



Agricultural Land Commission
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October 19, 2006

Reply to the attention of Brandy Ridout
ALC file #H-36314

R G Holtby
670 - 17th Street SE
Salmon Arm, BC V1E 1W2

Dear Mr. Holtby:

Re: Reconsideration of Application for exclusion from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #477/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label. The signature is fluid and cursive.

Erik Karlsen, Chair

cc: City of Salmon Arm (#293)

BR/lv/Encl.
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

For Consideration

Application: #H-36314

Applicant: Club Shuswap Golf and R.V. Ltd

Proposal: ORIGINAL PROPOSAL: To do a boundary line adjustment and subsequent exclusion of one of the newly created lots (4 ha) and to exclude two existing lots (7.7 ha and 0.4 ha) to allow for the development of a more comprehensive facility consisting of strata recreation sites.
CURRENT PROPOSAL: To (1) amalgamate the previously excluded Lot 2, Plan KAP73927 with the area previously approved for RV sites (parts of the new Lot D, Plan 1620 and Lot 1, KAP47838) and exclude the new lot from the ALR; (2) consolidate the remainders of Lot D and Lot 1 and retain the new lot in the ALR.

Legal:

1. Lot D, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan 1620, EXCEPT Plans 7211, 39896 and H609 (PID: 011-508-191)
2. Lot 1, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP47838 (PID: 017-872-626)
3. Lot 2, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP47838 (PID: 017-872-634)
4. Lot 1, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan 39896 (PID: 011-636-882)

Location: 6021, 6241 and 6381 50th Street NE, Salmon Arm

Site Inspection

A site inspection was conducted on August 1, 2006. Those in attendance were:

- Commissioners Sue Irvine, Sharon McCoubrey, and Sid Sidhu
- Commission staff: Brandy Ridout
- Applicant: Tony Barnard
- Agent: Bob Holtby

Mr. Holtby confirmed that he received the staff report dated July 17, 2006 and did not identify any errors.

The Commission met onsite with the applicant as he had not been available during the previous site visit. Various options were discussed during the site visit, including the inclusion of land to be developed as golf course into the ALR.

Discussion

The Commission considered what persons were affected by the reconsideration.

Under Resolution 663/2005, the exclusion of 12 ha was refused, on the grounds the land had capability for agriculture and could revert to agricultural uses if the need arose. The Commission also did not support of the development of a strata RV Park, believing it to be less desirable than an overnight park from an agricultural perspective, because it effectively precludes reversion of the land to agriculture by establishing ownership, and residency. However, the Commission had no objection to the proposed boundary adjustment, as it made sense from a topographic perspective.

The revised proposal is to exclude 3 ha, encompassing a strata RV development of 50 lots, a park and putting green. The applicant has also offered to consolidate the remaining ALR land (remnants of Lot D and Lot 1) developed for golf course into a single lot.

Assessment of Agricultural Suitability

The Commission considered the implications of converting the original approval for an overnight RV Park to a strata RV Park. Although it had originally been opposed to the strata development because of concerns that a strata facility would reflect greater permanence than an overnight facility, the Commission also realized that given the location of the RV Park within the body of the golf course, and against the ALR boundary, there was no agricultural impacts arising from the request.

The Commission also considered the impacts of excluding the land from the ALR, versus allowing the development within the ALR. Staff reminded the Commission that in and around golf courses, exclusion had few if any impacts provided the body of the golf remained intact (i.e. the number of holes remained constant). Staff reminded the Commission that it had consistently excluded land that it was prepared to allow for housing within golf course properties. The Commission was also reminded that it had excluded several established RV Parks in Osoyoos several years ago (these were not associated with a golf course).

Conclusions

1. That the land already had approval for a 100 unit RV development, and that strata facility had no greater negative impacts than an overnight facility on the resource.
2. That the land was surrounded by golf course and buffered from other ALR land uses.
3. That throughout the province the Commission had excluded areas within the body of the golf course for housing developments.
4. That the land under application, when developed for the RV use will be unsuitable for agricultural use.
5. That the proposal will not affect agriculture.

