



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Fax: 604-660-7033  
www.alc.gov.bc.ca

March 30, 2006

Reply to the attention of Brandy Ridout  
ALC File #H-36417

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

Dear Mr. Maddock:

**Re: Application for subdivision and non-farm use in the Agriculture Land Reserve**

Please find attached the Minutes of Resolution #130/2006 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 the plans are acceptable, it will authorize the Registrar of Land Titles to accept them for registration.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

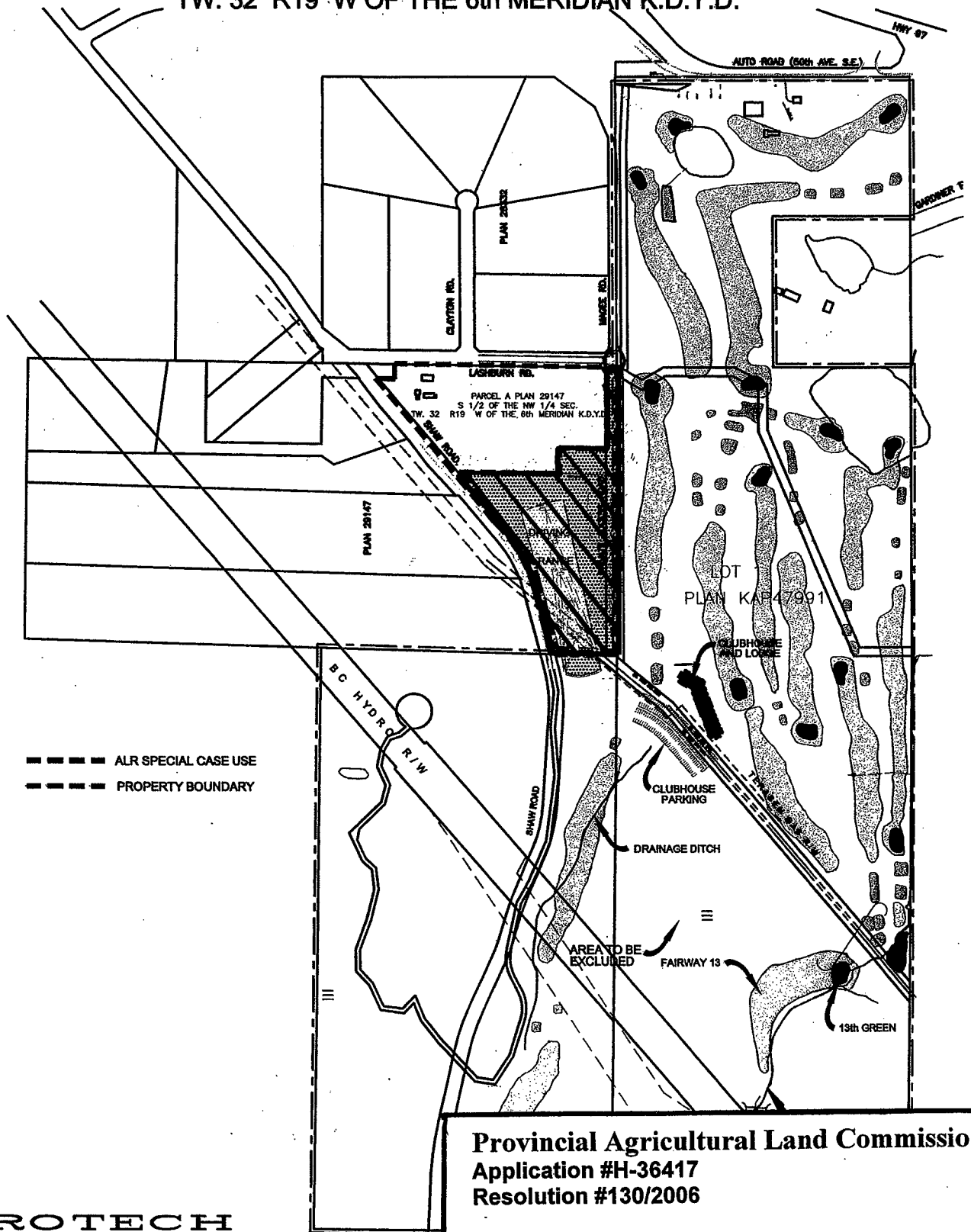
cc: Regional District of Columbia Shuswap - LC2327-D

