



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 28, 2010

Reply to the attention of Terra Kaethler
ALC File: MM-39037

Greenline Management Ltd.
11579 – 196th B Street
Pitt Meadows, BC
V3Y 1P2

Attention: Lee Mackenzie, Project Manager

Re: Request for Reconsideration

This is further to your letter of June 9, 2010 in which you and Sanborn & Associates Inc. asked the Provincial Agricultural Land Commission to reconsider Resolution #1908/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2575/2010 outlining its latest decision. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

cc: City of Abbotsford (3040-20/A08-010)
Garbris Korajian, 31029 Marshall Road, Abbotsford, BC V7T 1A7

Enclosure: Minutes/Sketch Plan

RW/39037d2



A meeting was held by the Provincial Agricultural Land Commission on July 7 2010 in Langley, BC.

PRESENT:	Richard Bullock	Chair
	Sylvia Pranger	Chair, South Coast Panel
	Mike Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff

For Consideration

A letter from H.G. Sanborn & Associates Inc. was received requesting that the Commission reconsider its decision recorded as Resolution #1908/2009. It requested that the application be reconsidered to review a revised proposal for four (4) lots with a common access road for the proposed lots.

The Commission’s previous decision provided a method for subdividing the property in two, more or less along the natural gas transmission line, partly on the basis that the upland area can and should be farmed as a single unit and partly on the basis that the panhandle access should not be dedicated as a public road. The applicant agrees to retain the upland area as a single unit but argues that the lowland area cannot be farmed as a single unit, thus should be allowed subdivision into three lots, for a total of four lots overall. The applicant’s agent has provided three sample subdivision layouts and also maintains that there are methods available to afford access to more than two lots without dedication of the panhandle as a public road.

Application:	46023 (Legacy #39037)
Applicant:	Gabris Korajian
Agent:	Greenline Management Ltd. (Lee Mackenzie – original agent) H.G. Sanborn & Associates Inc. (Grant Sanborn – additional agent)
Original proposal:	Subdivide into 6 lots
Original decision:	Subdivide into 2 lots
Current proposal:	Subdivide into 4 lots
Legal:	Lot 15, Section 14, Township 13, New Westminster District, Plan 57060
Location:	30129 Marshall Road Extension

Site Inspection

A site inspection was conducted for the original application on December 8, 2009. Those in attendance at that time were:

- Sylvia Pranger Chair, South Coast Panel
- Mike Bose Commissioner
- John Tomlinson Commissioner
- Garbris Korajian Applicant
- Lee Mackenzie Agent
- Walter Dyck Agent
- Ron Wallace Staff
- Tony Pellett Staff

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 considered the reconsideration request and determined that the original decision was in error, thus the matter should be reconsidered.

Discussion

The Commission reviewed the file material and believed that the upland area should be retained as one lot and that this lot should extend slightly south of the natural gas transmission line, in order to contain the agricultural soil unit of this area into one lot.

Given the need (expressed in the original application) to protect the environmentally sensitive lands on the west boundary of the lowland area, and given the desirability to protect the Class 1 and 2 soil units for farming, there does not appear to be room for more than one additional parcel in the lowland area, below the escarpment. The Commission believes allowing one additional parcel (more or less as illustrated on the attached drawing) provides an opportunity to remedy the omissions from the original decision.

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 subdivide the property into a total of 4 lots be refused.

AND THAT the Commission would allow a subdivision of the land into three (3) parcels subject to the following conditions:

- The subdivision be in substantial compliance with the attached map
- That the "common" access area be one of the following:
 - A jointly owned parcel;
 - A strata access route;
 - Or 3 panhandles with cross-easements
- the planting of vegetation for buffering for the purpose of
- The planting of 3 meters of vegetation for buffering on the east and west side of the "common" access area.

