



Agricultural Land Commission
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November 20, 2007

Reply to the attention of Jennifer Carson
ALC Files: #37379, 23370, 37380 & 37669

C & F Land Resources Consultants Ltd
4383 Happy Valley Road
Victoria, BC V9C3Z3

Dear Mr. French:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolutions #589/2007, #590/2007, #591/2007 and #592/2007 outlining the Commission's decisions as it relates to the above noted applications. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: The Corporation of Delta (LJ005188)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 15, 2007 at Vancouver, B.C.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Erik Karlsen	Commissioner
	Sue Irvine	Commissioner
	Colin Fry	Staff
	Ron Wallace	Staff
	Jennifer Carson	Staff

For Consideration

APPLICATION: # O-37379

Exclusion of land from the ALR pursuant to section 30 of the *Agricultural Land Commission Act*

Applicant: Tsawwassen Golf and Country Club Ltd.

Agent: C & F Land Resources Consultants Ltd.

Proposal: To exclude from the Agricultural Land Reserve (ALR) three areas totaling 11.5 ha to facilitate redevelopment of the Tsawwassen Golf & Country Club into a self-contained golf and residential community with expansion, realignment and lengthening of the golf course.

Properties:

1. PID: 010-890-076
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
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
Lot 107, Section 10, Township 5, New Westminster District, Plan 39078
4. PID: 013-123-157
Lot B, Section 10, Township 5, New Westminster District, Plan 78593
5. PID: 013-237-624
South West 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: 16th Avenue at 52nd Street, Delta

APPLICATION: # O-37380

Inclusion of land into the ALR pursuant to section 17 of the *Agricultural Land Commission Act*

Applicant: Tsawwassen Golf and Country Club Ltd.

Agent: C & F Land Resources Consultants Ltd.

Proposal: To include into the ALR an area of 1.3 ha to facilitate redevelopment of the Tsawwassen Golf & Country Club into a self-contained golf and residential community with expansion, realignment and lengthening of the golf course.

Properties:

1. PID: 010-890-106
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
2. PID: 013-123-157
Lot B, Section 10, Township 5, New Westminster District, Plan 78593

Location: South of 16th Avenue at production of 48th Street, Delta

APPLICATION: # O-37669

Develop a recreation trail in the ALR pursuant to section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*)

Applicant: Shato Holdings Ltd.

Agent: C & F Land Resources Consultants Ltd.

Proposal: To develop a recreational trail within the ALR.

Properties:

1. PID: 009-977-571
D.L. 151 Gp.2 NWD including the area designated on Statutory Right of Way Plan 60370 except:
Firstly: part subdivided by Plan 22665
Secondly: part subdivided by Plan 28501
Thirdly: part subdivided by Plan 34963
Fourthly: part subdivided by Plan 35080
Fifthly: part subdivided by Plan 42484
Sixthly: part subdivided by Plan 60851
Seventhly: part included in Explanatory Plan 61221
Eighthly: part included in Statutory R/W Plan BCP29794
2. PID: 009-977-597
District Lot 152 Group.2 New Westminster District including the area designated on Statutory Right of Way Plan 60370

Location: Deas Slough Dike south of Deas Island Regional Park access road

FILE: # O-23379-1

Submission of detailed site plan for previously authorized golf course

Applicant: Tsawwassen Golf and Country Club Ltd.

Agent: C & F Land Resources Consultants Ltd.

Proposal: 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 within the intent of the conditions set by the Commission under file #O-23379-0.

Properties:

1. PID: 010-890-076 **[existing golf course]**
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 **[existing golf course]**
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 **[present club house]**
Lot 107, Section 10, Township 5, New Westminster District, Plan 39078
4. PID: 013-123-157 **[existing golf course]**
Lot B, Section 10, Township 5, New Westminster District, Plan 78593
5. PID: 013-237-624 **[golf course proposal per #O-23379-0]**
South West 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: 16th Avenue at 52nd Street, Delta

Site Inspections respecting the four files under consideration

Site inspections were conducted on September 24, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Erik Karlsen ALC Chair
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Sue Irvine Commissioner
- Tony Pellett ALC Staff
- Jennifer Carson ALC Staff
- Brian French Agent
- Ron Toigo Applicant
- Ross Clouston Associate of Applicant
- Pat Quinn Associate of Applicant

During the site visits, the Commission and those in attendance viewed each of the parcels under application. The Commission and those in attendance also viewed the Crescent Island parcels proposed for further protection and the dike trail which is proposed to link 5825 River Road with Deas Island Regional Park.

Public Information Meeting

The Commission held a public information meeting on the evening of September 24, 2007 at South Delta Recreation Centre. It is estimated that between 125 – 150 people attended the meeting. Over 40 people offered comments on the proposal. The meeting was recorded.

Commission Discussion

Exclusion and Golf Course Proposal

These two components form the majority of the overall proposal. The Commission found the following facts particularly germane to its consideration.

