



Agricultural Land Commission
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November 5, 2008

Reply to the attention of Brandy Ridout
ALC File: **V-38468**

Dale Wright & Geraldine Estin
716 Lowe Drive
Cawston, BC V0X1C2

Dear Mr. Wright and Ms. Estin:

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

Please find attached the Minutes of Resolution #694/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (B08-06195-000)
BC Assessment, Penticton

BR
i/38468d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 8, 2008 at the Keremeos Municipal Hall located at 702-4th Street, Keremeos, BC.

PRESENT: Roger Mayer Chair, Okanagan Panel
Sid Sidhu Commissioner
Gerald Zimmermann Commissioner
Brandy Ridout Staff

For Consideration

Application: #V- 38468
Applicant: Dale Wright & Geraldine Estin
Proposal: To use more than 50% grapes grown off the property to produce wine on the 1.7 ha subject property and to operate the tasting room of the winery as an onsite retail store. Due to natural attrition, winterkill and the three to four year maturation period of new vines, the planted vineyard on the property cannot produce sufficient grapes to meet the minimum 50% requirement of the Regulation.
Legal: PID: 007-634-731
Lot 5, Block 12, Section 3, Township 52, Similkameen Division Yale District, Plan 1479
Location: 716 Lowe Drive, Cawston

Site Inspection

A site inspection was conducted on October 8, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
Sid Sidhu Commissioner
Gerald Zimmermann Commissioner
Brandy Ridout Staff
Dale Wright Applicant
Geraldine Estin Applicant

Mr. Wright confirmed that the staff report dated September 30, 2008 was received and no errors were identified.

The applicants indicated that a relative owns the property to the east and that there are plans to also plant it to grapes in the future.

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 on agricultural land 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.

Discussion

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is 60% Class 4WF and 40% Class 3FW. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. Class 4 land has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses:

F low fertility characteristics
W excess water

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The reasons for the application were discussed – namely that due to natural attrition, winterkill and the three to four year maturation period of new vines, the planted vineyard on the property cannot produce sufficient grapes to meet the minimum 50% requirement of the *Regulation*.

Due to other factors, such as the size of the property, the Commission was concerned that the vineyard would perpetually not be able to reach the minimum requirement. However, it believed that this could be determined after the maturation of the newly planted grapes and so granted the approval for a period of three years.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Sidhu

THAT the application to use more than 50% grapes grown off the property to produce wine on the 1.7 ha subject property and to operate the tasting room of the winery as an onsite retail store for farm products be approved for a period of three (3) years from the date of the decision.

Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 #694/2008