



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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December 1, 2009

Reply to the attention of Ron Wallace
ALC File MM-39045

Dana Dube
27080 – 48th Avenue
Langley, BC V4W 1N4

Dear Madam:

Re: Request for Reconsideration

This is further to your letter of September 22, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #600/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 1505/2009 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 light blue horizontal line.

Erik Karlsen, Chair

cc: 436464 B.C. Ltd. 28265 – 58th Avenue Abbotsford, BC – V4X 2E8
City of Abbotsford, (3040-20/A09-005)
BC Assessment, Abbotsford

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 2, 2009 in Burnaby.

PRESENT:	Erik Karlsen	Chair of the Commission
	Sylvia Pranger	Vice-Chair, South Coast Panel
	Mike Bose	Commissioner
	Ron Wallace	Staff
	Tony Pellett	Staff

ABSENT:	John Tomlinson	Commissioner
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For Consideration

A letter from Dana Dube was received requesting that the Commission reconsider its decision recorded as Resolution #600/2009. It indicated that the tour aspect of their proposal is integral to the success of the proposal. The applicant has contacted each of the adjacent property owners and no one has expressed any concerns with the tours.

Application:	MM-39045
Applicant:	Dana Dube
Agent:	N/A
Original proposal:	For a non-farm use to allow an animal Appreciation Centre to house and train wild animals for the entertainment industry. The applicants are planning to offer 2 tours per day, 4 days per week, and 10 months per year.
Original decision:	Allow subject to the non-farm use be limited solely to the use of housing and training of wild animals for the entertainment industry, but not to include tours.
Current proposal:	To amend the original decision to allow the proposed farm tours.
Legal:	Lot A, Section 33, Township 13, NWD, Plan BCP3385
Location:	4281 Bradner Road, Abbotsford

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

Upon reconsideration the Commission had no objections to the tour aspect of the proposed development of the subject property.

IT WAS

MOVED BY: Commissioner Bose
SECONDED BY: Commissioner Pranger

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 request to include the proposed tours as part of the Animal Appreciation Centre be approved.

AND THAT the approval is subject to the following conditions:

- That the non-farm use include the use of housing and training of wild animals for the entertainment industry and for guided tours up to 2 times per day, 4 days per week, 10 months per year with a maximum of 30 people per group.
- That this approval is for three (3) years from the date of the decision, renewable on submission by the applicant of evidence that the operation is having positive effects on agriculture.
- Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #1505/2009