



Agricultural Land Commission
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February 13, 2008

Reply to the attention of Brandy Ridout
ALC File: #G-35172

M.J. Sanders
Apple Time Inc.
1546 Golden View Drive
Westbank, BC V4T 1Y7

Dear Mr. Sanders:

Re: Reconsideration Request for Non-farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #21/2008 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: District of Lake Country (ALR2003-07)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 29, 2008 in Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Roger Mayer	Commissioner
	Martin Collins	Staff

For Consideration

A letter from M.J. Sanders was received June 22, 2007 requesting that the Commission extend its approval under its decision recorded as Resolution #154/2004. The letter included a business plan prepared in 2004 and an updated summary prepared in May 2007.

Application:	# G- 35172
Applicant:	Nancy McFarlane, Woodsdale Estates Ltd.
Agent:	M.J. Sanders, Apple Time Inc.
Current Proposal:	To extend the Commission's approval under Resolution #154/2004.
Original Proposal:	To develop portions of three adjoining properties (which total 42.3 ha in size) as a vineyard, winery, commercial botanical garden with ancillary structures for parking, washroom facilities, gift shop and restaurant. The botanical gardens would comprise approximately 13 ha, the vineyard 8 ha, and an unspecified area is offered for farm and garden research. Greenhouses and plant propagation areas would occupy the area presently used for hay and equipment storage and cattle feeding.
Original Decision:	Approved subject to the following conditions: <ol style="list-style-type: none"> 1. The Commission's approval will expire in three (3) years from the date of its decision letter if the development has not commenced. 2. The Commission's approval is specific to Mr. Sanders and Apple Time Inc. and is not transferable to any other person, including a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law, without prior written approval of the Commission. 3. The leasehold lot being in substantial compliance with the attached plan. 4. Submission of a detailed site development plan(s). 5. The applicant obtaining Commission approval for any new or additional development not specified in the application.
Legal:	<ol style="list-style-type: none"> 1. PID: 012-593-702 Lot 37, Section 23, Township 20, Osoyoos Division Yale District, Plan 216, EXCEPT Plans A340, 3729, and 4000 2. PID: 012-593-711 Lot 38, Section 23, Township 20, Osoyoos Division Yale District, Plan 216, EXCEPT Plans A340, 3729 and 34332 3. PID: 023-191-827 Lot 1, Section 23, Township 20, Osoyoos Division Yale District, Plan KAP55533
Location:	Oyama Rd., in the eastern area of Lake Country

Site Inspection

A site inspection was conducted not conducted.

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 applicant's letter of June 5, 2007 outlined the reason for the request for an extension. It was indicated that the main problem had been the reliable supply of domestic and irrigation water. The cost of developing a water source is being shared with another project and agricultural development on nearby lands but the developers are still waiting for municipal approvals.

The Commission accepted the reason for the request and would allow the approval to be extended for a further three (3) years.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to extend the Commission's approval under Resolution #154/2004 be approved.

AND THAT the approval will expire in three (3) years from the date of its decision letter if the development has not commenced.

AND THAT all other conditions of Resolution #154/2004 remain in effect.

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 # 21/2008