



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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July 12, 2010

Reply to the attention of Jennifer Carson  
ALC File: #51674

George Boyes  
5634 McCallum Road  
Agassiz, BC  
V0M 1A3

Dear Mr. Boyes:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # **2548/2010** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: District of Kent  
BC Assessment

JC/  
51674d1



## **Discussion**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. It discussed the recommendations of the Kent AAC and Kent Council, which were that a restrictive covenant be placed on title to ensure that the size of building be limited to 300 m<sup>2</sup>, the oven must be used to support the cafe/bistro and not for commercial purposes, and a minimum of 50% of the menu items and products sold must be produced on the farm. The Commission found these proposed conditions of approval to be logical requirements. Furthermore, the Commission believed that the proposal would have a positive impact on agriculture and agri-tourism in Kent.

## **Conclusions**

1. That the proposal will have a positive impact on agriculture and agri-tourism in Kent.
2. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

## **IT WAS**

**MOVED BY:** Commissioner Bose  
**SECONDED BY:** Commissioner Tomlinson

THAT the application be allowed;

AND THAT the approval be subject to the following condition:

- a restrictive covenant must be placed on title to ensure that the size of building is limited to 300 m<sup>2</sup>, the oven can only be used to support the cafe/bistro not for commercial purposes, and minimum of 50% of the menu items and products sold are produced on the farm. The intent of the latter portion of the covenant would be to prohibit the use of the bistro should the farm activity cease.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request 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, or*
  - (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;*

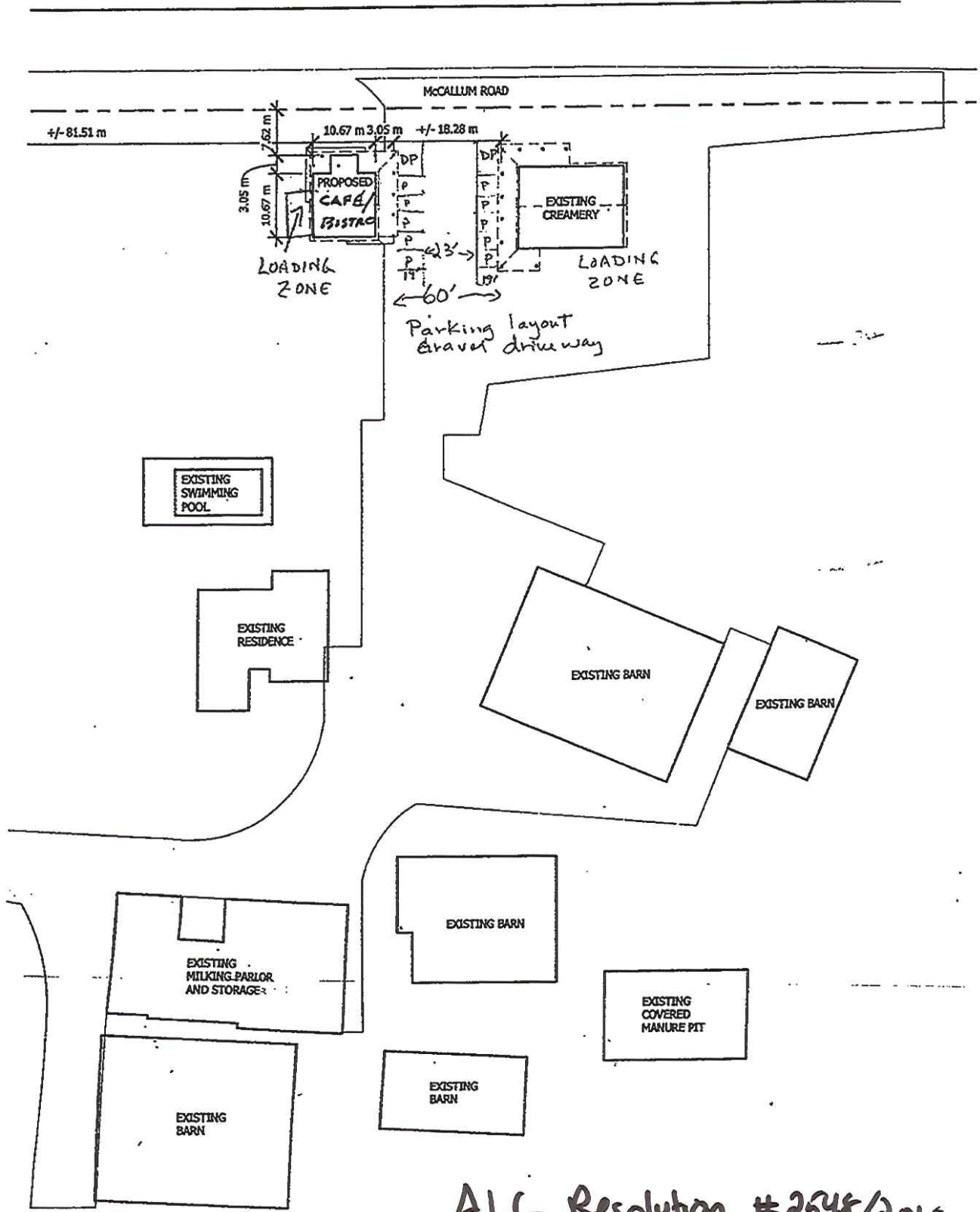
AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

## **CARRIED**

**Resolution # 2548/2010**





 SITE PLAN

ALL Resolution # 2548/2010  
Application # 51647