



Agricultural Land Commission
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July 28, 2006

Reply to the attention of Simone Rivers

Peter Ridgway
Toby Russell Buckwell & Partners
Suite 410 – 144 Alberni Street
Vancouver, B.C. V6G 2Z4

Dear Mr. Ridgway:

Re: Application #W-36735

Please find attached the Minutes of Resolution #376/2006 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: City of Kamloops

SBR/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on July 12, 2006 at Ashcroft Village Hall, Ashcroft, B.C.

PRESENT:	Grant Huffman	Chair
	Holly Campbell	Commissioner
	Frank Read	Commissioner
	Simone Rivers	Land Use Planner
	Martin Collins	Regional Planner

For Consideration

Application # ZZ-36735

Applicant: British Columbia Wilderness Tours

Agent: Toby Russell Buckwell and Partners: contact Peter Ridgway

Proposal:

- to exclude 47.6 ha in order to build 320 single family homes and 950 multi-family homes as well as a commercial component of 20,000 sq ft.
- to use 46.1 ha for non-farm use, specifically a golf course.
- to modify the locations of Public Road Allowances and right-of-ways across the land and to reconfigure the parcels of land to accommodate the proposed agricultural and non-agricultural uses.

Legal Description of Properties:

- 1. Parcel Identifier:** 017-028-825
Legal Description: Block B, District Lot 342 and District Lot 343, Kamloops Division Yale District
- 2. Parcel Identifier:** 017-029-040
Legal Description: Block C of District Lot 343 and Section 26, Township 20, Range 19, West of the 6th Meridian, Kamloops Division Yale District
- 3. Parcel Identifier:** 017-029-333
Legal Description: Block D, District Lot 343, Kamloops Division Yale District
- 4. Parcel Identifier:** 017-029-503
Legal Description: Block E, District Lot 342 and District Lot 343 and of Section 26, Township 20, Range 19, West of the 6th Meridian, Kamloops Division Yale District
- 5. Parcel Identifier:** 017-029-805
Legal Description: Block F, District Lot 342 and District Lot 343, and of Section 25 & 26, Township 20, Range 19, West of the 6th Meridian, Kamloops Division Yale District

Simone Rivers presented the staff report dated June 26, 2006 regarding application #ZZ-36735.

Exclusion Meeting

An exclusion meeting was conducted on July 11, 2006 at Kamloops Airport. Mr. Peter Ridgway, agent for the applicant confirmed that he received the staff report dated June 26, 2006 and did not identify any errors. Those in attendance were:

- Grant Huffman Vice-Chair – Interior Panel Commission
- Holly Campbell Commissioner
- Frank Read Commissioner
- Martin Collins Regional Planner, ALC
- Simone Rivers Land Use Planner, ALC
- Brad Elenko: Urban Connections
- David Trawin: Director, Development and Engineering Services City of Kamloops

- Peter Ridgway: Designer, Toby Russell Buckwell & partners architects
- Russ Cundari: President, BC Wilderness Tours
- Bob Loudon: Chief Operations Officer, BC Wilderness Tours
- Gordon Butt: Principal, Madrone Environmental Services Ltd., Agrologist
- Margie Child: Chair, BC Agritourism
- Drew Frymire: Resort Development Unit, Ministry of Tourism, Sports and the Arts

- Kim Rink, President: Ecko Tech, (Solar Aquatic Waste Treatment)
- Pat McTaggart: Associate, Toby Russell Buckwell & Partners Architects
- Jennifer Greengrass: Service Canada, Employment Programs Unit.
- Kam Khunkhum Employee, R450 Holdings Ltd.
- Various members of the press including (but not limited to)
 - Melissa Lampman – Kamloops Daily News
 - Markus Ermisch – Kamloops This Week
 - Kyle Donaldson – TV 7
 - Chris Corday – TV 7

Brad Elenko opened the exclusion meeting with a site overview and discussion of existing land uses. He also outlined the history of the previous Commission decision to exclude a portion of the lands under application.

Peter Ridgway then spoke about the rationale for the project and some of the challenges in developing the site. He outlined four proposed development phases, and discussed the two main components of the application;

- the land to be excluded, which is reconfigured from the original area (approximately 47 ha)
- the development of a golf course, a non-farm use, on 46 ha.

