

REPORT TO COUNCIL



Date: October 11, 2011

To: City Manager

From: Land Use Management, Community Sustainability (GS)

Application: A11-0010

Owner: Kinnikinnik Developments Inc.

Address: 1890 McKinley Road

Applicant: Society for Enlightenment of
Humanity (Dr. John Weisbeck)

Subject: Non-farm Use of Land in the Agricultural Land Reserve (ALR)

Existing OCP Designation: Private Recreation

Existing Zone: P3 - Parks & Open Space

Proposed Zone: To be determined at future rezoning

1.0 Recommendation

THAT Agricultural Land Reserve appeal A11-0010 for Lot 5, Sections 21 and 28, Township 23, Osoyoos Division Yale District Plan EPP8753, located at 1890 McKinley Road, Kelowna, B.C. to undertake a non-farm use, pursuant to Section 20(3) of the Agricultural Land Commission Act, be supported by Municipal Council;

AND THAT Municipal Council forward the subject application to the Agricultural Land Commission (ALC).

2.0 Purpose

The applicant is requesting permission from the ALC to use a portion of the subject property at 1890 McKinley Road for "non-farm uses" under Section 20(3) of the ALC Act.

3.0 Land Use Management

3.1 Background/Context

The applicant has requested a non-farm use of land in the McKinley area of the City and which is largely within the ALR. The property under consideration was the subject of previous ALC consideration. Previous decisions include an exclusion (19.4 ha for residential uses) and non-farm use request with respect to the use of 65 ha for a golf course (see ALC Application #G-35937/Resolution #398/2005 attached). The ALC granted the non-farm use (golf course) and exclusion for residential uses in 2005 with a number of conditions including: the consolidation of the golf course onto a single title; inclusion of approximately 30 ha into the ALR; and, development of a 16 ha vineyard.

The inclusion of 28 ha of non-ALR land into the ALR consistent with the above conditions was approved in 2010 (see Application 52005/Resolution #2765/2010 attached) of which 12 ha of the

A handwritten signature in blue ink, appearing to be the initials "A" followed by a flourish.

land comprises the subject property and was originally proposed as a golf course. A non-farm use for the purposes of developing a golf course has been authorized by the ALC and the subject property has been rezoned to the P3 - Parks & Open Space designation to accommodate this use.

While the appropriate zoning is in place to develop a golf course, construction activities have yet to commence at the site. Further, although the land has the appropriate zoning and ALC approval, from an agricultural land use perspective, a golf course does not reflect a desirable use of arable land.

Further, while not part of the CD18 - Vintage Landing Comprehensive Resort Development zone, the subject property is located adjacent to the CD18 zone and is intimately linked, largely through infrastructure servicing considerations (see Development Engineering comments, attached). The CD18 zone provides for a *"comprehensively planned multifaceted destination resort. The resort will have a variety of commercial uses organized around a central 'wellness' village"*. CD18 permits up to 1,000 units of resort accommodation and up to 65,000 m² (700,000 ft²) of commercial development potential. While CD18 was adopted in 2005, similar to the golf course, no development associated with the resort and wellness village has occurred to date.

3.2 Proposed Development

The proposed development is located adjacent to the CD18 lands and is proposed to be accessed from a common road. Like the wellness aspect that has been proposed as part of the CD18 zone, the proposed use of the subject property is a "wellness centre" albeit at a much smaller scale. A further important distinction between the two developments is that the applicant is seeking to develop an interactive teaching facility/retreat centre with agriculture as a central theme and also proposes to develop and operate the facility as a not-for-profit venture.

The applicant has proposed a development concept which would result in a number of farm and non-farm uses (further details of the proposal can be found in Section 4, below and are illustrated in the attached concept plan). "Farm uses" include a number of crop types, greenhouses to extend the growing season, vineyard and a structure to house a winery.

In addition to those activities and structures designated as "farm use", non-farm use activities and structures are also being proposed. Included are a main lodge containing offices, kitchen and dining facilities, meeting rooms, physical activity area, maintenance and equipment building(s), and guest accommodation. These proposed structures and uses necessitate the "Non farm use" application to the ALC.

While this development is being proposed at a far smaller scale, it is the proposed farm uses which further distinguish it from Vintage Landing. For example, the development is intended as an interactive teaching facility with a goal of connecting people with the land and food. In terms of agriculture, the subject property is largely underutilized range land at present. The proposal seeks to improve soil and growing conditions to produce an array of food products to meet the needs of the wellness centre, with excess product destined for other markets as available.