BR/eg/Encl.: Minutes  
Sketch Plan

36417d1

# PLAN TO ACCOMPANY SPECIAL CASE USE IN ALR

S 1/2 OF THE NW 1/4 SEC.  
TW. 32 R19 W OF THE 6th MERIDIAN K.D.Y.D.



Provincial Agricultural Land Commission  
Application #H-36417  
Resolution #130/2006



3.4 ha area approved for non-farm  
use in the ALR

**PROTECH**  
CONSULTANTS LTD.

200-1461 St. Paul Street Kelowna, B.C.

PHONE 800-1771  
FAX 800-1884

## 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 - 23<sup>rd</sup> Street, Vernon, BC.

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

### For Consideration

Application # H-36417  
Applicant(s) Otto & Hildegard Bauer  
Proposal To lease and use 3.4 ha of the 7.5 ha property to the Canoe Creek Golf Resort Inc. for an open air golf teaching centre, driving range and maintenance equipment storage area. The 3.4 ha area is to be leased, with an option to purchase.  
Legal PID: 013-970-011  
The South ½ of the North West ¼, Section 32, Township 19, Range 9, W6M, Kamloops Division Yale District, Except 1) Parcel A, 2) Plan 29147  
Location 5672 Lashburn Road, south of Salmon Arm in Electoral Area 'D'.

### 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
- Agent: Grant Maddock
- Canoe Creek Golf Resort Inc. representative: Marc Pezzin (President)

Mr. Maddock confirmed that he had received the staff report dated February 7, 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 noted that the proposed driving range is consistent with the golf course uses approved on adjoining lands. In addition, the 7.5 ha property is surrounded by non-farm uses on all sides, is comprised of secondary soils, and has not been developed for agriculture. The Commission also recognised that driving range use of a portion of the property does not preclude reversion of the land to agriculture should it be necessary in the future.

The Regional District forwarded the application with a recommendation that the application not be considered until the bylaw review is completed. However, as the proposal was consistent with the previously approved golf uses on adjoining lands, a site visit was conducted with the applicants' agent and it was determined that 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 bylaw review process and does not relieve the applicants of their responsibility to attain all other required approvals. Nothing in the Commission's decision binds or compels the Regional District to approve the development.

**IT WAS**

**MOVED BY:** Commissioner Sidhu

**SECONDED BY:** Commissioner Irvine

THAT the application be approved subject to the specified non-farm use being limited to the 3.4 ha area identified on the attached plan.

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 #130/2006**



**Staff Report**  
**Application # H – 36417**  
**Applicant: Otto & Hildegard Bauer**  
**Agent: Protech Consultants (1989) Ltd.**  
**Location: South of Salmon Arm**

**DATE RECEIVED:** December 15, 2005

**DATE PREPARED:** February 7, 2006

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Brandy Ridout, Regional Research Officer

**PROPOSAL:** To lease and use 3.4 ha of the 7.5 ha property to the Canoe Creek Golf Resort Inc. for an open air golf teaching centre, driving range and maintenance equipment storage area. The 3.4 ha area is to be leased, with an option to purchase.

This application is made pursuant to section 20(3) and 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Commission excluded the land on the west side of Shaw Road in 1975 as part of a block exclusion application.