Mr. Ridgway provided a supplemental application package to the Commissioners which included a summary of the proposal, an economic forecast and a response to a letter written by Graham Strachan, Resource Stewardship Agrologist with the Ministry of Agriculture and Lands.

Mr. Ridgway addressed the design of the golf course noting that no housing is planned for around the golf course so that it could revert to agricultural use if necessary in the future.

David Trawin spoke on behalf of the City of Kamloops about how the proposed development fits in with the Official Community Plan. He mentioned that the city only supports the development of the property in its current form as a self contained resort community. Tourism is important to Kamloops as part of the City's strategy for growth and economic diversification. The City does not support a satellite development of single family homes needing all levels of City provided infrastructure and services. The City supports the preservation of heritage buildings as proposed in the plan.

Following the formal presentation the Commissioners asked several questions of the proponents, including clarification of agricultural elements of the plan.

The exclusion meeting lasted from 9:00 a.m. to 10:00 a.m.

Site Inspection

A site inspection was conducted on July 11, 2006. Those in attendance were:

- Grant Huffman Vice-Chair – Interior Panel Commission
- Holly Campbell Commissioner
- Frank Read Commissioner
- Martin Collins Regional Planner, ALC
- Simone Rivers Land Use Planner, ALC
- Brad Elenko Urban Connections
- Peter Ridgway Designer, Toby Russell Buckwell & Partners Architects
- Russ Cundari President, BC Wilderness Tours
- Bob Loudon Chief Operations Officer, BC Wilderness Tours
- Gordon Butt Principal, Madrone Environmental Services Ltd., Agrologist
- Margie Child Chair, BC Agritourism
- Drew Frymire Resort Development Unit, Ministry of Tourism, Sports and the Arts
- Kim Rink President, Ecko Tech, (Solar Aquatic Waste Treatment)
- Pat McTaggart Associate, Toby Russell Buckwell & Partners Architects
- Jennifer Greengrass Service Canada, Employment Programs Unit.
- Troy Bylsman BC Wilderness Tours, Shareholder and site caretaker.

The Commission first drove up into the Lac DuBois Grasslands Provincial Park. From this viewpoint the Commission had a panoramic view of the Tranquille site. The proponents pointed out where the various portions of the proposed development would occur. The second stop was east of the Tranquille River near the site of the former piggery. The Commission viewed the less capable land adjacent to the river from this vantage point. The third stop was at the river crossing. The Commissioners walked with the proponents over the Tranquille River and into the area of the proposed golf course. Finally, the Commission stopped in the abandoned village area where the proposal was summarized by the applicants.

Throughout the site inspection the Commissioners referred to the site plan submitted by the proponents to allow them to gain a better understanding of where the various portions of the development would occur.

The site inspection lasted from 11:00 a.m. to 12:00 p.m.

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:

- to preserve agricultural land;
- to encourage farming in collaboration with other communities of interest; and
- 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.

Through the application process, the Commission may exclude land from the ALR if it believes the land is not suitable for agriculture, no longer suitable for agriculture or it can permit non-farm development in the ALR. The Commission may also exclude suitable agricultural land from the ALR or permit non-farm development in the ALR to meet community needs in cases where no reasonable alternative exists.

Commission Discussion

In considering the application the Commission considered the following:

- Portions of the land under application for exclusion and golf course uses have very good agricultural capability. Although much of the land has not been recently cultivated, the agricultural capability assessment provided by the applicants indicates that 110.5 ha of land is improvable to class 1 or 2, prime agricultural capability ratings.
- Block F, as it is currently surveyed, has no impediment to immediate agricultural improvement and that the high costs for agricultural production indicated in the application only apply if the area currently occupied by structures is rehabilitated.
- Resolution # 239/1989 allows the exclusion of 32 ha of the property, which generally conforms to the area of Block B. However, the resolution also permits a non-farm recreational use of 10 ha adjacent to Cooney Bay, specifically excluding areas used for farming. This 10 ha area only occupies a portion of Block C.

