



Agricultural Land Commission
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November 17, 2009

Reply to the attention of Gordon Bednard
ALC File: #S-37040 (ID#43558)

Imperial Pacific Greenhouses
2257 Yellow Point Road
Nanaimo, BC V9X 1W9

Attention: Albert and Christine De Vries

Dear Mr. and Mrs. De Vries:

Re: Request for Reconsideration

This is further to your letter of June 9, 2009 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #3/2009.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #1325/2009 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Nanaimo – (# 6635 04 0609)

GB/

Enclosure: Minutes

37040d2



A meeting was held by the Provincial Agricultural Land Commission on September 15, 2009 in Langford, BC.

PRESENT:

Lorne Seitz
Jennifer Dyson
Niels Holbek
Gordon Bednard

Chair, Island Panel
Commissioner
Commissioner
Staff – Land Use Planner

For Consideration

Imperial Pacific Greenhouses (Bert De Vries) submitted a letter on June 9, 2009 requesting that the Commission reconsider its decision by Resolution #3/2007. Mr. De Vries indicated that local zoning would not permit the subdivision of the 2 ha parcel in the location permitted by the above resolution because it is less than the prescribed minimum lot size. Mr. De Vries proposes to "transfer" the allowance of a 2 ha lot to a location on the eastern side of the property.

Application: 37040 (ID # 43558)
Applicant: Imperial Pacific Greenhouses
Agent: Bert De Vries

Original Proposal: Subdivision of two lots of 2 ha each – one on the eastern and one on the western portions of the property.

Original Decision: Refuse the proposal as presented, but allowed subdivision of one (1) 2 ha lot in a specific location on the western side of the property.

Legal: PID: 002-850-826
Lot 1, Section 10, Range 2, Cedar District, Plan 24976, Except That Part in Plan 26245

Location: 2254 Yellow Point Road, Cedar

Site Inspection

A site inspection was conducted for the original application on January 10, 2007. Those in attendance at that time were:

- Commissioners Seitz, Craven and Rugg
- Planner Roger Cheetham
- Albert and Christine DeVries

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 believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission noted that the original decision allowed a specific approval at a specified area of the property. It was not intended as an approval for any 2 ha portion of the property. The original decision specifically refused subdivision of a parcel in the area proposed in the request for reconsideration.

IT WAS

MOVED BY: Commissioner Lorne Seitz
SECONDED BY: Commissioner Niels Holbek

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 for a 2 ha lot on the eastern portion of the subject property be refused.

CARRIED

Resolution 1325/2009