



Agricultural Land Commission
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October 5, 2006

Reply to the attention of Brandy Ridout
ALC File #G-22342

Elizabeth H. Yip
McCarthy Tetrault
Po Box 10424, Pacific Centre
Suite 1300, 777 Dunsmuir St.
Vancouver, B.C. V7Y 1K2

Dear Madam:

Re: Reconsideration of Application G-22342 – Exclusion of Towner Ranch
Lands from the Agriculture Land Reserve

Please find attached the Minutes of Resolution #498/2006 outlining the Commission's decision as it relates to the above noted application.

Be advised it is your responsibility as agent to inform the landowner of the Commission's decision. No information has been mailed directly to the landowner.

Please forward two paper prints of each of the detailed subdivision plans relating to the referenced properties. The Commission will then authorize the Registrar of Land Titles to accept deposit of the subdivision plans and exclude the land from the Agricultural Land Reserve.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Okanagan

MC/lv/Encl.: Minutes
22342min

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29th, 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
	Terra Kaethler	Staff
	Martin Collins	Staff

For Consideration

Application # G-22342

Applicant(s) Tower Ranch Ltd.

Proposal: To exclude 76 ha from the ALR, comprising the housing development component of the Tower Ranch Golf Course development.

Legal: Lots 2,3, 4, 6 and 7 of KAP Plan 80993, ODYD

Location - Kelowna

Site Inspection

No site inspection was undertaken.

Discussion

The Commission considered what persons were affected by the reconsideration.

The Commission was concerned as to why the previous Commissioners had not excluded the land from the ALR, unsure whether it was appropriate to over-rule the original rationale for retaining the land within the ALR. Staff explained that the Commission had retained the land within the ALR partly because it always kept golf courses within the ALR, to preserve their agricultural value, and ensure they would not be converted to non farm uses in the future. Staff indicated that it did not believe that it was the long term intention of the Commission to retain the housing components within the ALR (in fact the original 1988 minutes state "*Commissioners Allison and Claridge...both felt that the property should not be excluded at this time*" – Res. #931/88 – foreshadowing that at some future time it might be appropriate). Rather it wanted to ensure that the land was developed as proposed (i.e. in the appropriate housing densities and location(s) – with buffering). Once developed, retaining these small lots within the ALR would not reflect agricultural capability, and could result in administrative complications that were excessive and bureaucratic.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

That there were no persons affected by the reconsideration, and;

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THAT the request to exclude 76 ha for residential housing, comprising lots 2,3,4, 6 and 7 of Plan KAP80993, be allowed on the grounds it is consistent with previous decisions, by Resolutions #931/1988, #712/1989, #166/1991, #1015/1992, #130/1996 to allow the Tower Ranch Golf Course development.

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 # 498/2006



Staff Report
Application # G – 22342
Applicant: Tower Ranch Ltd.
Agent: Elizabeth Yip, McCarthy Tetrault
Location: Kelowna

DATE PREPARED: July 7, 2006

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude lots 2, 3, 4, 6, and 7 of Plan KAP80993, totalling 76.4 ha, from the ALR. The five lots represent the residential component of the Tower Ranch Golf Course development. The Commission originally refused the exclusion of this land, retaining it in the ALR to limit density (now capped at 1019 units) and to ensure that buffering and fencing were appropriate. A bond in the amount of \$30,000.00 has now been submitted to ensure completion of agreed upon fencing and buffering.

This application is being reconsidered pursuant to section 33 of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission originally reviewed the proposal in 1988, refusing exclusion but allowing the golf course and housing development (originally 666 units) within the ALR to ensure density, and that suitable buffering and fencing mitigated the impacts of this proposal on surrounding farmlands. Subsequently the Commission permitted up to 1019 housing units on the same development footprint (but at a higher density).

It appears that less than 1000 housing units will be constructed based on preliminary subdivision plans. The first phase, comprising more than two thirds of the development area is for 455 units.

