



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

November 5, 2009

Reply to the attention of Ron Wallace
ALC File: MM-36926

Mathew Malkin
35418 Nakiska Court
Abbotsford, BC V3G 1J6

Kelly Malkin
5133 Bates Road
Abbotsford, BC V4X 1W3

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **1268** outlining the Commission's decision as it relates to the above noted application.

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 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: City of Abbotsford (#A06-015)



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 5, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application: #21-MM-ABBT-2006-36926 (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

Applicant: Kelly Malkin

Agent: Mathew Malkin

Proposal: The Commission previously approved the creation of a homesite severance of 0.4 ha on the south-eastern corner of the property. However, the Approving Officer at the city of Abbotsford is unable to approve the subdivision as approved, as it creates a parcel in the floodplain that may have difficulty achieving full flooding requirements outlined in the Abbotsford Zoning Bylaw, 1996.

As a result, the applicant would like to negotiate an alternative location for the homesite parcel that will either remove it from the floodplain, or place it in a location where full flood proofing provisions can more easily be met.

Property Description:

PID: 007-376-987
Lot E, NWD, Group 2, Except Firstly: Parcel "1" (Reference Plan 917), Secondly: Parcel "2" (Plan with fee deposited 52138F) and Thirdly: Part subdivided by Plan 10006, District lot 45, Plan 1059

Property Location:

5133 Bates Road, Abbotsford

Background: The original proposed application was to create a road along the northern boundary of the property leading to a homesite lot towards the back of the property. The Commission felt this proposal would involve too much land for the creation of the homesite property. In accordance with the HSP the Commission prefers the smallest lot size possible.

Attachment: Minutes of the Commission, February 20, 2007.

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On September 11, 2009 the Commission delegated decision-making to the CEO by Resolution #003N-2009 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 8

Requests for minor variations of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, non-farm use and inclusion applications provided the minor variations are consistent with the intent of the Commission's original decision.

DECISION:

After reviewing the entire file material, I, Erik Karlsen, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 8 of Resolution #003N/2009 and approve the relocation of a 0.4 ha lot to be on the north-eastern corner of the property. Except for this change all other conditions of approval by Resolution #61/2007 still apply.

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.

RESOLUTION # 1268/2009

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in black ink, appearing to read "Erik Karlsen", written over a horizontal line.

Erik Karlsen, Chief Executive Officer

Sketch of Homesite Severance for ALC Application #O-36926 Allowed by the
Agricultural Land Commission (Resolution # 1268.

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