The Commission did not consider the 47.6 ha exclusion area outlined in the application to be largely consistent with the 32 ha area permitted exclusion by Resolution #239/1989 and permission to use 10 ha for recreational purposes (as a park).

Permission for the recreational use was for 10 ha of non-farm, low capability area. The proposed development uses significant areas of high capability farmland and is not offset by the proposed rehabilitated portion of the area covered by buildings. The Commission does not consider the use of 46 ha for a golf course to be compatible with its mandate to preserve farmland and encourage farming; particularly when portions of the golf course are located on prime farmland. Also, although it is theoretically possible for golf courses to revert to farm use, the practical likelihood is very small and therefore the Commission considers this to be a permanent alienation of 47.6 ha of largely prime agricultural land.

Finally the Commission was opposed to the public access to Cooney Bay being through an active field area. The Commission considers the dedication for a road right of way in the proposed location as an excessive loss of high capability agricultural land, and notes that a public road could also result in negative impacts on field management (i.e. littering and trespass).

Conclusions

Agricultural Capability: Block F, as currently surveyed, has excellent agricultural capability. The other properties have less capability due either to topography (Blocks D and E, which border the Tranquille River) or previous non-farm use (Block B).

Agricultural Suitability: Although some of the property is debilitated by former non-farm use, Block F has little impediment to agricultural improvement and the Commission has previously agreed to exclude Block C, which includes the majority of the less suitable and debilitated area.

Community Need: The application has not been submitted on the basis of community need.

Impact on Agriculture: Only 57.6 ha of the total 191.9 ha under application is proposed for intensive and extensive agriculture. The applicants are proposing to improve 17.8 ha of this to Class 1 and to install a fully functioning irrigation system. As stated above, Block F is 121 ha in size and there are no impediments to its immediate agricultural use. The Commission believes that the conversion of over half (63.4 ha) of the area of Block F to non-farm uses does not benefit agriculture.

Conclusions:

1. That the land alienated by buildings has been approved for exclusion in 1989 and the land not previously approved for exclusion has agricultural capability and is appropriately designated as ALR.
2. That the land under application not previously approved for exclusion is suitable for agricultural use.
3. That the proposal will negatively affect agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Read

THAT the staff report be received and the application be refused as proposed.

And THAT the previous decision to exclude 32 ha and use 10 ha for recreational uses remains valid, therefore the Commission would be prepared to consider a revised proposal that:

- does not exceed 32 ha as previously allowed by Resolution # 239/1989 (the Commission may be willing to consider a proposed that seeks to more efficiently configure agricultural fields and urban infrastructure within this footprint), plus the area not improved for field purposes in Block C (up to 10 ha), providing that an equivalent area is reclaimed to a prime agricultural standard. However, the Commission anticipates that a portion of this 10 ha will be a public park facility that does not affect any field areas (as per its original decision).
- retains the high capability land west of Tranquille River as a large cultivated agricultural unit.
- proposes a revised and smaller layout for a golf course that uses portions of the 32 ha exclusion area, as well as lower capability land adjacent to the Tranquille River
- proposes public access to Cooney Bay through the exclusion areas and not through the agricultural areas.

**CARRIED
RESOLUTION #377/2006**



Staff Report
Application # ZZ – 36735
Applicant: British Columbia Wilderness Tours Inc.
Agent: Toby Russell Buckwell & Partners Architects

DATE RECEIVED: May 1, 2006

DATE PREPARED: June 26, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: The applicant is proposing to develop the properties (5 titles; total area 191.9 ha) into an ecological agricultural resort/residential community. The proposal consists of several parts.