IT WAS

MOVED BY: Commissioner Sidhu

SECONDED BY: Commissioner Irvine

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

That the request to use about 2 ha of ALR for a strata RV Park be allowed, and

AND That the request to exclude the RV strata development (2-3 ha) shown on the plans forwarded with the application be allowed subject to the following conditions:

- the preparation of a detailed strata subdivision plan to delineate the area to be excluded per the drawing submitted with the application
- The consolidation of Lot D and Lot 1 and other golf course lands presently within the ALR into a single parcel.
- AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

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 #477/2006



Staff Report
Application # H – 36314-1
Applicant: Club Shuswap Golf and R.V. Ltd
Agent: R G Holtby
Location: Canoe

DATE RECEIVED: April 18, 2006
DATE PREPARED: July 17, 2006
TO: Chair and Commissioners – Okanagan Panel
FROM: Brandy Ridout, Regional Research Officer

ORIGINAL PROPOSAL: To do a boundary line adjustment and subsequent exclusion of one of the newly created lots (4 ha) and to exclude two existing lots (7.7 ha and 0.4 ha) to allow for the development of a more comprehensive facility consisting of strata recreation sites.

CURRENT PROPOSAL: To (1) amalgamate the previously excluded Lot 2, Plan KAP73927 with the area previously approved for RV sites (parts of the new Lot D, Plan 1620 and Lot 1, KAP47838) and exclude the new lot from the ALR; (2) consolidate the remainders of Lot D and Lot 1 and retain the new lot in the ALR.

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

BACKGROUND INFORMATION:

The boundary line adjustment between Lot 1, Plan 39896 (2.3 ha) and Lot D, Plan 1620 (4 ha) was approved by the Commission under Resolution #663/2005. However, the Commission did not approve the exclusion of the newly created Lot B from the ALR.

The Commission also refused the exclusion of Lots 1 (7.7 ha) and 2 (0.4 ha), Plan KAP47838 to allow the conversion of previously approved recreational sites (application #22339-1) to be sold as strata titled lots. It was believed that the land had capability for agriculture and could revert to agricultural uses if the need arises.

The Commission allowed the expansion of the golf course onto Lot D, Plan 1620, subject to the consolidation of Lot D with the adjoining Lot 1, Plan 47838 (which is also used for golf course purposes) and maintained its position to allow the development of a 100-unit RV campground on approximately 3 ha of Lot 1, Plan KAP47838 (but not a strata subdivision) as provided by Resolution #392/1989.

Two previous Commission decisions are most relevant to this application. Under application #H-#22339-1, the Commission allowed a 100-unit campground facility to be developed on a portion of one of the subject properties (Lot 1, Plan 47838). Under application #H-31783, the Commission allowed the exclusion of the 15.4 ha property (Lot 2, Plan KAP73927) lying directly to the west of the subject properties to expand the golf course, RV park/campground and residential development.

BACKGROUND INFORMATION (continued):

In support of a reconsideration request, the applicant has stated that if he had been at the site visit, he would have been able to respond to the Commission's concern regarding the previously permitted 100-unit RV Park on Lot 1, KAP47838. He noted that the requirements of the City of Salmon Arm for water and sewer development of this property (and the previously excluded Lot 2, Plan KAP73927) would be so costly as to require extensive development to offset the infrastructure costs that would preclude reversion for agriculture at a later date.

Local Government:

District of Salmon Arm

Legal Description of Properties:

1. Lot D, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan 1620, EXCEPT Plans 7211, 39896 and H609 (PID: 011-508-191)
2. Lot 1, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP47838 (PID: 017-872-626)
3. Lot 2, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan KAP47838 (PID: 017-872-634)
4. Lot 1, Section 31, Township 20, Range 9, W6M, Kamloops Division Yale District, Plan 39896 (PID: 011-636-882)

Purchase Dates:

Lot D, Plan 1620 – April 2004 (owned by Club Shuswap and RV Ltd.)
Lot 1, Plan KAP47838 – September 1994 (owned by Club Shuswap and RV Ltd.)
Lot 2, Plan KAP47838 – August 2004 (owned by Club Shuswap and RV Ltd.)
Lot 1, Plan KAP39896 – September 2004 (owned by Denise Renee Binkley)

Location of Properties:

6021, 6241 and 6381 50th Street NE, Salmon Arm

Size of Properties:

14.3 ha (All of the properties are in the ALR).

