



**Agricultural Land Commission**  
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May 17, 2013

ALC File: # 52827

W.E. (Bill) Bilton  
#6 – 3665 Westsyde Road  
Kamloops, BC  
V2B 7H5

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 99/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to ALC Staff.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a large, faint, stylized signature that is partially obscured by the printed name below.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #99/2013

cc: City of Kamloops (Dunes Golf Course)



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52827.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

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### PROPOSAL

The application is to exclude a 6.68 ha (16.52 acre) portion of the Dunes Golf Course (i.e. subject property) for the purpose of constructing ±317 multiple family residential units. It is understood the proposed residential site is presently made up of the Dunes driving range, exterior storage trailers and a large sand pit. The driving range would be relocated to an area northeast of the new Dunes Clubhouse.

(Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

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### PROPERTY INFORMATION:

**Owner:** North Core Development Ltd.

**Legal:** PID: 018-208-410  
Lot A Sections 7, 8, 17 and 18 Township 21 Range 17 west of the 6<sup>th</sup> Meridian  
Kamloops Division Yale District Plans KAP49486 Except Plans KAP83827 and  
KAP89527

**Location:** 3801 Westsyde Road, Kamloops

**Size:** 82.8

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## EXCLUSION MEETING

An exclusion meeting was held on March 20, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. Those in attendance included the Commissioners and staff noted above and agent Bill Bilton.

Firstly, the agent provided the Commission with an update of their progress in meeting the conditions of the applicant's previous approval to renovate the golf course and subdivide off a 12 ha property at the northern end of the site to be developed for agricultural purposes. It was explained and shown via a handout that many of the conditions of approval for developing the farm property have been completed to date.

The agent then explained that the proposed residential complex would be located as an "In Fill Development" involving  $\pm 6.7$  ha of land within the Dunes Golf Course just south of the Dunes access road, in the centre of the existing course. It was noted the proposed residential site is presently made up of a driving range, exterior storage trailers and a large sand pit.

As an added benefit to agriculture it was also explained that the proponent plans to convert approximately 4.8 ha (12 acres) of area – the area normally designated as rough area or wasted area which divides the golf holes from one another – into a mixture of fruit and nut trees. The maintenance and harvesting of the fruit and nuts would be the responsibility of a future lessee of the property.

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## LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) 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.
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## COMMISSION CONSIDERATION

The Commission reviewed four previous applications involving the subject property:

Application #24208 (Ord, 1990) To develop  $\pm 72$  ha of the 121 ha into a golf course and associated facilities. The Commission at the time could not prohibit the creation of this golf course but did set conditions. It was believed that the property was highly capable for agricultural development and should be retained in the ALR.

Application #24285 (Ord, 1990) To exclude approximately 49.3 ha from a 121.3 ha parcel for a housing development to be built on the periphery of the golf course which is proposed for the remainder of the property (#24208). The Commission

by Resolution #636/90 refused the application on the grounds that the property is excellent agricultural land which would require minimal effort to get it back into production. However, in June 1991 the Commission, after further review, approved the exclusion of an 18 ha area for residential development which would also include all of the golf course facilities (clubhouse, Pro-shop, parking area and maintenance facilities) without eliminating the agricultural potential of the remainder of the property. It was believed this could be achieved with proper buffering of the remaining ALR lands and subject to additional conditions as set out by Resolution #457/91.

Application #36977 (North Core Development, 2007) To exclude 5 ha of the 69 ha property in order to subdivide approximately fifteen (15) single family residential lots along Harrington Road and forty nine (49) multi-family units along Westsyde Road south of the maintenance building and the proposed road to the golf course clubhouse. The Commission recalled that the golf course was constructed when golf courses were permitted in the ALR without the requirement for an application and permission of the Commission. As such, the Commission noted that while exclusion represented a permanent loss of ALR land, it believed it would not significantly impact long term agricultural potential of the balance of the golf course property as the proposed lots were located adjacent to existing residential development on Harrington and Westsyde Roads and were well removed from the adjacent ALR to the north. The Commission by Resolution #1/2007 allowed the proposal.

Application #37905 (North Core Development, 2008) To renovate the existing 18-hole Dunes golf course and add a 9-hole mid-size executive golf course which would entail development of 22 ha of ALR that has not been used as a golf course before. The Commission by Resolution #55/2008 allowed the renovation of the golf course within a smaller footprint and the subdivision of a 12 ha property that would be developed for agricultural purposes subject to conditions. The Commission recalled that the golf course on the subject property was built at a time when golf courses were allowed uses in the ALR and not because the subject property lacked agricultural capability. The Commission believed that the creation of a 12 ha property separate from the golf course would better define the area within which the golf course could operate and return the 12 ha site to agricultural production.

After considering the information the Commission concluded as follows:

1. The subject area under application for exclusion has an agricultural capability rating of Class 5 as identified on Canada Land Inventory (CLI) map 92I/16. The subclass limitation associated with this rating is (M) moisture deficiency. With irrigation and other management practices the agricultural capability of the soil of the site is improvable to Class 2 and 3 with limitations of (M) moisture deficiency, (T) topography and (X) combination of soil characteristics.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

**Conclusion:**

The subject area under application together with the subject property has agricultural capability and is appropriately designated as ALR.

2. Unlike with previous application #36977, where the proposed lots (exclusion area) are located adjacent to existing residential development, the Commission noted the current proposed exclusion area is located within the golf course as an "In Fill Development". To the south is the nine hole executive golf course; and to the north of the site is the Dunes Drive cross road and the Dunes 18 hole golf course, both of which are in the ALR.

**Conclusion:**

The Commission believes the subject site proposed for exclusion together with the adjacent land to the north and south within the ALR is highly suitable for agricultural use.

3. The Commission noted that the golf course situated on the subject property was built at a time when golf courses were a permitted use in the ALR by regulation, and not because the subject property lacked agricultural capability or had been permitted by the Commission through the application process.

**Conclusion:**

The Commission believed the proposed exclusion represents a permanent loss of ALR land deemed to be both capable and suitable for agricultural purposes.

**IT WAS**

**MOVED BY:** Commissioner Pranger

**SECONDED BY:** Commissioner Dyson

THAT the request to exclude a 6.68 ha (16.52 acre) portion of the Dunes Golf Course (i.e. subject property) for the purpose of constructing multiple family residential units be refused.

**CARRIED**

**Resolution #99/2013**