



**Staff Report**  
**Applications # O-37379 & # O-37380**  
**Applicant: Tsawwassen Golf & Country Club Ltd.**  
**Agent: Brian M. French, P.Ag.**

**DATE RECEIVED:** August 01, 2007

**DATE PREPARED:** September 6, 2007

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Tony Pellett, Land Use Planner

**PROPOSAL:** To exclude from the agricultural land reserve (ALR) three areas totalling 11.5 ha and include into the ALR a single area of 1.3 ha, as part of a comprehensive development of five parcels totalling 53.5 ha, so that the total ALR area of the five parcels will change from 52.2 ha to 43.3 ha. The purpose is to provide for the redevelopment of the Tsawwassen Golf & Country Club into a self-contained golf and residential community with expansion, realignment and lengthening of the golf course. These applications are made pursuant to sections 30(1) and 17(3) of the *Agricultural Land Commission Act* (the "Act").

**BACKGROUND INFORMATION:**

**1. Tsawwassen parcels under application**

South of 16 Avenue (formerly Brandrith Road), a golf facility has been operated continuously since prior to 1972. Of the 31.6 ha total area of that facility, 1.3 ha is currently not in the ALR and a further 0.7 ha (the "clubhouse parcel") is excepted from ALR land use restrictions under subsection 23(1) of the *Act*. The 29.4 ha balance of the site is subject to the ALR land use restrictions but may continue in its present use under the conditions of subsections 23(2) and 23(3) of the *Act*.

North of 16 Avenue, Cabinet (in 1992 under the *Golf Course Development Moratorium Act*) allowed the 21.9 ha parcel to be developed as a 9-hole golf course under terms set by the Commission to ensure that the land could eventually be reclaimed for agriculture. The golf course could be developed either as a stand-alone facility or as an extension of the existing course. Cabinet set no time limit, thus no further Commission approval is required for golf course development as long as the facility complies with the terms originally set by the Commission in 1992. Any different proposal (e.g. the current proposal) requires a new application, which may be in the form of a separate non-farm use application or as part of a more comprehensive application proposing exclusion of parts of the site. Application #O-37379 is a comprehensive application proposing exclusion, subdivision and non-farm use.

Overall, Application #O-37380 proposes inclusion of the southwest corner of the golf course into the ALR, and Application #O-37379 proposes

- exclusion of three separate areas of the total property,
- resubdivision of the total property and the intervening road allowance,
- reconfiguration of the golf course on a single (new) parcel and
- registration in favour of the Commission of a covenant (formerly required only for the land north of 16 Avenue) over the new golf course parcel that the land will be used only for farm or golf course use.

## **2. Benefits to agriculture offered elsewhere in Delta (Crescent Island)**

Application #O-34856 (submitted to the Commission in 2003 by Shato Holdings Ltd., owned in common with Tsawwassen Golf & Country Club Ltd.) proposed exclusion of a 4.3 ha parcel it owns on Crescent Island. By Commission Resolution #397/2003, the application was approved subject to conditions (most of which have been completed). The applicant is offering as a condition of approval of Application #O-37379 to abandon this conditional approval and to register a covenant restricting use of the land to active agricultural use. In addition, buffering which the Commission required as a condition of approval will be relocated accordingly.

Application #O-07106 (submitted to Cabinet in 1978 by the Corporation of Delta), among other things, proposed exclusion of a 7.9 ha parcel on Crescent Island. Cabinet allowed exclusion of 1.8 ha of the parcel and allowed non-farm use of the 6.1 ha balance of the parcel for dry storage of boats and trailer parking in conjunction with marina development in Deas Slough. Shato Holdings Ltd. has previously bought the development rights to the excluded 1.8 ha and re-included the land into the ALR as one of the conditions of approval of Application #O-34856 above. Shato Holdings Ltd. has now successfully offered to acquire the development rights to the 6.1 ha balance in order to register a covenant restricting use of the land to active agricultural use as a condition of approval of Application #O-37379.

Consolidation of 19.0 ha of farmland has already been completed by Shato Holdings Ltd. for the former parcels west of the 4.3 ha parcel described above. This was not a condition of approval of Application #O-34856 but is offered as an expression of good faith.

Restrictive covenants and rezoning are also proposed for the said 19.0 ha parcel and two other parcels of 14.5 and 9.4 ha on Crescent Island. As a condition of approval of Application #O-37379, Shato Holdings will register a covenant restricting the use of each parcel to active agricultural use and will apply to the Corporation of Delta to have the lands downzoned from Industrial to Agricultural. Delta Council cannot commit itself in advance of a public hearing but has offered to cooperate in taking the application to the public hearing stage.