Present use of the Properties:

Golf course

Surrounding Land Uses:

WEST: RV Park
SOUTH: Golf course, small holdings
EAST: Trans Canada Highway
NORTH: North Canoe Elementary School

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/11
The majority of the property is identified as having Mixed Prime and Secondary ratings.

BACKGROUND INFORMATION (continued):

Official Community Plan and Designation:

City of Salmon Arm Official Community Plan Bylaw No. 3000
Designation: Acreage Reserve

Zoning Bylaw and Designation:

City of Salmon Arm Zoning Bylaw No. 2000
Designation: Park & Recreation (P-1) and Rural Holding (A-2)
Minimum Lot Size: P-1, 0.2 ha, A-2, 2.0 ha

PREVIOUS APPLICATIONS:

Application #18374-0

Applicant: Marie Bonivitch
Decision Date: August 24, 1984
Proposal: To subdivide the property into two lots of 2.0 ha and 4.4 ha based on the topography of the property.
Decision: Allowed (became Lot 1, Plan 39896 and Lot D, Plan 1620).

Application #22339-0

Applicant: Garry Shannon
Decision Date: October 21, 1988
Proposal: To develop a 100 unit campground on the 7.7 ha property (Lot 1, Plan 47838).
Decision: Refused due to impact.

Application #22339-1

Applicant: Garry Shannon
Decision Date: March 3, 1989
Proposal: To reconsider based on letters of request from the local M.L.A., the Mayor of Salmon Arm, and a representative from Tourism Shuswap.
Decision: Refused - would allow if the campground was located to the west of the trout ponds, subject to submission of sites plans and relocation of the washroom facility.

Application #25637-0

Applicant: Garry Shannon
Decision Date: December 18, 1991
Proposal: To realign boundaries between two properties in order to stop golf balls going into Mr. Rasmunson's property and allow applicant to operate as a single unit rather than separated by Mr. Rasmunson's property.
Decision: Allowed (new Lots 1 and 2, Plan 47838).

Application #30883-0

Applicant: Narcisse Welsh
Decision Date: December 11, 1996
Proposal: To subdivide a 0.9 ha lot on 50th Street to be used for RV sales and service (Lot D, Plan 1620).

Decision: Refused - due to reasons of impact and reasonable agricultural capability.

Application #30883-1

Applicant: Narcisse Welsh
Decision Date: October 22, 1998
Proposal: New information provided - Council is in support of the proposal (previous Council was opposed) and it is suggested that there are no alternative locations available.
Decision: Refused - due to reasons of impact and agricultural capability.

PREVIOUS APPLICATIONS (continued):

Application #30883-2

Applicant: Narcisse Welsh
Decision Date: April 16, 1999
Proposal: To use the area identified in previous requests for subdivision as an RV storage area.
Decision: Refused due to impact.

RELEVANT APPLICATIONS:

Application #13187-0

Applicant: Garry Shannon
Decision Date: December 10, 1981
Proposal: To expand the existing recreational park by adding 9 holes to the 9 hole par 3 course, increase the number of driving range pads to 18, relocate and add to the trampolines, and add to and refurbish the mini golf course (to 18 holes).
Decision: Allowed

Application #31783-0

Applicant: Shannon's Outdoor Recreations Ltd
Decision Date: March 26, 1998
Proposal: To exclude the 15.4 ha subject property to expand an adjacent golf course, RV park/campground, and residential development between 65th Avenue and the north property boundary at a future date.
Decision: Allowed - subject to a leave strip on the southwest corner of the property or otherwise should the natural vegetation not remain healthy that it be replaced with Commission-endorsed vegetative buffering.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:


City of Salmon Arm Council: Original application authorized for submission.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The Commission does not typically consider economics to be a reason for exclusion.
- The Commission previously refused exclusion as it believed that day-use camping, as opposed to strata lots, required less infrastructure/development and therefore was easier to revert to agriculture if required.
- The Commission has previously allowed a 100-unit campground facility to be developed on a portion of Lot 1, Plan 47838.
- The City of Salmon Arm originally supported the campground use. They have been contacted to determine if they are supportive of strata lots versus a day use campground.
- The current proposal also shows a row of development on proposed Lot A (not considered under application #H-#22339).

END OF REPORT



Signature

July 17, 06

Date