Bringing attention to local agricultural production through personal experience and learning is perhaps the greatest "benefit to agriculture" being proposed. The benefits of educating citizens to grow/purchase local agricultural products reflects multiple bottom line sustainability and is essential to stabilizing this industry and the sustainability of local agriculture. The proposed development has the potential to achieve this objective.

3.3 Additional Considerations

Arriving at the preliminary design (see attached) for the site has been an iterative process. The applicant has responded positively to a number of City Staff concerns with respect to access,

types of uses, and extent/scale of uses as examples. In its present form the proposed development is one that Staff supports.

Obtaining ALC approval for “Non-farm Use” in the ALR is the first step in achieving the necessary land use to develop the land. Should the ALC approve the proposed use, the City would be in a position to consider the necessary land use changes. The future land use designation would need to be amended from “Private Recreation” to a new designation (e.g. Resource Protection Area). The zoning would also need to be amended from P3 - Parks & Open Space to an as yet determined zone (likely Comprehensive Development). Amending the future land use designation and the zoning will trigger the review of servicing impacts (e.g. roads/sanitary sewer) which will be considered in greater detail at that time.

Finally, the subject property and proposed development contain natural environment considerations and opportunities. The applicant has noted a willingness and even an eagerness to protect sensitive environmental features. The proposed development should lead to the protection and enhancement of natural features beyond that which was available through the previously proposed and approved golf course development.

4.0 Proposal

4.1 Background

The subject property is located north of McKinley Road in the McKinley sector in a rural area located just west of Glenmore Road North on the way to McKinley Landing. The subject property is in a natural environment development permit (DP) area containing hazardous conditions (i.e. steep slopes & wildland fire interface) and natural features (e.g. wetlands). The future development will also be subject to a farm protection DP(s).

The subject property is in a largely natural state at present. The City’s Sensitive Ecosystem Inventory (SEI) and Wetland Inventory (WIM) confirm the presence of sensitive features including coniferous woodlands, grasslands, and wetlands. City staff have worked with the current owner as part of a natural environment DP process with respect to the proposed golf course. This DP established a number of areas that would be covenanted as “no disturb” areas to help ensure their protection. A similar process would be required with respect to the proposed development to ensure that important natural environment features and McKinley Reservoir are adequately protected from development impacts should the non-farm use and rezoning be approved.

Parcel Summary:

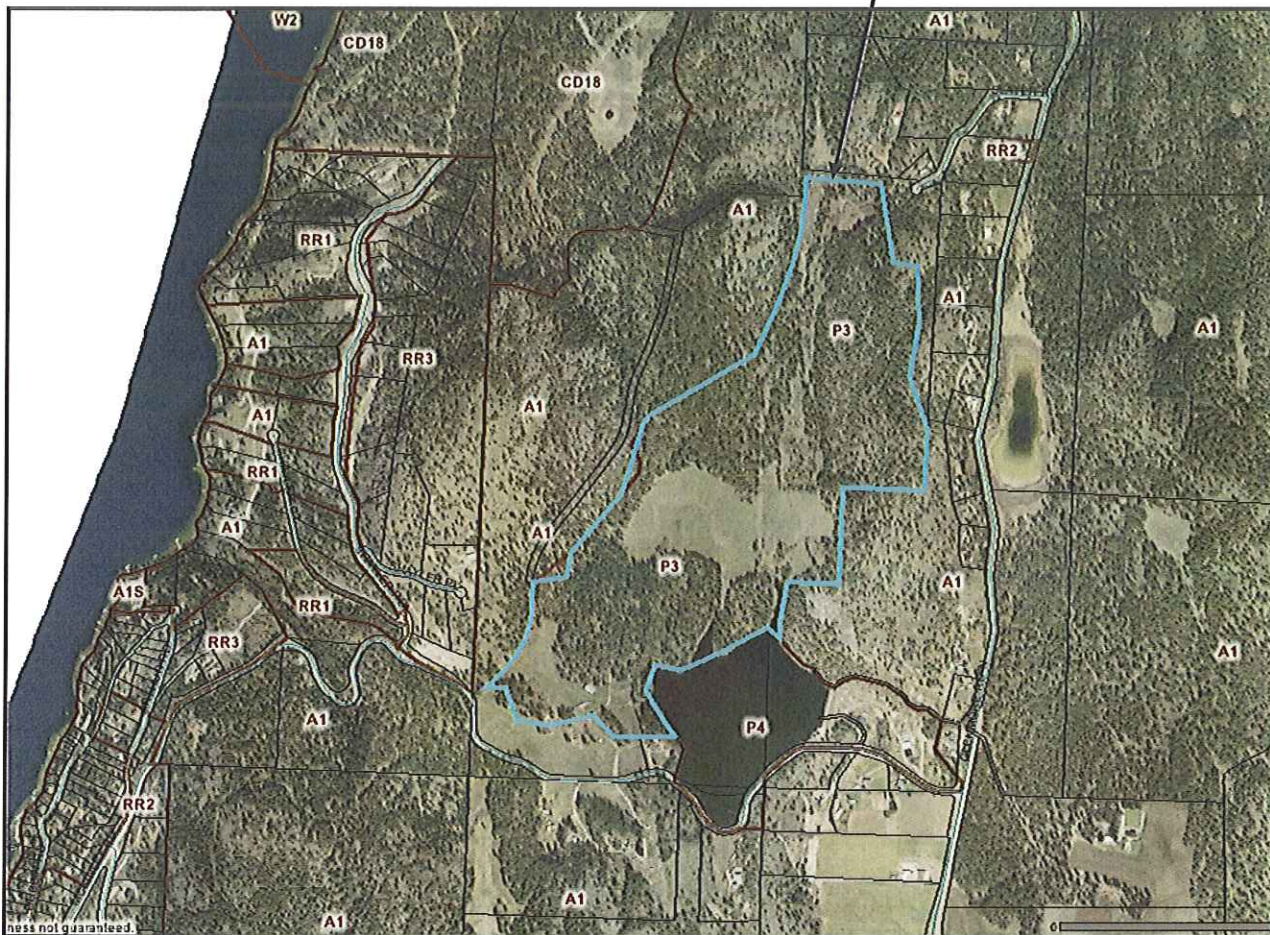
Parcel Size: 77.7 ha (192 ac)
 Elevation: 480 - 575 masl

4.2 Zoning of Adjacent Properties

The subject property is located south of north of McKinley Road. The surrounding properties are zoned as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	A1 - Agriculture 1	Rural/Agricultural
East	A1 - Agriculture 1	Rural/Agricultural
South	P4 - Utilities	McKinley Reservoir
West	A1 - Agriculture 1	Rural/Agricultural

4.3 Subject Property - 1890 McKinley Road



4.4 Project Description

As noted, the applicant is requesting permission under Section 20(3) of the ALC Act for a non-farm use of ALR land with the intent of constructing a “teaching facility/retreat centre”. The Society recently entered into a one year agreement (option to purchase) with the landowner (Kinnikinnik Developments Inc.) for the subject property.

According to the applicant, the Society has been created with the intent to “advance education by constructing and operating an Interactive Teaching Facility for the study, practice and integration of agriculture and farming with mankind’s physical, mental, and spiritual wellness”.

The applicant suggests that their intent is to develop a teaching/learning facility offering a wide variety of programs and with a goal to:

“Create a space that will inspire and motivate individuals and have an impact on how we interact with each other and our world. We would strive to create a facility that is not only conducive to learning but one that will induce progressive thought and discussion at all levels. Our programs would offer single evening seminars, world renowned guest speakers, single and corporate retreats, guest performers and artists”.

In terms of agriculture, the Society hopes not only to ensure onsite ‘Farm to Table’ for the dining facilities, but also proposes to incorporate a teaching component for all ages with a focus on organic gardening and farming. In addition to agricultural education, the Society intends to offer

“courses in body works, food preparation and wellness” to “focus on both individuals and the earth”.

It is the Society’s stated intent to offer an inclusive opportunity where interested participants/attendees will not be excluded due to cost. It is suggested that this will be achieved through a volunteer program whereby volunteers earn credits that can be used toward their stay and the various services offered at the retreat facility. The Society intends to use the well-established “World Wide Opportunities on Organic Farms” aka “Willing Workers on Organic Farms” (WWOOF) to further expand our volunteer base for the farming operation.

The Society suggests that they will pursue high levels of environmental sustainability by committing to the ‘Living Building Challenge’ and which consists of seven performance areas including: Site; Water; Energy; Health; Materials; Equity; and, Beauty.

