



**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

Reply to the attention of Brandy Ridout  
ALC File: H-36578

November 26, 2007

Konyha Holdings  
2636 Mt. Lehman Road  
Abbotsford, BC V4X2N3

Dear Sir:

**Re: Application to develop a golf course in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 575/2007 outlining the Commission's decision as it relates to the above noted application

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2333-F)

Enclosure: Minutes/Sketch Plan

APPLICATION # H-36570  
RESOLUTION # 575/2007

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SEC. 34

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TR 22, R. II



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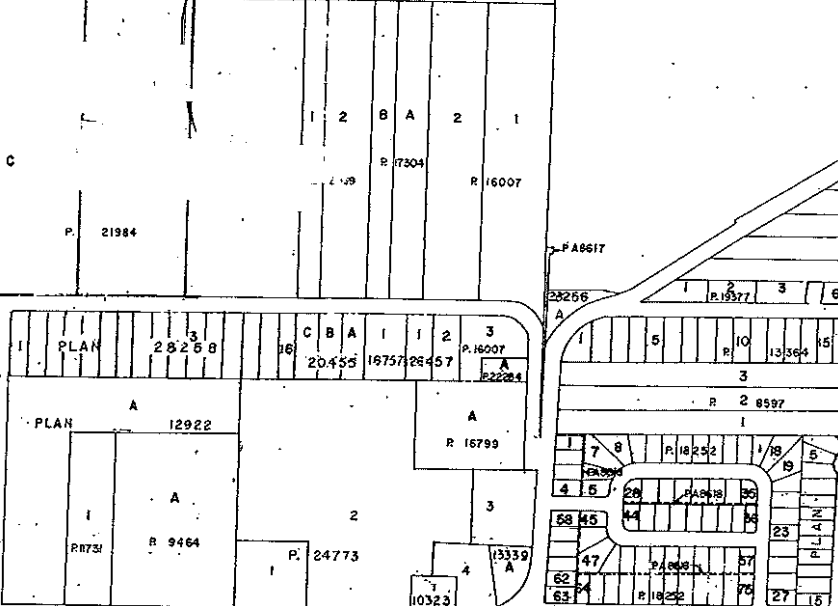
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TR 22, R. II, W.6M.

SEC. 26

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SHUSWAP LAKE PARK

SEC. 27

FILE 36578

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 09, 2007 at the Ministry of Agriculture and Lands offices located at Vernon, B.C.

<b>PRESENT:</b>	Sue Irvine	Chair, Okanagan Panel
	Roger Mayer	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

**For Consideration**

Application: # H- 36578  
 Applicant: Konyha Holdings  
 Proposal: To develop a golf course on the 59 ha property. Initially the applicant intends to develop the easterly half the property as a nine hole golf course. Should the golf course make an income, the applicant intends to expand to eighteen (18) holes on the remainder.  
 Legal: PID: 013-812-092  
 The South West 1/4, Section 34, Township 22, Range 11, W6M, Kamloops Division of Yale District, EXCEPT Plans 9795, 15899 and 19665  
 Location: Scotch Creek, north shore of Shuswap Lake

**Site Inspection**

A site inspection was conducted on Wednesday, May 24<sup>th</sup>, 2006. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Mark Konyha Applicant

Mr Konyha confirmed that the staff report dated March 29<sup>th</sup>, 2006 was received and no errors were identified.

The Commissioners noted that the property was undeveloped for agriculture, but was large, cleared of forest cover, and level.

**Commissioner Eligible to Vote**

Commissioner Roger Mayer was not present at the May 24<sup>th</sup>, 2006 site inspection. However, Commissioner Mayer viewed the property on November 8<sup>th</sup>, 2007 and was provided with a copy of the application summary report.

### **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**

#### **Assessment of Agricultural Capability**

The Commission confirmed that the best available information, arising from a 1979 soils analysis undertaken by the Ministry of Agriculture Soils Branch, soils specialist - A. B. Dawson (P. Ag), as having mixed prime and secondary ratings (5:4MP 3:3M and 2:5MP). In the past the land has been used for pasture and forage.

#### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission noted that adjoining "non ALR" lands to the west are being developed for highway commercial strip development. However, the Commission does not believe this development renders the land unsuitable for agricultural use.

#### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission takes the view that a nine hole golf course would not debilitate the land so that it could not be used for agriculture in the long term. In addition it is possible that the irrigation necessary for golf course development could be used for agricultural production on the 30 ha remainder. In fact the Commission was supportive of the nine (9) hole golf course only in the context of using the irrigation infrastructure to develop the 30 ha remainder for irrigated pasture, hayland, or other agricultural use. The Commission does not at this time support the development of an 18 hole golf course on the property, nor does it support any residential uses of this 59 ha area.

Furthermore, the Commission finds the proposed configuration of the golf course to be unsuitable in enhancing the agricultural potential of the remainder. The north - south configuration would place the westerly undeveloped half of the property under significant pressure for additional golf course or other non farm uses, and potentially result in conflict with existing businesses lying to the west, should the land be developed for agriculture. The Commission believes that an east - west golf course configuration located on the southerly half of the property would be more effective in preserving agricultural capability and promoting a long term agricultural future on the northerly half.

### **Assessment of Other Factors**

The Commission also noted that the draft Electoral Area F Official Community Plan identifies the subject property and surrounding land broadly as a *Primary Settlement Area*. The Commission had no objection to the designation, subject to an amendment that permits and encourages agricultural uses within the Settlement Area. However, based on a preliminary assessment of the Official Community Plan the Commission no longer believes that it is necessary for the OCP to be completed and adopted before making a decision on the application.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. A contained golf course of limited scale will not permanently debilitate the land for agriculture.
4. That irrigation necessary for golf course uses will permit more intensive agricultural development on the remainder.

### **IT WAS**

**MOVED BY:** Commissioner S. Irvine

**SECONDED BY:** Commissioner S. Sidhu

THAT the application to develop ~ 30 ha for a nine (9) hole golf course be allowed in principle, subject to the following conditions.

- that the golf course be located on the southerly half of the property, retaining the northerly portion for agricultural uses;
- the provision of irrigation water and the intensive development of the ~ 30 ha remainder for pasture and forage, or other agricultural uses. An agricultural development plan (ADP) is to be provided in advance or concurrently with the development of the golf course design, and the ADP is to outline how the farm use of the 30 ha remainder is to be implemented, including the provision of irrigation;
- the construction of a fence on the northerly edge of the golf course to ensure that golf balls do not interfere with agriculture use of the remainder ;
- the golf course must be completed within three (3) years from the date of this decision;
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 575/2007**