- That for Lots 2 and 3, the home plate be located more or less within the area shown on the attached map; either way not encroaching on the Class 1 and 2 land.
- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT the applicant be advised that the time limit for submitting any further request for reconsideration is one (1) year from the date of the original 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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 2575/2010

COMMISSION STAFF

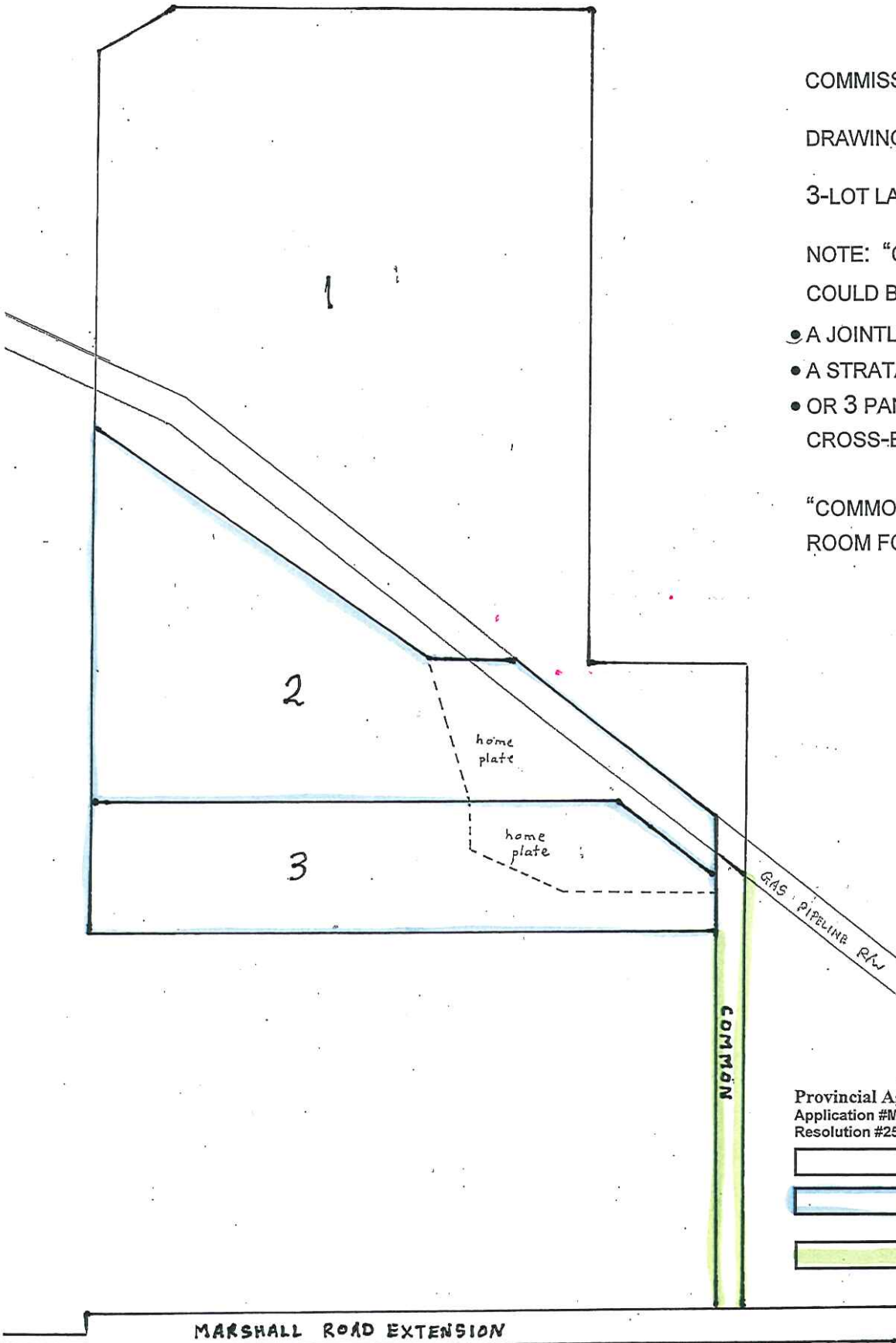
DRAWING 2

3-LOT LAYOUT




NOTE: "COMMON" AREA
COULD BE:

- A JOINTLY OWNED PARCEL;
- A STRATA ACCESS ROUTE;
- OR 3 PANHANDLES WITH CROSS-EASEMENTS

"COMMON" IS 17 m WIDE,
ROOM FOR 3 m BUFFERS



Provincial Agricultural Land Commission
Application #MM-39037
Resolution #2575/2010

-  Subject property
-  Approved for subdivision in the ALR
-  Location of buffer vegetation