



Agricultural Land Commission
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October 11, 2012

Reply to the attention of Ron Wallace
ALC File: # 52803

Bluebear Holdings Inc.
7023 Highway 97A
Box 246,
Grindrod, BC V0E 1Y0

Dear Mr. and Mrs. Tubb:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 81/2012 as it relates to the above noted application. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application should be directed to ALC Staff.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #81/2012

cc: Regional District of North Okanagan (11-0719-F-ALR)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52803.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL

To alter the Birchdale Golf Course located at 7023 and 7025 Highway 97A by converting an existing dwelling into a clubhouse, relocating the main parking area, and creating 16 recreational vehicle campground spaces.

(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

SITE INSPECTION

A site inspection was conducted on August 22, 2012 at the subject property. Those in attendance included Commissioners Bullock, Miles and Johnson, ALC Staff Ron Wallace, and applicants Randy and Kim Tubb.

It was observed that the subject land is being used as a golf course with a residence on each lot and a clubhouse and parking area on the larger lot. It was also noted the subject property is located in an agricultural area and could be used for agricultural purposes if converted from its current use as a golf course.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. That the subject land has been used as golf course since 1970 and therefore pre-dates the ALR. The proposal would expand the non-farm use of the property with the addition of 16 RV campground spaces, new washroom and shower facilities, additional parking area and a new clubhouse facility.

Conclusion: The current use of the property as a golf course facility is a legal non-conforming use within the ALR, and is therefore permitted to continue as it currently exists. However, the proposed expansion of the non-farm use was not seen by the Commission to be consistent with its mandate to preserve agricultural land. In addition, the introduction of 16 RV spaces on the proposed site has the potential to negatively impact agricultural activity in the area.

2. That the subject properties are zoned Large Holdings (L.H.) and if the non-farm use application is successful, the proposed uses would need consideration of an Official Community Plan amendment and rezoning that would allow the properties to be rezoned to a Recreation Commercial (C.5) zone which allows for the proposed use.

Conclusion: The proposed use does not conform with the Agricultural designation of the properties or to the Agricultural Policies of the Electoral Area "F" Official Community Plan.

IT WAS

MOVED BY: Commissioner Pranger
SECONDED BY: Commissioner Miles

THAT the request to alter the Birchdale Golf Course located at 7023 and 7025 Highway 97A by converting an existing dwelling into a clubhouse, relocating the main parking area, and creating 16 recreational vehicle campground spaces be refused.

AND THAT the applicant be advised that a revised proposal does not constitute new evidence and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED
Resolution #81/2012