- to exclude 47.6 ha in order to build 320 single family homes and 950 multi-family homes as well as a commercial component of 20,000 sq ft. The community would have a population of approximately 3175 people.
- to use 46.1 ha for non-farm use, specifically a golf course.
- to modify the locations of Public Road Allowances and right-of-ways across the land and to reconfigure the parcels of land to accommodate the proposed agricultural and non-agricultural uses.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

In 1989, the then Ministry of Crown Lands applied to the Commission to exclude 32 ha of land that consisted of the former Tranquille farm school/hospital site. This 32 ha consisted primarily of the developed non-agricultural buildings of the property. The applicant also asked for the use of 10 ha of the properties for recreational use. By Resolution # 239/89, the Commission "*allowed the area to be excluded except for the 15 metres (50 feet) from the cattle barns and pens. This 15 metre buffer is to remain in the ALR. The approval is subject to a chain link fence being erected on the west, north and east sides of the exclusion area with a vegetative screen inside the fence. The Commission has also allowed the 10 ha recreational use as proposed on the condition that it does not encroach on the adjacent agricultural land.*"

At the time the application was made, the land was owned by the Crown. The land was never excluded because the fence was never build and the land has subsequently changed hands numerous times. The Commission reiterated and clarified its position and the conditions of Resolution # 239/89 in October, 1998 and again in June, 2000.

At the time of the original application the land consisted of two parcels, District Lot 342 and District Lot 343. Since that time the land has been subdivided into the 5 properties that are under application today. The resurvey of the property was done prior to the Commission Resolution # 239/89 and as such, the current property lines do not exactly follow the decision made by the Commission under that resolution.

- Block B – (33.3 ha) generally encompasses the area allowed for exclusion by the Commission, and should this area be fenced as required by the previous resolution, it could be excluded today.
- Block F – (121 ha) encompasses the farm area and those areas of good agricultural capability.
- Block C – (19.2 ha) includes the area (± 10 ha) allowed for recreational use but does not meet the requirements of the previous resolution as it is greater than area allowed (because it includes the cemetery) and encroaches on agricultural land.
- Blocks D and E include the Tranquille River, and have less agricultural capability.

The present proposal uses Resolution # 239/89 as a starting point in terms of the areas proposed for various non-farm uses and exclusion. The total area under application is 191.9 ha of land. Included in the development plan are a four-star hotel/spa complex, a three star hotel, a golf course, a marina and *“recognition of the rich ecological and historical features of the site together with development of the present farming operations in a world class eco-agra tourism facility.”*

The proposed non-agricultural land uses can be summarized as follows:

- 47.6 ha for four proposed four development zones:
 - 9.8 ha for the Eco-Resort
 - 15.5 ha for the Lakeview (SFD)
 - 9.1 ha for the Community Village
 - 13 ha for the Bird Sanctuary
- 46 ha for the Golf Course
- 40 ha of residual area (Riparian areas etc.)
- 57 ha for intensive and extensive agricultural production

The following agricultural uses have been proposed

- | | |
|--------------------|---------|
| • Forage (alfalfa) | 48.2 ha |
| • Grapes | 4.5 ha |
| • Orchard Crops | 3 ha |
| • Fruit/ berries | 0.92 ha |
| • Vegetable crops | 0.38 ha |

Of this 57.6 ha area, the applicants are proposing to improve 17.8 ha to Class 1. The applicants are also planning to install a fully functioning irrigation system.

There are 11 letters in the file, six of the letters support the project and five do not.

The letters of support are generally from people in the tourism/agri tourism industry who support the development as they believe it will enhance the opportunities for agri-tourism in the area and thereby benefit agriculture as well as the local economy.

The letters against the proposal spoke about the historic use and productivity of the property when it was a sanatorium. The fact that the sanatorium was self sufficient was mentioned several times. These letters were generally concerned about the proposal to move the soil around and create 'new' class 1 areas while building houses on the current Class 1 areas. Another concern was that the good topsoil on the site will be used to enhance the golf course (which is generally sited on poorer lands) rather than to enhance agriculture. The impact of the proposed ± 3000 new people living in the area on the ability of the area to be farmed was also cited as a concern.

The applicants responded to several of the letters in an attempt to address the concerns of the senders and explain the rationale behind the proposal. In particular, these responses addressed concerns about water availability, the form of the golf course and proposal to reconfigure the location of the prime agricultural land.