The developer has now registered a subdivision plan that divides the 176 ha development area into an 81 ha golf course, a 19 ha park, with the remainder (76 ha) for housing.

Local Government:

City of Kelowna

Legal Description of Properties:

Lots 2, 3, 4, 6 and 7 of Section 31, Twp. 27 ODYD, Plan KAP80993

Location of Properties:

East Kelowna

BACKGROUND INFORMATION (continued):

Size of Properties:

Lot 2 - 21 ha
Lot 3 - 14.4 ha
Lot 4 - 36.1 ha
Lot 6 - 3.45 ha
Lot 7 - 1.44 ha

Total: 76.4 ha (The entire property is in the ALR).

Present use of the Properties:

Presently the land is in the process of being developed for golf course and residential uses. It was once a ranch operation, comprising hillside development.

Surrounding Land Uses:

WEST: Orchard properties in the ALR (6-8 ha)
SOUTH: Grazing land in the ALR (mixture of forested and grassland)
EAST: Grazing land in the ALR (forested and grassland)
NORTH: Grazing land in the ALR (forested and grassland)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.024
The majority of the property is identified as having soils ratings showing improvability to prime (based on tree fruits).

Official Community Plan and Zoning Designation:

Kelowna's OCP and zoning bylaw currently designate the land for agriculture. However, they are being amended to facilitate the development.

PREVIOUS APPLICATIONS:

Application #22342-0

Applicant: Tower Ranch Ltd.
Decision Date: October 17, 1988
Proposal: To exclude 180 ha for golf course and residential development
Decision: Refused exclusion but allowed golf course and residential development in the ALR subject to a review and approval of the design concept.

Application #22342-1

Applicant: Tower Ranch Ltd.
Decision Date: June 2, 1989
Proposal: Submission of concept plan including 666 residential units with associated golf course, maintenance and commercial services.
Decision: Allowed concept plan subject to fencing and screening on west boundary of Lot 37, All greens must be a minimum of 30 meters from any orchard. A Restrictive Covenant must be registered over a 10 meter strip paralleling the western boundary ensuring the area stays in the rough.

PREVIOUS APPLICATIONS:

Application #22342-2

Applicant: Tower Ranch Ltd.

Decision Date: March 4, 1991

Proposal: To increase in number of residential units from 666 to 1019 units.

Decision: Allowed subject to all previous conditions. However, no increase in footprint over previous approval (just density).

Application #22342-3

Applicant: Tower Ranch Ltd.

Decision Date: January 31, 1996

Proposal: Modified footprint of development per sketch plan.

Decision: Refused proposal as presented, allow proposed expansion of footprint subject to the continuation of fencing and vegetative screening on the western boundary along the northern boundary up to a point where residential lots end; use the cul-de-sac for access to lands beyond with installation of gate of agricultural standard and cattle guard, the insertion of a clause into the prospectus which identifies the road on which the cul-de-sac is located as a road for the movement of farm or farm related vehicles; installation of five-strand barbed wire fencing along perimeter of entire development except where fencing has already been requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna originally supported the proposal.

STAFF COMMENTS:

Staff recommends that the Commission allow the exclusion of the housing development area consisting of lots 2, 3, 4, 6, and 7 of Plan KAP80993 (76.4 ha).