If successful in their ALC request and future rezoning, the Society intends to construct a number of buildings and structures to support their operations. Buildings and Structures proposed include those which are designated as “farm use” (e.g. winery) and also a number of non-farm use structures. A concept/site plan providing a generalized illustration of buildings and structures (size and location) is attached. Buildings and structures being proposed include:

1. Approximate 930 m² (10,000 ft²) winery for the production and storage of wine;
2. Approximate 5,600 m² (60,000 ft²) main lodge containing Society offices, kitchen & dining facilities, meeting rooms, physical activity area, and accommodation for up to 80 individuals;
3. Teaching facilities of approximately 930 m² (10,000 ft²); and,
4. Maintenance and equipment building.

If successful, the Society proposes a number of agricultural “improvements”. A mixed farming operation is seen as central to the operation of the retreat centre. Agriculture components that would be developed to support the initiative are expected to include:

1. Approximate 1,850 m² (20,000 ft²) greenhouses to extend the growing season;
2. Five (5) acre orchard;
3. Twenty (20) acre vineyard;
4. Two (2) acres of herbs and flowers (medicinal and pest control);
5. Ten (10) acres vegetable gardens;
6. Two (2) acres of a variety of nut trees; and,
7. One (1) acre variety of berries.

It is suggested that the agricultural component will form an integral part of the retreat center from a food supply perspective, but also as part of the centre’s programming and operations. Biodynamics and permaculture are expected to be central to the development and operation and will include a wide variety of crops/farm products. Biodynamic agriculture¹ has been defined as:

“a method of organic farming that treats farms as unified and individual organisms, emphasizing balancing the holistic development and interrelationship of the soil, plants and animals as a self-nourishing system without external inputs insofar as this is possible given the loss of nutrients due to the export of food. As in other forms of organic agriculture, artificial fertilizers and toxic pesticides and herbicides are strictly avoided.”

¹ Retrieved August 29, 2011 from the World Wide Web: http://en.wikipedia.org/wiki/Biodynamic_agriculture.

Permaculture² is:

“an approach to designing human settlements and agricultural systems that are modeled on the relationships found in natural ecologies. Permaculture aims to create stable, productive systems that provide for human needs, harmoniously integrating the land with its inhabitants. The ecological processes of plants, animals, their nutrient cycles, climatic factors and weather cycles are all part of the picture”.

5.0 Current Development Policies

5.1 2030 Official Community Plan: Greening Our Future

Objective 5.33 Protect and enhance local agriculture³.

Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.

Policy .3 Urban Uses. Direct urban uses to lands within the urban portion of the Permanent Growth Boundary, in the interest of reducing development and speculative pressure on agricultural lands.

Policy .4 Transition Uses. Consider complementary agricultural land uses such as urban agriculture (as defined in the Zoning Bylaw) along the urban-rural interface that act as a transition between existing urban development and farming operations.

Policy .7 Non-farm Uses. Support non-farm use applications on agricultural lands only where approved by the ALC and where the proposed uses:

- are consistent with the Zoning Bylaw and OCP;
- provide significant benefits to local agriculture;
- can be accommodated using existing municipal infrastructure;
- minimize impacts on productive agricultural lands;
- will not preclude future use of the lands for agriculture;
- will not harm adjacent farm operations.

Objective 5.35 Maintain biodiversity and connectivity in agricultural environments⁴.

Policy .1 Biodiversity. Maintain and improve biodiversity through the establishment of corridors (connectivity) and where appropriate, through the integration of wild species within agricultural landscapes.

Policy .2 Conservation Tools. Promote the use of conservation covenants on agricultural land. Conservation covenants will:

- balance both agricultural and environmental values and recognize the complex relationships between some agricultural use and areas of environmental interest;
- protect environmental values identified through current statutory provisions (e.g. Species at Risk) and values identified through current federal, provincial and local inventory programs;
- place only reasonable restrictions on agriculture in order to protect important environmental values;

² Retrieved August 29, 2011 from the World Wide Web: <http://en.wikipedia.org/wiki/Permaculture>.

³ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011); p. 5.33.

⁴ City of Kelowna 2030 Official Community Plan: Greening Our Future (2011); pp. 5.34 - 5.35.

- allow for specified farm activities in locations that will not unduly impact or diminish the identified environmental values; and
- focus on those areas specifically identified as containing important environmental values, and should not unduly restrict agriculture elsewhere on the property.