- In June 1988 the government of the day passed Order in Council #1141/88 which amended the ALR regulations and allowed golf courses, driving ranges and ancillary facilities as outright uses in the ALR. The Commission had no jurisdiction to deny golf courses, driving ranges or ancillary facilities but could set terms and conditions for the development.
- In 1989 a golf course proposal was referred to the Commission involving the South West 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
- On July 26, 1989, by Resolution #716/89 the Commission established the terms and conditions for the golf course development. They were:
 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 objections 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.*
- In March 1990, the Commission wrote to Delta Council, which had asked the Commission to comment on the matter of the twelve golf course proposals received by Delta, notably as to whether the Commission would have supported any or all of these proposals if it still had the authority to allow or refuse golf courses. With regard to the Tsawwassen Recreation Country Resort Ltd. proposal (File #O- 23379), the Commission stated, *"This particular site is fully within the ALR and indeed on land of proven superior agricultural potential. However, the golf course use in this location essentially represents an enlargement of an adjoining and long standing facility and Highway #17 will act to buffer and largely isolate the facility from the larger agricultural community. It should be noted that the Commission's concurrence...is ...with some reluctance given the land's history of agricultural use."*
 - On November 7, 1991 the new government of the day passed Order in Council #1389/91 which reversed the June 1988 amendment and made any proposal for new golf facilities within the ALR subject to the Commission's non-farm use approval process.
 - On November 18, 1991 the government of the day passed Order in Council #1391/91 which placed a moratorium on further development of the 181 golf facilities that were submitted between 1988 and 1991. The proposal under File #O-23379 (Tsawwassen Recreation Country Resort Ltd.) was subject to the moratorium.
 - The government of the day then asked the Commission to review all 181 proposals and make recommendations to Cabinet on whether or not any proposal should be allowed to proceed.
 - Following its review the Commission recommended to Cabinet that the Tsawwassen Recreation Country Resort Ltd. proposal be exempted from the moratorium on the basis that the proposal is adjacent to an existing golf course. Cabinet subsequently exempted the proposed development from the moratorium.
 - The existing Tsawwassen Golf and Country Club was constructed before the ALR was established:
 - In 1965, construction of the original golf course began
 - In May 1966, the golf course opened for public use
 - In March 1967, the clubhouse was completed
 - In April 1971, the clubhouse site was registered as a separate parcel.
 - In June 1991, the Commission received an application #O-25626 submitted pursuant to the *Soil Conservation Act (SCA)*. The proposal was to deposit 30 cm of top grade clean topsoil to be spread evenly over the South West 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, the property to be developed as a golf course. The reason for the proposed fill stated, *"The land is presently 'pooled' with water and cannot be used in its present condition."*

- In July 1991, before the Commission had considered application #O-25626, the applicant contacted the Commission to confirm that the proposed filling was needed for the expansion of the Tsawwassen Golf and Country Club. The Commission advised Delta that no SCA application was required in relation to land for which golf course terms and conditions had been issued. Application # O-25626 was then cancelled; Tsawwassen Golf and Country Club Ltd. was so advised.
- In August 1994, the Commission received a letter from Delta requesting it *“to support Delta’s request for the land owner to restore this agricultural land to its original state. The Municipal Council noted that extensive fill was placed on the property on the expectation that the golf course zoning would proceed. However, the landowner advised Delta on March 9, 1994 that they are withdrawing their [rezoning] application and no longer wish to proceed with a golf course development.”*
- In September 1994, the Commission responded, *“The Commission is unable to comply with your request for the reasons outlined below. A review of our records indicates that the proposed golf course and the associated consent granted by Cabinet through the Golf Course Development Moratorium Act is still valid. Furthermore, the Commission has no indication whatsoever that the proponent no longer wishes to proceed with the golf course development as per the terms and conditions set out in the Commission’s letter of August 17, 1989. As you are aware, the approval runs with the land and is subject to the land use regulatory powers of the Corporation. Even if the current owner does not wish to proceed with the proposal, a subsequent owner may have the resources to do so.”*

Conclusions – Exclusion and Golf Course Proposal

1. The Commission believes the golf course component of the current proposal is consistent with the 1989 proposal which ultimately received Commission endorsement and approval from Cabinet. In the Commission’s opinion the matter of whether or not a golf course is appropriate for this location was decided long ago. This being said, the Commission still has a role in overseeing the development of the golf course which is the matter at issue.
2. The majority of the land proposed for exclusion to facilitate residential development lies south of 16th Avenue on land currently used as part of the Tsawwassen Golf and Country Club. Within this area some of the land is used by the clubhouse and parking facilities. A substantial lake is also located within this area. Furthermore, as previously noted the existing Tsawwassen Golf and Country Club was established over 40 years ago.
3. In 1973, when ALR plans were being prepared, most golf courses were proposed for ALR status without reference to their suitability for agriculture.
4. In addition, the Commission noted that substantial residential development has occurred south and east of Tsawwassen Golf and Country Club on land outside the ALR. In the Commission’s opinion this non-ALR development has likely compromised any ability to consider the full gamut of agricultural options in the event someone contemplated removing the golf course and introducing farming.
5. Given the established non-farm uses within the proposed exclusion area - including the lake, the establishment of the golf course prior to the introduction of the ALR and the outstanding golf course approval north of 16th Avenue, the Commission believes the exclusion will have no greater impact on the agricultural suitability of the land beyond that which currently exists.