**Local Government:**

Columbia Shuswap Regional District

**Legal Description of Property:**

PID: 013-970-011

The South ½ of the North West ¼, Section 32, Township 19, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Except 1) Parcel A, 2) Plan 29147

**Purchase Date:**

April 1989

**Location of Property:**

5672 Lashburn Road, south of Salmon Arm in Electoral Area 'D'. The property lies between the proposed Canoe Creek Golf Resort and the Salmon Arm Industrial area.

**BACKGROUND INFORMATION (continued):**

**Size of Property:**

7.5 ha (The entire property is in the ALR).

**Present use of the Property:**

Largely forested rural residence.

**Surrounding Land Uses:**

**WEST:** Non-ALR hillside comprising rural residences on lots ranging from 1 - 7 ha.  
**SOUTH:** Golf course and resort under construction  
**EAST:** Proposed Canoe Creek Golf Resort, within the ALR  
**NORTH:** Non-ALR, Rural residential subdivision (average 2 ha lots)

**Agricultural Capability:**

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

**Official Community Plan and Zoning Designation:**

Ranchero/Deep Creek Rural Land Use Bylaw No. 2100  
Designation: Rural. Golf courses are a permitted use in the Rural zone.

**PREVIOUS APPLICATIONS:**

**Application #75-0170-0**

**Applicant:** Otto & Hildegard Bauer

**Decision Date:** April 9, 1975

**Proposal:** To subdivide the area lying to the west of Shaw Road into three lots

**Decision:** Allowed.

**The land west of Shaw Road was excluded from the ALR by Res. #1640/75**

**RELEVANT APPLICATIONS:**

**Application #35102-0**

**Applicant:** Yuros Trucking Ltd.

**Decision Date:** January 22, 2004

**Proposal:** To develop the 93 ha property (approximately 46 ha of which is in the ALR) and an adjoining 4 ha property as an 18 hole golf course.

**Decision:** Allowed - subject to consolidation of the two parcels. The consolidation requirement was eliminated when it subsequently became apparent the owner of the 4 ha property was not interested in participating in the development.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

The **Columbia Shuswap Regional District** recommended that the application not proceed until the review of Bylaw No. 2100 is complete. However, no information has been provided as to the status of the bylaw review.

**STAFF COMMENTS:**

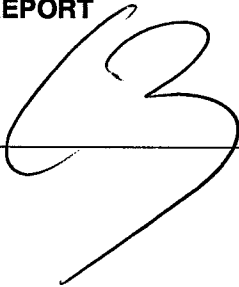
Staff suggests that the Commission consider the following:

- The proposed driving range is consistent with the golf course uses approved on adjoining lands. An application for exclusion of ALR on adjoining land to the south is presently under consideration by the Commission (application #H-36422). The purpose of the exclusion is to accommodate housing within the golf course.
- The 7.5 ha property is surrounded by non-farm uses on all sides, is comprised of secondary soils, and has not been developed for agriculture.
- The driving range use does not preclude reversion of the land to agriculture should it be necessary in the future.
- The Regional District has requested that the application not be considered until the bylaw review is completed.