5.2 City of Kelowna Strategic Plan

Objective⁵: Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

Action towards this objective⁶: Evaluate the effectiveness of City policies and bylaws in preserving agricultural lands.

5.3 City of Kelowna Agriculture Plan

ALR Application Criteria⁷

Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.

6.0 Technical Comments

6.1 Development Engineering Department

See attached.

6.2 Subdivision Approvals

The Subdivision Approvals Branch has no concerns with the proposed use.

Road dedication and construction to access the site will be required. A road reserve is currently in place and will be triggered by this development proposal. The applicant will need to work with the current owner (Kinnikinnik Developments Inc.) to coordinate dedication and construction of the access road off of McKinley Road.

Further, the number of temporary accommodation units may also be included in gross development counts used trigger off-site servicing requirements and should be determined by the Development Engineering Branch.

6.3 Policy & Planning

Given that the subject property is located outside the Permanent Growth Boundary (PGB) Policy & Planning is supportive of uses that will not require a land use designation or PGB change.

Policy & Planning recommends that future municipal land use planning include an OCP amendment to return the Private Recreation designation to an agricultural designation (i.e. Resource Protection Area) which more accurately reflects the rural/agricultural context and proposed use of the property.

It is further suggested that Commercial uses beyond those consistent with an agricultural learning centre are better located in the adjoining CD18 - Vintage Landing Comprehensive Resort

⁵ City of Kelowna Strategic Plan (2004); p. 7.

⁶ City of Kelowna Strategic Plan (2004); p. 29.

⁷ City of Kelowna Agriculture Plan (1998); p. 130.

Development which has been proposed by the subject property owner, Kinnikinnik Developments Inc.

7.0 Application Chronology

Date of Application Received: August 23, 2011

Agricultural Advisory Committee: September 8, 2011

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on September 8, 2011 and the following recommendations were passed:


THAT the Agricultural Advisory Committee support Agricultural Land Reserve Application No. A11-0010 for 1890 McKinley Road, by J. Weisbeck, to obtain approval from the Agricultural Land Commission under Section 20(3) of the Agricultural Land Commission Act for a non-farm use within the Agricultural Land Reserve.

The Agricultural Advisory Committee supported the Agricultural Land Reserve Application in principle, noting that the applicant's proposal for the subject property reflects a net benefit to agriculture. The Committee endorsed the proposal and site/context plan for "The Grove" (drawing 11-1232, drawn by Meiklejohn Architects Inc. and dated Aug 29, 2011) with the condition that the non-agricultural uses are not permitted to expand beyond what has been illustrated and depicted textually (e.g. total floor areas) in the future.

Report prepared by:


Greg Sauer, Environment & Land Use Planner

Reviewed by:

 J. Cashin, Manager, Environment & Land Use

Approved for Inclusion

 S. Gambacort, Director, Land Use Management

Attachments:

- Development Engineering Comments
- Soil Classification Map
- BCLI Land Capability Map
- Subject Property/ALR Map
- ALC Resolution #398/2005
- ALC Resolution #2765/2010
- Landowners Application Package



CITY OF KELOWNA
MEMORANDUM

Date: September 8, 2011
File No.: A11-00010
To: Land Use Management (GS)
From: Development Engineering Manager (SM)
Subject: 1890 McKinley Road, Lot 5 Plan EPP8753

The Development Engineering comments regarding this application within the Agricultural Land Reserve are as follows:

The KINNIKINNIK DEVELOPMENTS INC Developers have agreed that the project will proceed on the basis of no additional costs to the City in regard to the financial aspects to the City's 20 Year Servicing Plan and only normal maintenance costs that would be covered by new revenues generated by the development through taxation or utility user fees.

In that regard, the Developers and the City agreed to the following:

New Infrastructure

The Developers agree to construct, at their cost, the following infrastructure which will service the current development under application and associated Future Urban Reserve Lands included in the development application. It is understood that the required services will be in place to usage of any facilities including the golf course.

1. ***Sanitary Sewer***

Service capacity, to the standard and level of service required by Bylaw 7900, is sized for the Vintage Landing project, Future Urban Reserve Lands under application, and existing McKinley Landing development.

Any oversize of the works beyond that shall be at the discretion of the City, at the City's cost.

The Developer is not required under this agreement to contribute to the cost of expansion to the capacity of the Wastewater treatment plant beyond the amount of sewer development cost charges payable pursuant to the Development Cost Charge Bylaw No. 9095.

