



**Agricultural Land Commission**  
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April 13, 2010

Reply to the attention of Ron Wallace  
ALC File: MM-38784-1

Lorne and Joanna Hansen  
451 Kennedy Road  
Box 10 Harrison Mills BC V0M 1L0

**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 #177/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2378/2010 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: District of Kent (S07-002)

Enclosure: Minutes

TP/  
i/38784d2



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

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

**For Consideration**

A letter was received from the District of Kent conveying Council Resolution #C2009-159 supporting Commission reconsideration of its decision recorded as Resolution #177/2009. The District of Kent acknowledged that the original proposal to consolidate small parcels on the lower side of the Harrison River dyke might not have provided a sufficient benefit to justify the proposed subdivision to place a small dwelling on a separate parcel, but it pointed out that the farm contains a much larger parcel on the upper side of the dyke.

- Application: MM-38784 (ID45728)  
 Applicant: Lorne and Joanna Hansen  
 Agent: District of Kent [for the reconsideration only]  
 Original proposal: To consolidate two small parcels (total area 0.2 ha) with the 12.1 ha farm in return for creating a 1.1 ha lot containing an isolated dwelling and widening School Road by 0.3 ha.  
 Original decision: Refuse on the grounds that the proposal does not justify creation of a separate small parcel from the farm.  
 First recon- sideration: Modify the proposal to reduce the area of the proposed additional lot to accommodate only the dwelling and its required septic fields.  
 Second decision: Refuse to reconsider on the grounds that the proposed site reduction had been offered at the time of the on-site inspection, hence did not constitute new evidence.  
 Current proposal: To widen School Road and create the proposed lot accommodating the existing isolated dwelling and its required septic fields and in return to consolidate the remainder of the 12.1 ha farm parcel with an adjoining parcel forming part of the Hansen family farm, the 34.8 ha parcel immediately adjoining to the west being given as an example.  
 Legal (12.1 ha): Parcel "H" (plan with fee deposited 54300F) of Sec.26 Twp.3 Rge.30 Lorne & Joanna Hansen W6M NWD except: firstly: part on Plan 13840 and secondly: part Highway SRW Plan 26833 ["H", parent parcel of original application]  
 Legal (<0.1 ha) Lorne & Joanna Hansen Parcel "ONE" (Explanatory Plan 12969) of Fr. NW¼ Sec.26 Twp.3 Rge.30 W6M NWD [adjacent to "H"]  
 Legal (<0.1 ha) District of Kent Parcel "A" (Reference Plan 6639) of Parcel "G" (plan with fee deposited 12033F) NW¼ Sec.26 Twp.3 Rge.30 W6M NWD [adjacent to "H"]  
 Legal (14.1 ha) Lorne & Martin Hansen Lot 23, Secs.26/27 Twp.3 Rge.30 W6M NWD, Plan 22952 [adjacent to "H"]  
 Legal (5.8 ha) Lot A, Scowlitz I.R.#1 NWD, Plan 4294 except Pcl. "TWO (Reference



Legal (5.8 ha) Lot A, Scowlitz I.R.#1 NWD, Plan 4294 except Pcl. "TWO (Reference Lorne & Joanna Hansen Plan 7170) and Pcl."ONE" (Reference Plan 11293) [adjacent to "H"]  
Legal (18.1 ha) Lot 22, Sec.27 Twp.3 Rge.30 W6M NWD, Plan 22952 [not adjacent to Lorne & Joanna Hansen "H" but adjacent to Rem. Lot A...Plan 4294 and to Lot 23...Plan 22952]  
Location: 451 Kennedy Road, Harrison Mills

### **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**

The Commission considered the new information pertaining to opportunities for further consolidation. The Commission was prepared to allow the proposal to widen School Road and create the proposed lot accommodating the existing isolated dwelling and its required septic fields and in return to consolidate the remainder of the 12.1 ha farm parcel with adjoining lands forming part of the Hansen family farm provided the additional area is at least as large as the parent parcel.

### **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 allow the proposal to widen School Road and create the proposed lot accommodating the existing isolated dwelling and its required septic fields, subject to consolidation of the 12.1 ha farm parcel with adjacent lands, as follows:

Preference 1— consolidation with the adjacent 14.1 ha Lot 23...Plan 22952;  
Preference 2— consolidation with the adjacent 5.8 ha Rem. Lot A...Plan 4294 and with the non-adjacent 18.1 ha Lot 22...Plan 22952;

AND THAT the Commission record that it neither opposes nor requires having the consolidation package include either or both of the two small parcels originally proposed for consolidation.

### **CARRIED**

**Resolution #2378/2010**