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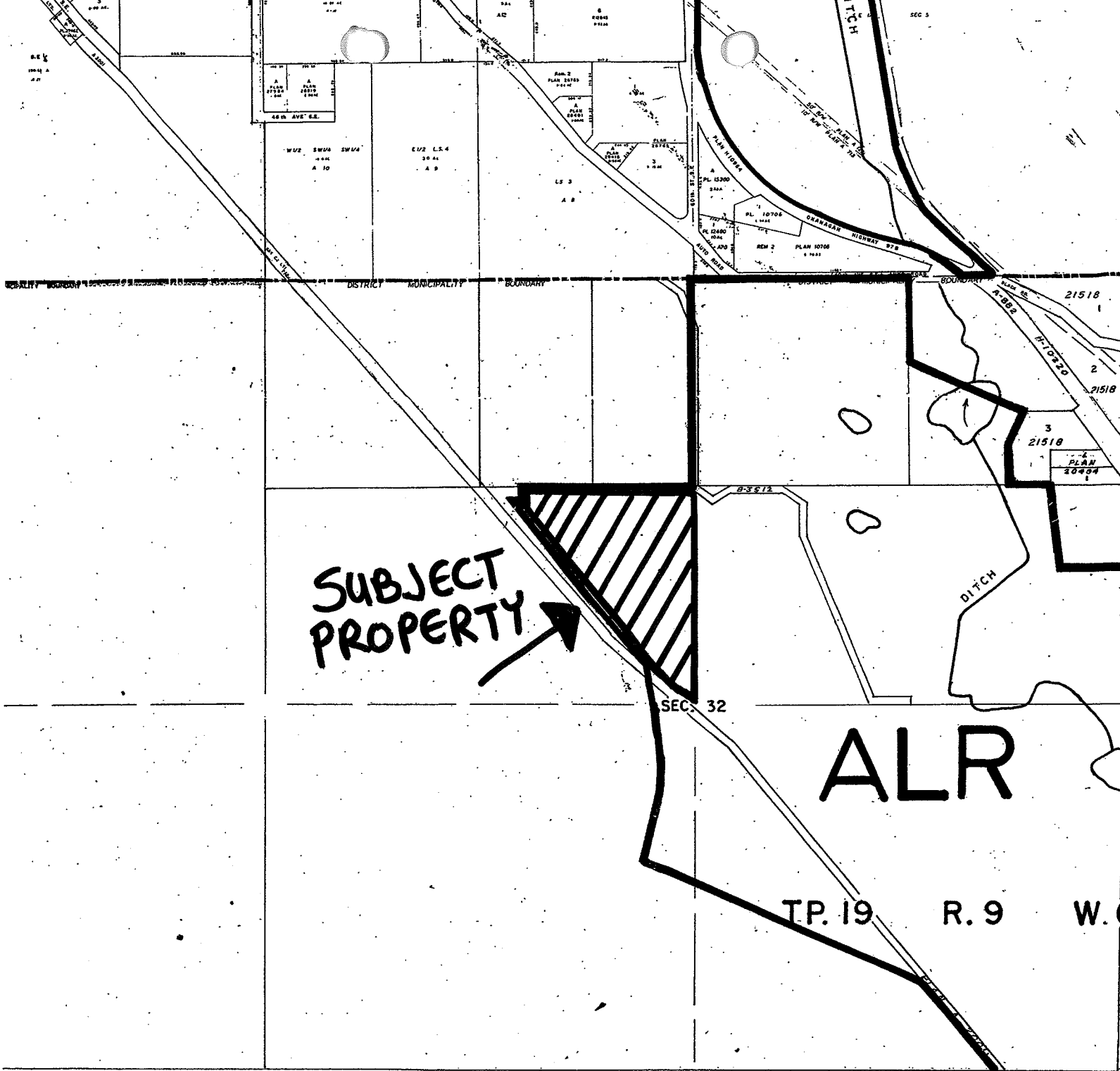
**END OF REPORT**

Signature



Date





CONSTITUENT SHEET 21 of 39.

AMENDMENTS		AMENDMENTS		AMENDMENTS	
Signature	Date	Signature	Date	Signature	Date
<i>B. Hallett</i>	JAN 31, 1981	<i>[Signature]</i>			
<i>[Signature]</i>	APRIL 30, 1981	<i>[Signature]</i>			
<i>[Signature]</i>	July 31, 1981	<i>[Signature]</i>			
	OCT. 31, 1981	<i>[Signature]</i>			
	JAN 31, 1982	<i>[Signature]</i>			
	July 31, 1982	<i>[Signature]</i>			
	OCT. 31, 1982	<i>[Signature]</i>			
	APR. 30, 1984	<i>[Signature]</i>			

Constituent ↑

Map # 21

Scale: 1:10,000 N