



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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January 5, 2005

Reply to the attention of Craig Sobering

Chris Bartel
Birchlane Farms Ltd.
2525 Crestview Road
Kelowna, BC V1Z 1Z4

Dear Mr. Bartel:

Re: Application #MM-22151

Further to your letter of June 14, 2004 the Agricultural Land Commission (the Commission), acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

In your letter you asked the Commission to revise clause 2(b) of Resolution 126/2001 be revised to include institutional use or removed in its entirety to permit the District of Kent to control usage. You have requested this change in order to permit the development of the conditionally excluded area into an Extended Care and Assisted Living complex, which you advise is not supported under the existing wording of this resolution.

The Commission, by Resolution #593/2004, has **approved** your request to revise the wording of the restrictive covenant described in 2(b) of Resolution 126/2001 to include institutional uses.

Please be advised that all other conditions of the Commission's decisions on this application remain in force.

The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation that may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that may have jurisdiction. Before your development can proceed, other approvals may be necessary and we urge you to check with the District of Kent.

Please quote the above application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

K. B. Miller, Chief Executive Officer

cc District of Kent, Attention - Andrew Yeats
CS/lv/22151d6

