010 at Abbotsford, BC.

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

For Consideration

A letter was received from the District of Kent requesting that the Commission reconsider its decision recorded as Resolution #178/2009. It indicated that Albert Riemersma had been under the misunderstanding that the District of Kent would not support a smaller parcel size, whereas in fact the District of Kent supports the small parcel size subject to approved on-site sewerage. The District of Kent is also in full support of the applicant's proposal to enter into a home plate covenant.

Application:	MM-38783 (ID45727)
Applicant:	Friesland Farms Ltd. <i>per</i> Albert Riemersma, sole principal
Agent:	District of Kent [for the reconsideration only]
Original proposal:	To consolidate three small parcels into a ± 1 ha lot and create an additional ± 1 ha lot containing the dwelling currently on the adjoining ± 10 ha lot.
Original decision:	Refuse on the grounds that the proposal is not in the best interests of agriculture.
Current proposal:	To consolidate three small parcels into a ± 1 ha lot (as before) and create an additional ± 0.4 ha lot containing the dwelling currently on the adjoining ± 10 ha lot.
Legal:	Parcel 3 (Reference Plan 653) Parcel "C" (Reference Plan 4788) Parcel "C" (Reference Plan 5615) Lot 2, Plan 6376
Location:	2147 Wells Road, Kent

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.

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Discussion

The Commission considered the new information pertaining to the proposed covenant and smaller parcel size but noted that it did not address the Commission's chief concern, namely that the farmable area of the principal parcel would be reduced, in part by the proposed subdivision and in part by the establishment of a new dwelling site. The Commission had been willing to consider a consolidation and boundary adjustment resulting in two parcels, each containing one of the two existing dwellings, but despite the new evidence (reduction in size of the new parcel and sensitive siting of any new dwelling) the Commission's principal concern has not been sufficiently alleviated.

IT WAS

MOVED BY: Commissioner Tomlinson
SECONDED BY: Commissioner Bose

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 Commission confirm its original decision and refuse the subdivision as currently proposed.

CARRIED

Resolution #2376/2010