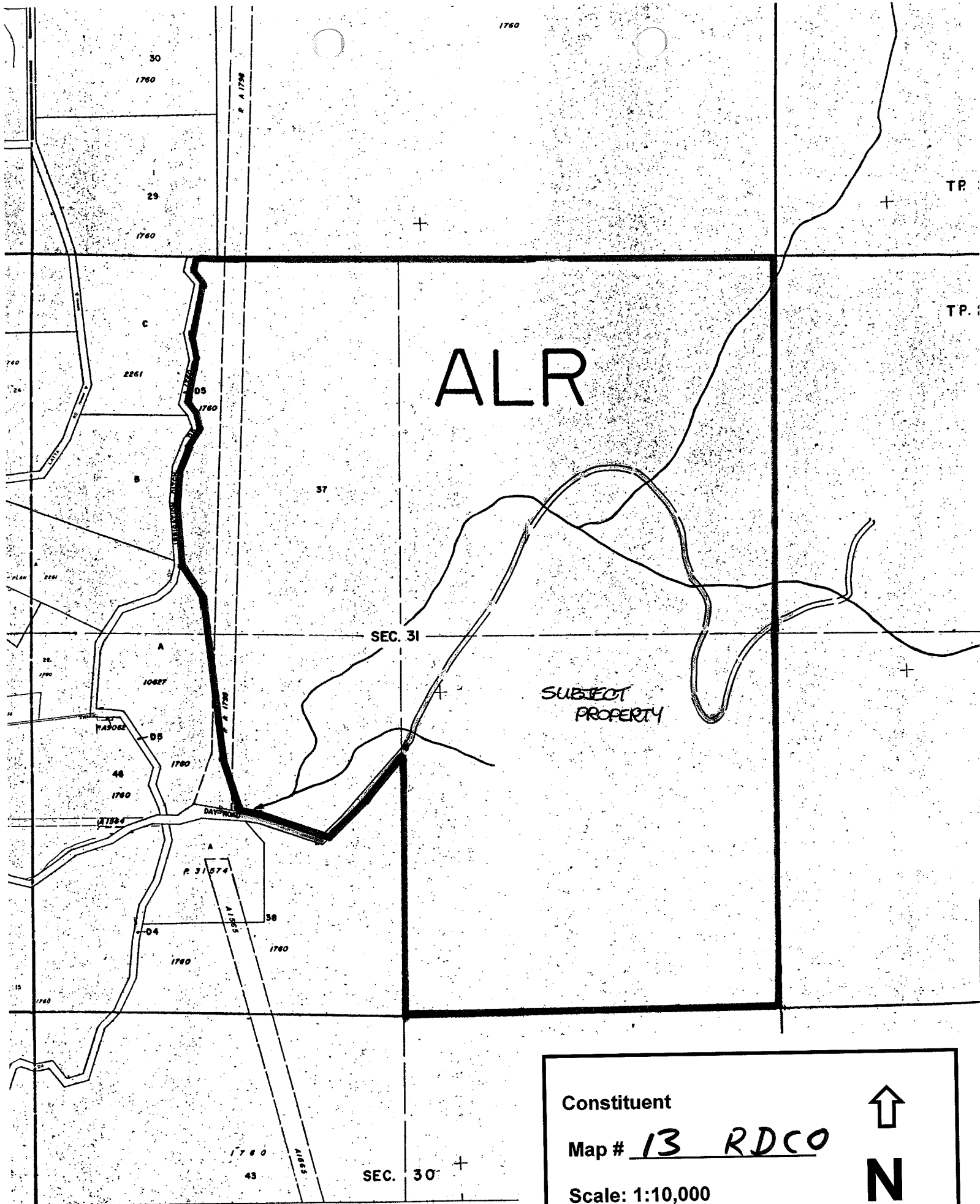
END OF REPORT

Signature



Date

July 17, 06



ALR

SUBJECT PROPERTY

SEC. 31

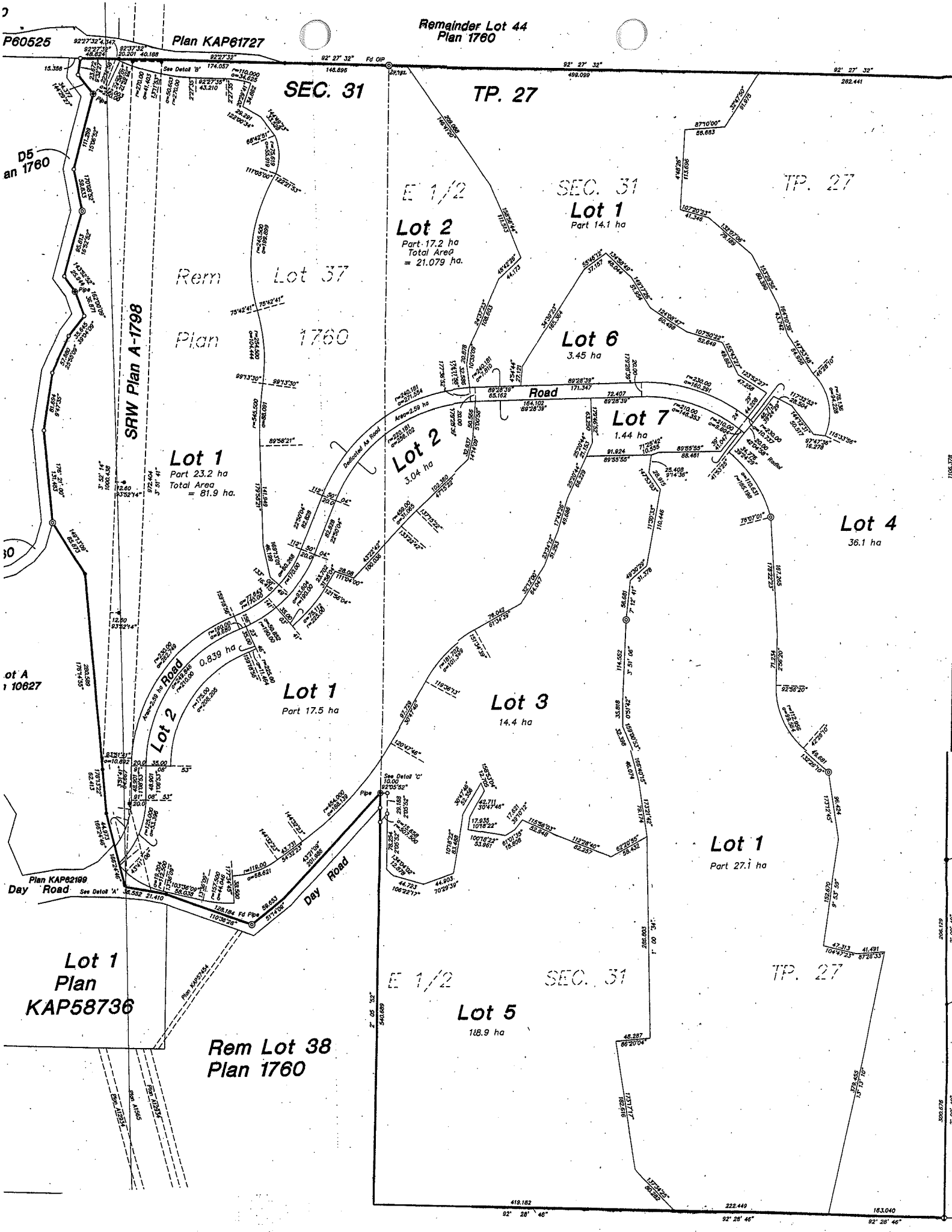
SEC. 30

Constituent

Map # 13 RDCO

Scale: 1:10,000

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N



P60525 92°27'32" 14.44
92°27'32" 20.201 40.188
Plan KAP61727

Remainder Lot 44
Plan 1760

SEC. 31

TP. 27

D5
an 1760

Lot 2
Part 17.2 ha
Total Area
= 21.079 ha.

SEC. 31
Lot 1
Part 14.1 ha

Rem Lot 37
Plan 1760

Lot 6
3.45 ha

Lot 1
Part 23.2 ha
Total Area
= 81.9 ha.

Lot 2
3.04 ha

Lot 7
1.44 ha

Lot 4
36.1 ha

Lot A
10627

Lot 2
0.839 ha

Lot 1
Part 17.5 ha

Lot 3
14.4 ha

Lot 1
Part 27.1 ha

Lot 1
Plan
KAP58736

Rem Lot 38
Plan 1760

Lot 5
188.9 ha

SEC. 31

TP. 27

418.182 52° 28' 46"
222.449 52° 28' 46"
163.040 52° 28' 46"