



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

March 28, 2006

Reply to the attention of Brandy Ridout
ALC File #H-36416

Grant Maddock
Protech Consultants (1989) Ltd
200 - 1461 St. Paul Street
Kelowna, BC V1Y 2E4

Dear Mr. Maddock:

Re: Application for exclusion from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #79/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client 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. It will also confirm for the Registrar the area excluded from the ALR and the area included into the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

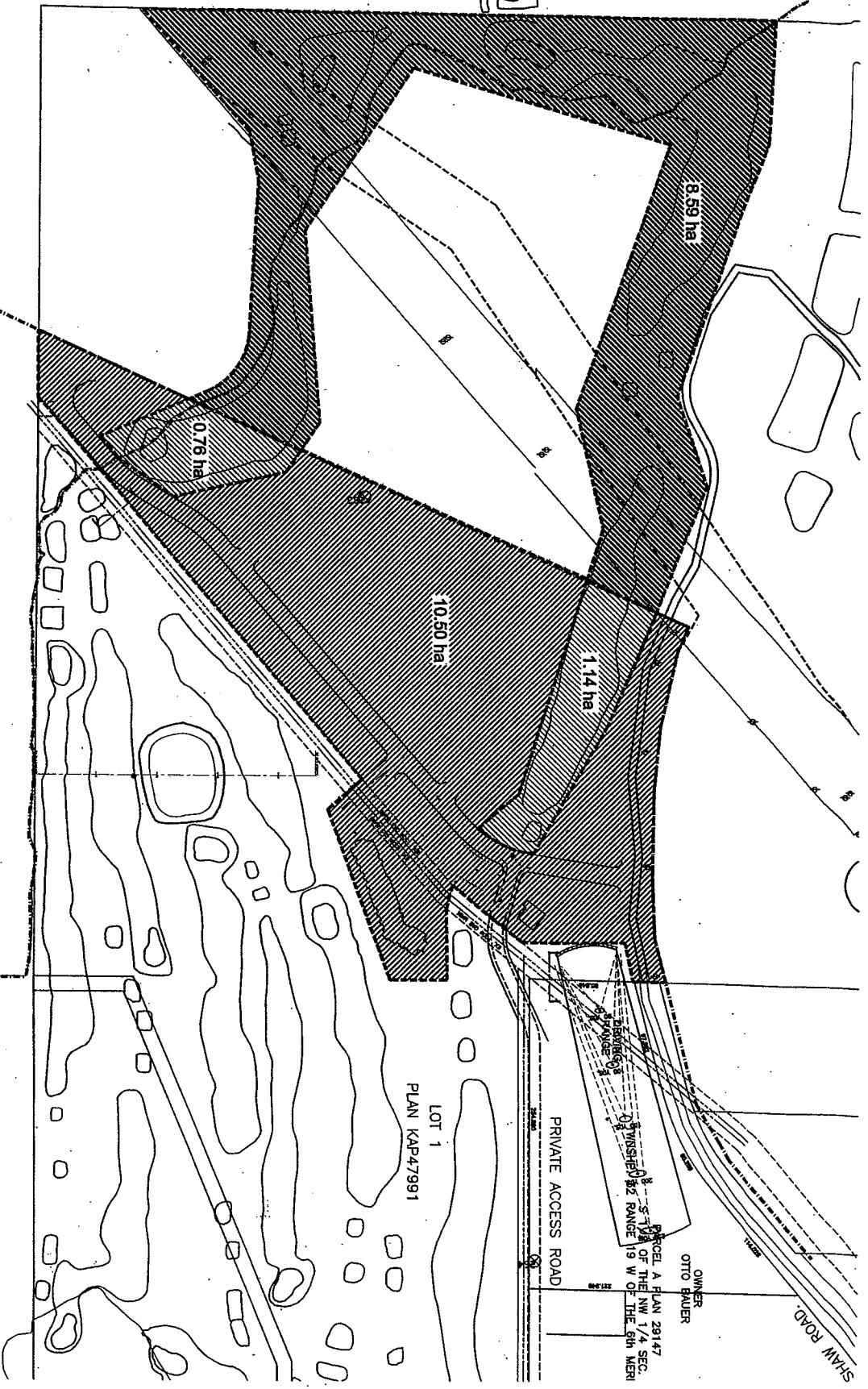
Per:

Erik Karlsen, Chair

cc: Regional District of Columbia Shuswap - LC2328-D

BR/lv/Encl.: Minutes
Sketch Plan

36416d1



SUMMARY

- 10.50 ha - AREA REQUESTED FOR RELEASE
- 8.59 ha - AREA OF INCLUSION
- 1.9 ha - AREA TO REMAIN IN ALR

PROJECT CH CONSULTANTS LTD.
 200 - 1000 St. James Street, Suite 100
 Montreal, Quebec H3A 2K4
 TEL: 514 392-1111 FAX: 514 392-1112



SCALE: 1:30000

**CANOE CREEK
 GOLF RESORT INC.
 ALC APPLICATION**

**Provincial Agricultural Land Commission
 Application #H-36416
 Resolution #79/2006**

10.5 ha area approved for exclusion from the ALR

8.6 ha area required to be included into the ALR

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 2, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23rd Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application # H-36416
Applicant(s) Canoe Creek Golf Resort Inc.
Proposal To exclude 10.6 ha of the 93.3 ha property from the ALR for a mix of residential and golf course uses. The applicant is proposing to develop the property in phases. The first phase of the 495-unit development will include a 50-unit condo lodge facility, clubhouse, restaurant and complementary convention, media, games and exercise facilities. The balance of the residential development will be phased over 10 to 15 years.
Legal PID: 017-896-215
Lot 1, Section 32, Township 19, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan KAP47991
Location 6360 Shaw Road, west of Highway #97, South of Salmon Arm

Site Inspection

A site inspection was conducted on March 2, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Staff: Brandy Ridout and Martin Collins
- Canoe Creek Golf Resort Inc. representatives: Marc Pezzin (President), David Patriquin, and Hall Thomlinson
- Agent: Grant Maddock

Mr. Maddock confirmed that he had received the staff report dated February 16, 2006 and did not identify any errors.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

The Commission recalled that in 2004, under application #H-35102, the golf course use of the property was allowed as it was believed to be a suitable transitional land use in an area already dominated by non-farm uses (including other golf courses). The Commission considered the use to be reasonable because the land was only partially within the ALR, had limited agricultural capability, was surrounded by rural residential uses, and lay on the edge of an ALR block.

The current application is for the exclusion of a 10.6 ha portion of the 93.3 ha property from the ALR for a mix of residential (to be developed in phases) and golf course uses. During the site inspection, inclusion of the area to be developed as a golf course into the ALR was discussed. In addition, the matter of modifying the exclusion area to leave the portion that will be developed as part of the golf course in the ALR was also discussed. The applicants were receptive to both concepts. The Commission believed that the inclusion of all the land developed for golf course uses would be consistent with other decisions in the province to retain the entire golf course within the ALR. The Commission's experience is that golf courses can be converted other uses, resulting in increased pressure on the ALR to provide golf course replacement sites.

The Regional District forwarded the application with a recommendation that the application not be concluded until the review of the Ranchero/Deep Creek OCP is completed, anticipating that the OCP would be reviewed this year. Although staff concurred with the recommendation, the Commission met with the applicants and determined that the proposal was consistent with its previous approval and that a decision could be made immediately on the application from an agricultural perspective. The Commission's consideration of the application at this time is not meant to interfere with the outcome of the OCP process and does not relieve the applicants of their responsibility to attain all other required approvals.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

THAT the application be approved subject to the following conditions:

- the exclusion be in substantial compliance with the attached plan, and
- the inclusion of the approximately 8.6 ha area proposed to be developed as part of the golf course

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 #79/2006



Staff Report
Application # H – 36416
Applicant: Canoe Creek Golf Resort Inc.
Agent: Protech Consultants (1989) Ltd.
Location: South of Salmon Arm

DATE RECEIVED: December 15, 2006

DATE PREPARED: February 16, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude 10.6 ha of the 93.3 ha property from the ALR for a mix of residential and golf course uses. The applicant is proposing to develop the property in phases. The first phase of the 495-unit development will include a 50-unit condo lodge facility, clubhouse, restaurant and complementary convention, media, games and exercise facilities. The balance of the residential development will be phased over 10 to 15 years.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The area proposed for exclusion was included into the ALR in 1978 as part of a block application by the Columbia Shuswap Regional District, with the support of the landowner, because it was believed to have potential for agricultural use.