Other benefits required by the Corporation of Delta include a substantial monetary contribution to a Delta Agricultural Fund, to be used to support farming in Delta. This benefit does not form part of the application and is not proposed as a condition of approval of Application #O-37379.

## **3. "Benefits to the citizens of Delta"**

"Benefits to the citizens of Delta" include traffic and sustainable community issues plus two issues of interest to the Commission.

- Directly associated with the application is a requirement of Delta that the applicant continue pedestrian access along the 16 Avenue alignment and extend it as a trail through the Tsawwassen Indian Reserve. The applicant has reached an agreement with the Tsawwassen First Nation to allow that to happen.
- Delta is requiring Shato Holdings Ltd. to open the gates on the Deas Slough dyke, allowing use of the "Millennium Trail" through the ALR in that location. The applicant has agreed to do so, and plans to submit the necessary application under the ALR regulations once an agriculture-friendly design (including separation of uses by vegetation, an existing canal and new fencing where necessary) has been completed.

## **4. Agrologist's report**

Applications #O-37379 and 37380 include the 07 June 2007 report of the agent, who is an Agrologist specializing in Soil Science, operating as C & F Land Resource Consultants Ltd. The report is detailed and professional. The following précis is not intended as a substitute for review of the report itself.

The report describes the result of unregulated (pre-ALR) preparation of the southern 4 parcels for golf course use: significant regrading, drainage and irrigation works could improve the land to Class (4ADW), but at a cost which would probably be beyond the capability of a farmer given the marginal achievable improvement. Parts of the northern parcel were permitted to be filled (since 1992), but in a manner which irretrievably compacted the soil. With careful attention to subsurface drainage and continuous water table control, most of the balance of the northern parcel could gradually be improved over several years to Class (3DWN). Virtually none of the potential Class (3) land is proposed for exclusion from the ALR.

**Local Government:**

The Corporation of Delta

**Legal Description of Property proposed for exclusion or inclusion:**

1. PID: 010-890-076 **[partial exclusion]**  
Lot 1, Section 10, Township 5, New Westminster District, Plan 3163 Except Firstly: Part on Plan 24465, Secondly: Parcel "A" (Reference Plan 33472), Thirdly: Part Subdivided by Plan 39072, Fourthly: Part Dedicated Road on Plan LMP20095
2. PID: 010-890-106 **[partial exclusion, minor inclusion]**  
Parcel "A" (Reference Plan 6783) of Lot 2, Section 10, Township 5, New Westminster District, Plan 3163, Except Firstly: Part on Plan 18405, Secondly: Part on Plan 24465
3. PID: 008-610-959 **[partial exclusion]**  
Lot 107, Section 10, Township 5, New Westminster District, Plan 39078
4. PID: 013-123-157 **[minor exclusion, partial inclusion]**  
Lot B, Section 10, Township 5, New Westminster District, Plan 78593
5. PID: 013-237-624 **[partial exclusion]**  
SW ¼, Section 15, Township 5, New Westminster District, Except Firstly: Part Lying North of Plan 22977, Secondly: Part Dedicated Road Plan 86311, Thirdly: Part Shown on Statutory R/W Plan 22977

**Location of Property proposed for exclusion or inclusion:**

16 Avenue west of 52 Street, Delta

**Area proposed for exclusion or inclusion:**

exclusion	11.5 ha
inclusion	1.3 ha

**Present use of Property proposed for exclusion:**

south of 16 Avenue: golf course, clubhouse, maintenance facility, driving range,  
north of 16 Avenue: unused land, clay fill

**Present use of Property proposed for inclusion:**

golf course

**Surrounding Land Uses:**

- WEST:** 2.6 ha parcel, drainage ditch/path r/w, TFN Indian Reserve (extensively filled)
- SOUTH:** Tsawwassen bluff and single family residential, out of the ALR
- EAST:** across 52 Street, residential development and 200 m farmland interface
- NORTH:** across Highway 17, TFN treaty settlement lands

**Agricultural Capability of land proposed for exclusion:**

Data Source: Agricultural Capability Map # 92G/3a  
The majority of the property is identified as having Prime ratings.

Data Source: Report of C&F Land Resource Consultants Ltd.  
The majority of the property is identified as having Secondary ratings.