Local Government:

City of Kamloops

Legal Description of Properties:

1. PID: 017-028-825
Block B, District Lot 342 and District Lot 343, Kamloops Division Yale District
2. PID: 017-029-040
Block C of District Lot 343 and Section 26, Township 20, Range 19, West of the 6th Meridian, Kamloops Division Yale District
3. PID: 017-029-333
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4. PID: 017-029-503
Block E of District Lot 342 and District Lot 343 and of Section 26, Township 20, Range 19, West of the 6th Meridian, Kamloops Division Yale District
5. PID: 017-029-805
Block F District Lot 342 and District Lot 343, and of Section 25 & 26, Township 20, Range 19, West of the 6th Meridian, Kamloops Division Yale District

Purchase Date:

July 2001

Location of Property:

Tranquille, west of Kamloops

Area under Application:

191.8 ha

Proposed Area for Exclusion:

47.6 ha

Proposed Area for Non-Farm (Golf Course) Use:

46 ha

Present use of the Properties:

The former Tranquille Health Care Institution was located on the property. The area currently includes approximately 100 abandoned structures, riparian areas and approximately 120 ha that has historically been used for agriculture. Sixty ha of that is presently in forage production (the remainder has been fallow for the past 10 years).

Surrounding Land Uses:

WEST: Provincial Park and CN Rail (non-ALR)
SOUTH: Thompson River and Kamloops Lake (non-ALR)
EAST: Bird Sanctuary, Provincial Park (non-ALR)
NORTH: Crown land, quarry, Provincial Park (some ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92I/10
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

KAMPLAN 2004 designates the properties as Agricultural, Parkland and Open Space and Special Development Area.

Zoning Bylaw and Designation:

Designated as A-1 (Agricultural)
Minimum parcel size 8 ha

PREVIOUS APPLICATIONS:

Application #22857-0

Applicant: Ministry of Crown Land
Decision Date: April 3, 1989
Proposal: To exclude ±32 ha of area consisting primarily of the developed non-agricultural buildings of the properties. To use ± 10 ha for recreational use.
Decision: Allowed subject to fencing except for 15 m from the cattle barns and pens. The ± 10 ha recreational use was also allowed as proposed on the condition that it does not encroach on the adjacent agricultural land.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Kamloops Council: Council passed a Resolution stating that if the Commission allows the ALR application an OCP amendment and a rezoning amendment will be undertaken.

Council noted the following: A portion of the area was designated as a Special Development Area in the Official Community Plan (KAMPLAN). Special Development Areas are lands designated by the Official Community Plan to identify lands proposed to accommodate population growth to 120,000 but are not currently zoned. Special Development Areas may be considered for development within the term of KAMPLAN and require special study and evaluation prior to designating specific land uses.

Council further states that, *"the applicant has undertaken an agricultural land assessment and identified the soil conditions and capacities. The proposed development will improve the soil classification. The result of this will increase the production value of the soil. The proposed development has identified the following agricultural operations: vineyard and intensive and extensive agricultural operations.*

The development and Engineering Service Department supports the proposal as it has addressed KAMPLAN policies in respect to this site and therefore recommends Council's support as well as authorization to send an application of support to the Commission"

STAFF COMMENTS:

Agricultural Capability :

The CLI Agricultural Capability Map gives the majority of the properties a rating of 3MP improvable to 70% Class 2 P – 30% Class 1. The Tranquille River is rated as 100% Class 5MP improvable to Class 4 P.

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 4 – Land in this class has limitations that require special management practices or severely 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.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses: P – Stoniness; M – Soil Moisture Deficiency

The CLI mapping is at a 1:50,000 scale, however, the applicant hired Madrone Environmental Services Ltd. to complete an agricultural capability assessment of the subject properties at a closer scale. This study assessed 229 ha of land. The subject properties consist of 191.8 ha of land.


The study identified 110.5 ha of land as being improvable to Class 1 or 2 capability.

There is also 39.1 ha of land with stoniness limitations of Class 3 and 4 that are not improvable to Class 1 or 2 without significant stone removal. However, the report noted that these soils are likely suitable for fruit tree or grape production with little further improvements.


79.6 ha of land consists of class 5-7 soils along the margins of the property and the strip along Tranquille Creek.

Staff recommend a site visit to view the areas proposed for non-farm development and a meeting to allow the applicants to explain the proposal to the Commission.

END OF REPORT



Signature



Date