2. **Water**

Service capacity sized for the Vintage Landing project and associated Future Urban Reserve Lands are being provided by an expansion of Glenmore Ellison Improvement District (GEID). The Developer and GEID have entered into a Letter of Intent to facilitate this expansion. The Developer agrees to provide the system upgrades and additional capacity as set out in the Letter of Intent between the Developer and GEID.

3. **Storm Sewer**

All storm water will be detained in storm water settling ponds and biofiltration in accordance with the Design Standards for Drainage in Part 3 of Schedule 4 of Bylaw 7900.

4. **Shallow Services**

Power, cable, gas, and telephone will be supplied by service providers at the cost of the development.

5. **Roads**

The following table summarizes the improvements required directly as a result of the development:

Required Road Construction/Upgrading

Road	Segment/Location	Improvement	Stage of Development *
New Access Road	Glenmore Road – Site	Construct new road	0%
Glenmore Road	At New Road	NB Left turn/SB right turn	0%
Glenmore Road	McKinley Rd – New Road	2 lanes upgrade	20%
Glenmore Road	Union Rd – UBCO Connect	4 Lanes	60%
Glenmore Road	UBCO Connect-McKinley	4 Lanes	60%
McKinley Road	Glenmore Rd - Ridge Rd	2 Lanes in new alignment	50%
Glenmore Road	At Union	NB/SB left turn lanes & Traffic Signals	50%
Glenmore Drive	At Bernard Ave	Add NB left turn lane	60%

* The number shown reflects the percent of total build-out. At the time a building permit application is received which would allow construction resulting in cumulative build-out to the percent indicated, the required improvement shall be triggered. Where the percent shown is 0%, the improvement is triggered upon receipt by the City of the initial application for a building permit for the development.

Financing

- a) The Developer agrees to pay to the City a per unit levy, to be paid at the time any required DCC payment must be made, for each equivalent unit of development (as defined in the City's 20 Year Servicing Plan and Financing Strategy) for the future construction of the road works set out in the table in section 5 under New Infrastructure.

The per unit levy is payable in cash and will be placed in a fund to construct the road works as needed. The per unit levy will be calculated using the per square foot formula in item 3) **PERFORMANCE SECURITY** below to ensure that 100% of the funding for these works is in place when development reaches 75% of the trigger point. The cost of the works and related fees will be updated at a minimum of every 2 years. The Developer is responsible for all fees associated with updating costs by a professional engineer as well as any shortfalls when the road works are constructed. The City shall adjust the security in favour of the Developer for its road construction costs from the per unit levy funds as the road works are completed, except that the amount of security remaining in the hands of the City shall never be less than the value of outstanding required road works.

In the event that construction costs are under the budgeted amounts, at time of review, the per unit levy will be adjusted by revising accordingly the cost per square foot of building construction in item 3) **PERFORMANCE SECURITY** below, and any monies remaining after all road improvements have been completed will be returned to KINNIKINNIK DEVELOPMENTS INC .

- b) In the event that other developments come on stream which will affect road works outlined in this agreement, it is understood that the financial responsibility of KINNIKINNIK DEVELOPMENTS INC will be adjusted upwards or downwards.
- c) In the event the DCC schedule is amended to include improvements contemplated in this agreement, it is understood that monies contributed to date by KINNIKINNIK DEVELOPMENTS INC will be considered a DCC credit toward those improvements

Infrastructure Maintenance

There are no costs to the City associated with maintenance of the newly constructed utilities that will not be covered by revenue generated by the new development. It is acknowledged by the developers that the servicing agreement and associated securities will be in place prior to final adoption of the rezoning.

- 2) **PERFORMANCE SECURITY:** The Owner shall provide security, in the amount detailed below:
- a) Works and Services required for the current development under application.

