



Agricultural Land Commission
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December 10, 2010

Reply to the attention of Gordon Bednard
ALC File #39023, 39024, 39030

HV Developments
c/o 112 Leila Place
Victoria, BC V9B 2J3

Attention: Roy Coburn

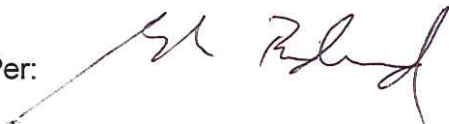
Re: Request for Reconsideration

This is further to your correspondence received November 15, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolutions #2379, 2381, and 2383/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2808, 2809, and 2810/2010 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

cc: District of Langford Attn: Matthew Baldwin

Enclosure: Minutes / plan

GB/39023, 39024, 39030 d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 7, 2010 at Nanaimo, B.C.

PRESENT: Jennifer Dyson Vice-Chair
Niels Holbek Commissioner

For Consideration

Correspondence received from JE Anderson Associates (Danny Carrier) and Roy Coburn (HV Investments) was considered. The correspondence advised the Commission that one of the 4 property owners (Aguiar) wishes to sever his relationship with HV Investments which was acting as agent. The Commission has received a letter from Aguiar confirming this as well. This means that only 3 lots, all owned by HV, are now involved in the application.

As well, the applicant has provided a map showing the extent of rock outcroppings on the eastern side of the properties to assist in the definition of the proposed exclusion area.

Finally, the applicant, for mostly financial reasons, wishes to remove the smallest of the remaining 3 properties from the application.

This information was not available to the Commission when it considered the application on July 30, 2010.

Application: # 39023, 39024, 39030
Applicant: HV Investments
Agent: Roy Coburn
Original proposal: Exclusion of 6.3 ha in 4 lots
Original decision: Refused as presented – Commission would allow exclusion of 2.1 ha from 2 lots subject to consolidation of remainders, fencing and buffering.
Current proposal: Exclusion of 2.6 ha from 2 lots
Legal: Lot 10, Section 79
Pcl D, Section 79
Lot 1, Section 79 - all of Metchosin District
Location: Langford

Site Inspection

A site inspection was conducted for the original application on September 15, 2009.

Those in attendance at that time were:

- Lorne Seitz Chair – Island Panel
- Niels Holbek Commissioner
- Jennifer Dyson Commissioner
- Gordon Bednard Staff
- Roy Coburn Agent for HV Investments

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 reviewed the correspondence from the applicant. The Commission considered that the boundary of the area previously allowed for exclusion could be modified in light of the recent survey information received. The area considered for approval by the commission does not strictly conform to the proposed area and would result in an excluded area of approximately 2.2 ha.

The Commission acknowledged that the owner of the fourth property (Aguiar) has decided to represent himself in his dealings with the Commission.

Finally, the Commission considered that the proposed removal of the third property from the consolidation requirement would be a considerable loss to future agricultural use of the consolidated area, given its high agricultural capability ratings and its location and configuration which would allow for more effective use of the area adjacent to Happy Valley Road.

IT WAS

MOVED BY: Commissioner Jennifer Dyson
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

- 1) the area approved for exclusion be modified as shown on the plan attached to the decision letter for this resolution. The revised area would be approximately 2.2 ha (subject to confirmation by survey).
- 2) the Commission will consider the Aguiar application separately from this present proposal.
- 3) the Commission confirms that all ALR area remaining within the three HV-owned lots, following exclusion, must be consolidated to form one property. In other words, the Commission will not consider the proposed severing of the smaller HV lot from the consolidation requirement under previous Resolutions 2379, 2381, 2383 and 2384/2010.
- 4) all other conditions of the above resolutions remain in effect by this resolution.

CARRIED

Resolution # 2810, 2809, 2808/2010



NOTE: All information is approximate only and must be confirmed by field survey and discussion with approval authorities

Applications # 39030, 39024, 39023,

Area approved for Exclusion

Area retained in ALR and consolidated into one lot

Fencing/vegetative buffer area