In 2004, under application #H-35102, the Commission allowed the golf course use of the property as it believed it to be a suitable transitional land use in an area already dominated by non-farm uses (including other golf courses). The Commission considered the use to be reasonable because the land was only partially within the ALR, had limited agricultural capability, was surrounded by rural residential uses, and lay on the edge of an ALR block.

Local Government:

Columbia Shuswap Regional District

Legal Description of Property:

PID: 017-896-215
Lot 1, Section 32, Township 19, Range 9, West of the 6th Meridian, Kamloops Division Yale District,
Plan KAP47991

Purchase Date:

July 2005

BACKGROUND (continued) :

Location of Property:

6360 Shaw Road, west of Highway #97, South of Salmon Arm

Size of Property:

93.3 ha (approximately 46 ha in the ALR)

Present use of the Property:

Partially cleared, rolling land, used for grazing in the past

Surrounding Land Uses:

NORTH: Non-ALR, City of Salmon Arm industrial park

EAST: Mobile home park, hayfields, hobby farms adjacent to Highway #97B

SOUTH: Non-ALR, forested Crown land

WEST: Non-ALR rural residential, forested hillside

Agricultural Capability:

A detailed soils capability study was undertaken on the 10.6 ha area by Brian French (P. Ag.). The August 29, 2005 report states that the 10.6 ha area has two distinct soils units comprised of sandy, low moisture retention soils that are rated as Class 5 in their unimproved state with aridity and topographic limitations. With irrigation, the flatter portions of the rolling landscape can be improved to Class 3TA. The steeper areas can be improved to 5:4T 5:5T. However, steeper areas separate the better capability soils units. Overall, the 10.6 ha area is best used for grazing (its historic use) with little cultivation potential.

Official Community Plan and Designation:

The Ranchero/Deep Creek Land Use Bylaw No. 2100

Designation: Rural

Minimum lot size: 60 ha

PREVIOUS APPLICATIONS:

Application #35102-0

Applicant: Yuros Trucking Ltd.

Decision Date: January 22, 2004

Proposal: To develop the 93.3 ha property (46 ha in the ALR) and a 4 ha property as a golf course.

Decision: Allowed subject to consolidation of the two parcels on the grounds the land lies at the edge of the ALR and has limited potential for agricultural uses.

Application #35102-1

Applicant: Yuros Trucking Ltd.

Decision Date: April 27, 2005

Proposal: To eliminate the 4 ha property from the golf course proposal as no agreement can be reached between the landowners.

Decision: The Commission rescinded the approval to use the 4 ha property for golf course uses and eliminated the consolidation requirement.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The **Columbia Shuswap Regional District** forwarded the application with a recommendation that the application not be concluded until the review of the Rancho/Deep Creek OCP is completed. It is anticipated that the OCP will be reviewed this year.

COMMUNITY COMMENTS:

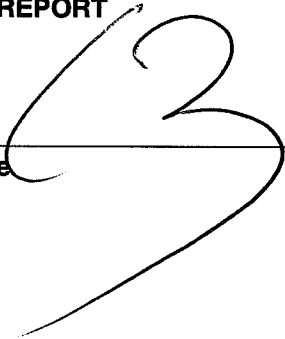
A petition was received that was signed by 10 individuals opposed to the exclusion of the portion of the subject property from the ALR. In addition, a letter was received from a Salmon Arm resident who is also opposed to the exclusion for various reasons including that the land has agricultural capability (a previous landowner used the property to raise cattle), concern with water shortages, and the effect the development will have on the larger community.

STAFF COMMENTS:

Staff concurs with the Regional District's recommendation.