Conclusion – Inclusion Proposal

The Commission is satisfied that the area proposed for inclusion has sufficient agricultural capability to warrant being added to the ALR, thereby making the ALR boundary consistent with the golf course boundary.

Conclusion – Recreational Trail Proposal

The proposed extension of the “Millennium Trail” as required by the Corporation of Delta with support from Metro Vancouver is not an agricultural issue – the impact of the trail on agriculture is at issue. The Commission assessed whether development of the proposed recreational trail will lower the suitability for agriculture of the land immediately east of the drainage canal. The Commission believes that the suitability will be lowered slightly, but that the design provided could reduce the impact of the trail to a manageable level provided the intent of the design is achieved and maintained over time. The Commission believes the applicant has provided a relatively agriculture-friendly design.

Conclusion – Applicant’s Proposed Agricultural Initiatives

1. To rezone ALR land on Crescent Island from Industrial to Agricultural. The Commission supports the proposed down-zoning.
2. To abandon the approval granted by Commission by Resolution #397/2003 under Application #O-34856. That application (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. The application was conditionally approved and with completion of one final condition the land could be excluded from the ALR. The applicant is also prepared to register a covenant in favour of the Commission restricting use of the land to active agricultural use. The Commission supports these initiatives.
3. To nullify the effect of an approval granted by Cabinet in response to Application #O-07106 to use 6.1 ha of land on Crescent Island for dry storage of boats and trailer parking in conjunction with any marina development in Deas Slough. The applicant proposes to register a covenant in favour of the Commission restricting use of the land to active agricultural use. The Commission supports this initiative.

IT WAS

MOVED BY: Commissioner Tomlinson

SECONDED BY: Commissioner Bose

WITH REGARD TO APPLICATION: # O-37379

Exclusion of land from the ALR pursuant to section 30 of the *Agricultural Land Commission Act*

THAT the application be approved as submitted subject to the submission of a subdivision plan delineating the excluded area as one or more lots and the total golf course area as one lot.

CARRIED

Resolution #589/2007

WITH REGARD TO FILE: # O-23379-1

Submission of detailed site plan for previously authorized golf course

THAT the terms and conditions set by Resolution #716/1989 be modified as follows:

1. the clubhouse and parking and ancillary buildings will be located within the area generally indicated on the plan accompanying Application #O-37379;
2. the plan accompanying Application #O-37379 constitutes the more detailed final site plan required by Resolution #716/1989; it now covers the area of the total golf course development alluded to in the Tsawwassen Golf and Country Club Ltd. communication of July 12, 1991; the Commission accepts that it omits from golf course development those areas approved for exclusion *per* Application #O-37379;
3. the Commission still requires preparation and submission of more detailed plans to provide for the subsurface drainage and continuous water table control described for Capability Unit I in the C&F Land Resource Consultants Ltd. soils on site report dated June 7, 2007 and accompanying Application #O-37379; these plans must be inspected and approved by the Commission prior to work commencing on the site;
4. the current submission offers 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 and submitted 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 more detailed 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 (including soils imported after 1991 and before the present) is permitted keeping in mind the foregoing condition regarding the maintenance of effective drainage control;
7. no additional soil material being deposited on the subject property except as required for building and parking area construction purposes and except for sand required for tee and green construction;
8. immediately prior to work commencing on the property, an Irrevocable Letter of Credit in the amount of \$ 100,000.00 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; and
9. such other terms and conditions that may become evident upon review of the final drainage plans.

CARRIED

Resolution # 590/2007

WITH REGARD TO APPLICATION: # O-37380

Inclusion of land into the ALR pursuant to section 17 of the *Agricultural Land Commission Act*

THAT the application be approved as submitted.

CARRIED

Resolution #591/2007

WITH REGARD TO APPLICATION: # O-37669

Develop a recreation trail in the ALR pursuant to section 6 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation)

THAT the application be approved as submitted

CARRIED

Resolution # 592/2007

AND FURTHER THAT with regard to the overall development the Commission supports the applicant's agricultural initiatives which are proposed to be implemented through the Corporation of Delta's subsequent approval processes.

AND FURTHER THAT the cumulative effect of these decisions is to approve the overall proposal as submitted.

AND FINALLY THAT none of these decisions relieve the applicant, 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.