



PROVINCIAL AGRICULTURAL LAND COMMISSION

Reconsideration Request

Application: # 37427
Applicant: Yellow Point Ventures
Property: Lot A, DL 13, Oyster District, Plan VIP77718
Location: 3852 Yellow Point Road
Original Proposal: To subdivide the 57 ha property to create 27 2.0 ha residential parcels
Original Decision: The application was first tabled, pending a soils assessment report and a revised site plan. After review of the requested documents, the Commission refused the proposal of any subdivision based on the agricultural capability presented in the Madrone report.
as
Resolution: November 28, 2007; Res. #645/2007

Basis for Reconsideration

The applicant has supplied a Hydrogeological Study and Land Capability Re-Assessment Report. The Commission reviewed the submitted material in September 2008, and were of the view that a site visit would be necessary to determine if reconsideration was warranted. As such, a site visit has been set up for November 6, 2008.

Statutory Provision for Reconsiderations

- 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,
 - (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.
- (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.

Staff Comments

- The Commission had requested that the applicants be contacted to advise them that a new site plan would be appreciated prior to the site visit. The applicants were unclear about what the Commission wanted to see and to date, nothing has been submitted. This is something for discussion at the site visit.
- Please refer to your September packets for all of the previous attachments.

Attachments

- Reconsideration Request form (list of previous attachments provided in September)
- ALC Context Map
- Aerial Photo
- Original Decision Letter and Minutes
- Original Staff Report – 8/9/07