END OF REPORT

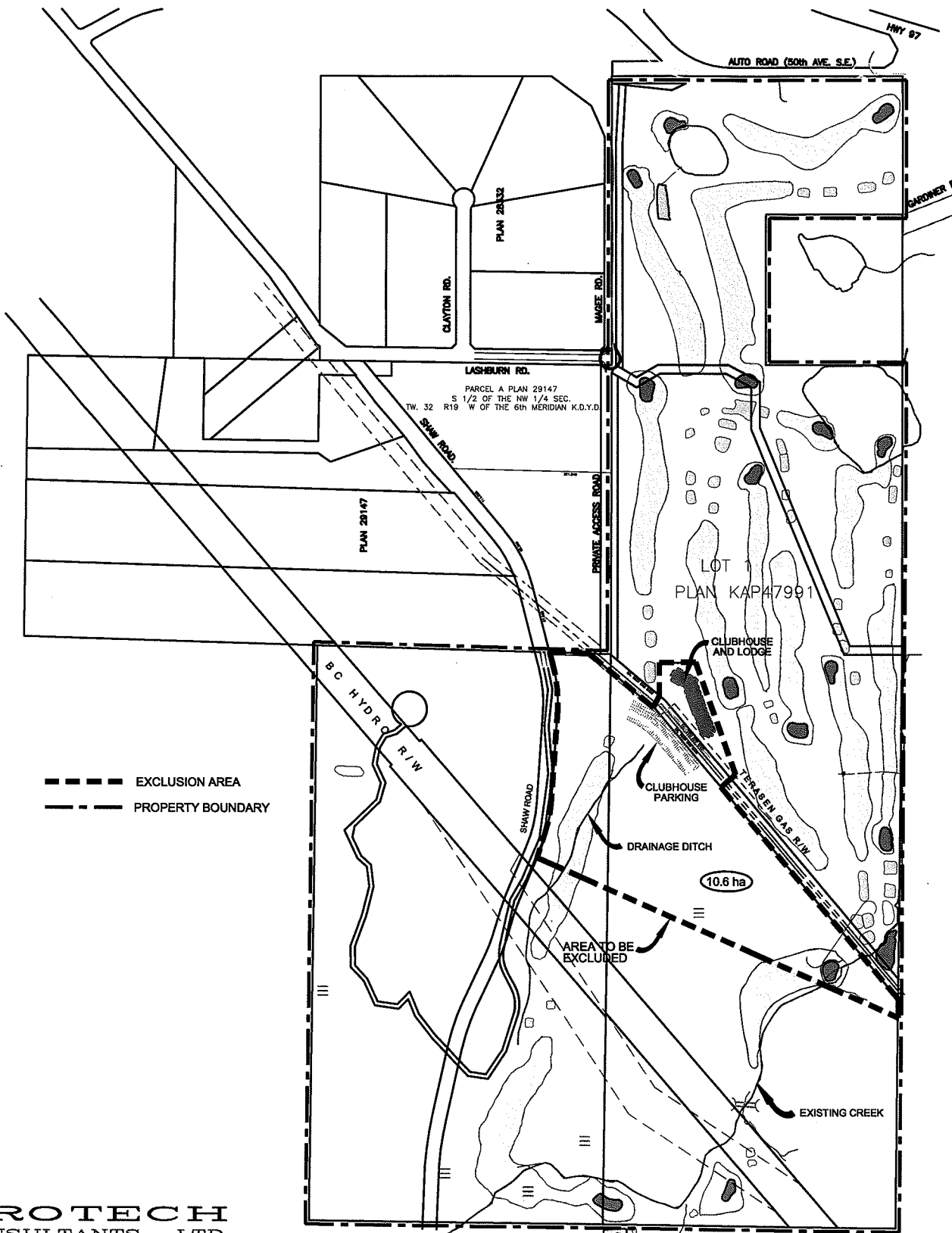
Signature

A large, stylized handwritten signature in black ink, consisting of a large loop and a long tail.

Date

Feb 22/06

PLAN TO ACCOMPANY
ALR EXCLUSION APPLICATION
LOT 1 PLAN KAP47991



--- EXCLUSION AREA
- - - PROPERTY BOUNDARY

PROTECH
CONSULTANTS LTD.
200-1481 St. Paul Street Kelowna, B.C.
PHONE 860-1771
FAX 860-1994