**Agricultural Capability of land proposed for inclusion:**

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The majority of the property is identified as having Prime ratings.

Data Source: Report of C&F Land Resource Consultants Ltd.  
The property is identified as having Secondary ratings.

**Official Community Plan and designation:**

Corporation of Delta OCP: Bylaw No. 3950  
Designation: Commercial Recreation and Agriculture

**Zoning Bylaw and designation:**

Zoning: Bylaw No. 2750 (1977)  
Designation: A-1 (Agriculture) and C-5 (Private Recreational)  
Minimum Lot Size: A-1 - 8.0 ha, C-5 - 550sq.m

**Official Community Plan and designation of Vasey Road land:**

Corporation of Delta OCP: Bylaw No. 3950  
Designation: Mixed Use [same as for adjacent hotel and service station]

**PREVIOUS APPLICATION:**

**Application #10596-0**

**Applicant:** Tsawwassen Golf.  
**Decision Date:** 1986  
**Proposal:** Resubdivide so as to place the owner's residence on a separate parcel.  
**Decision:** Allowed.

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**Application #21757-0**

**Applicant:** Ministry of Transportation and Highways  
**Decision Date:** 1987  
**Proposal:** Widen Highway 17 alongside the northerly parcel  
**Decision:** Allowed

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**“Application” #23379-0 n.B. this was a golf proposal under a regulation which allowed the Commission to set conditions only**

**Applicant:** Tsawwassen Recreation Country Resort Ltd.  
**Decision Date:** July 26, 1989  
**Proposal:** Develop a separate golf course and club house on the northerly parcel  
**Decision:** The following terms and conditions apply:

1. the clubhouse and parking and ancillary buildings being located within the area indicated on the plan attached to the application;
2. the preparation of a more detailed final site plan showing all buildings, parking area, road access and approximate course layout;
3. the preparation and submission of plans to detail how effective drainage is to be achieved; it is anticipated that such plans will incorporate the use of drain tiling and perimeter ditching (including pumps); the purpose of this condition is to ensure minimal degradation, and to maintain maximum trafficability, of the agricultural soils within the property; these plans must be inspected and approved by the Commission prior to any work commencing on the site;
4. a covenant in favour of the Commission to be registered against the property, prohibiting the use of the subject property for any purpose other than a golf course (subject to terms and conditions set out by the Commission) or agricultural use as permitted by the Act and regulations; a draft of the covenant is to be prepared at the time more specific site and drainage plans are made available to the Commission;
5. the establishment of a landscaped buffer zone along the perimeter of the property, such buffer to incorporate fencing, vegetative screening and berming; a plan is to be submitted for the review and approval of the Commission;
6. no soil material being removed from the property; modifying the landscape using existing soils within the property is permitted keeping in mind the foregoing condition regarding the maintenance of effective drainage control;
7. no soil material being deposited on the subject property except as required for building and parking area construction purposes; in addition, it is recognized that sand will be required for tee and green construction and there are no objection to depositing sand for this purpose;
8. immediately prior to work commencing of the property, an Irrevocable Letter of Credit in the amount of \$28,000.00 to be provided to the Commission, the term to be for a period of 5 years from the start of construction: after 5 years the necessity for the Letter of Credit will be assessed; the purpose of this condition is to provide the Commission with the means to rehabilitate the land to an agricultural standard should the unlikely event occur where the golf course development fails for presently unknown reasons; this security is also to ensure that the fencing is completed;
9. such other terms and conditions that may become evident upon review of the final site and drainage plans.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council:** That the application to exclude an 11.5 ha portion of the subject site at 16 Avenue and 52 Street from the Agricultural Land reserve, and to include in the Agricultural Land Reserve a 1.3 ha portion of the subject site at 16 Avenue and 52 Street, be referred to the Provincial Agricultural Land Commission for consideration, with a recommendation that the Provincial Agricultural Land Commission allow the application only if it concurs with the applicant that the proposed exclusion/inclusion present a net benefit to agriculture in Delta.

**ATTACHMENTS:**

1. Base Map with both inclusion and exclusion properties illustrated
2. Exclusion properties' Agricultural Capability Map
3. Exclusion properties' Aerial Photo
4. Inclusion property's Agricultural Capability Maps (2)
5. Inclusion property's Aerial Photo

Please note that the remainder of the documents regarding this application are available online.

**END OF REPORT**

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**Signature**

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**Date**