Construction costs based on costs prepared by Protech Consultants Ltd, Sept. 15, 2006

Total Construction Costs: \$ 1,722,053.00

Performance Security (Letter of Credit) 140% \$ 2,410,000.00(rounded)

- b) Future Construction of the Road works security to be in place at the 75 % threshold based on a per unit levy. The unit levy is calculated as follows;

Total Buildable 2,968,051 sqft


75% of total square footage - 2,226,038 sqft

Future Road Costs (including 40%) = 9,148,990.20
75% of total square footage = 2,226,038.00 = \$ 4.11 per sq ft

Construction costs based on costs prepared by Protech Consultants Ltd, Sept. 15, 2006

3) **CONSTRUCTION COMPLETION:**

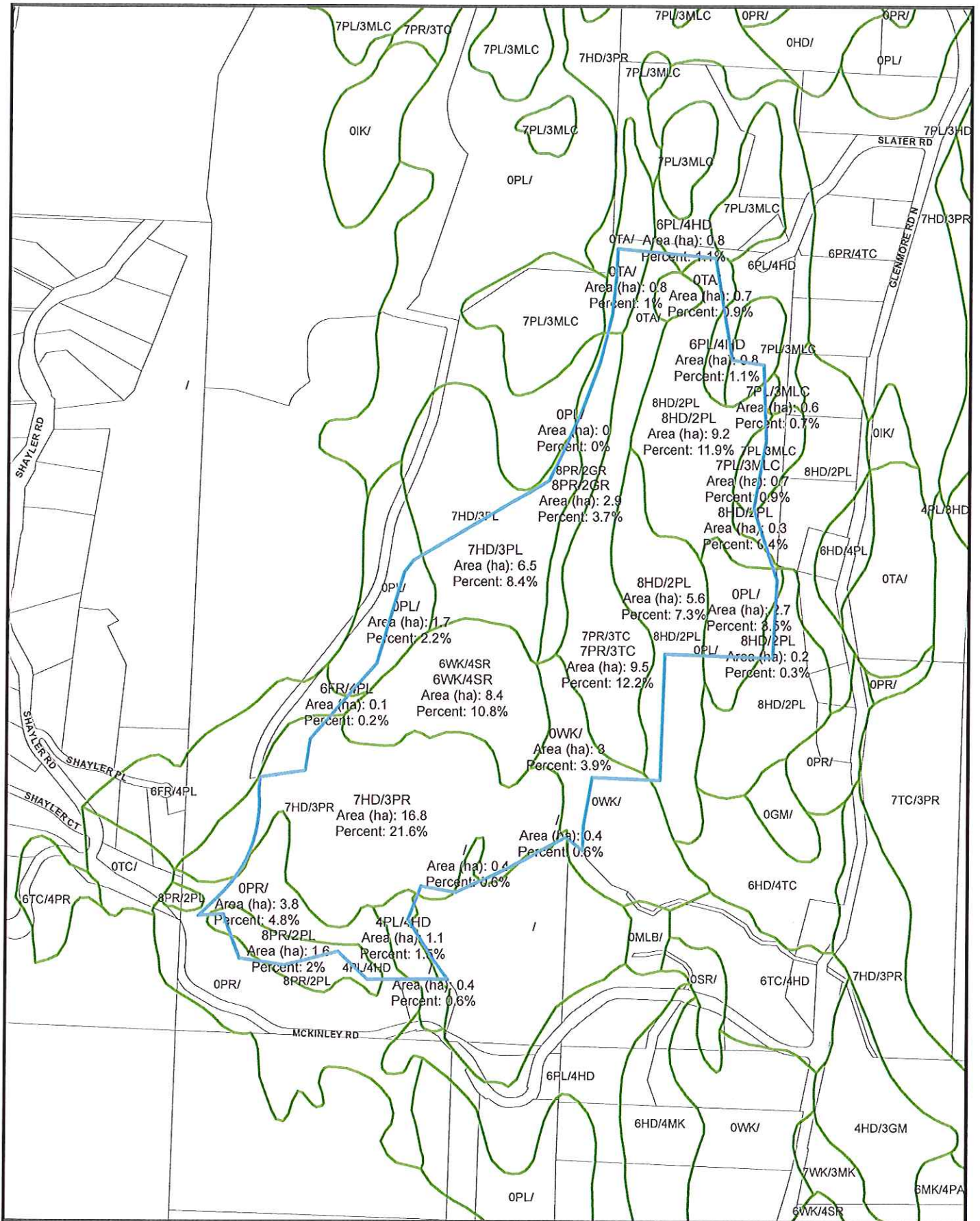
- a) Works and Services required for the current development under application are to be completed within one (1) year from the reference date of this covenant, unless approved otherwise, in writing, by the City Engineer.
- b) Future Construction of the Road works necessary after the Vintage Landing development has been initiated is to be completed within one (1) year after the requirement is triggered.



Steve Wuenz, P.Eng.
Development Engineering Manager

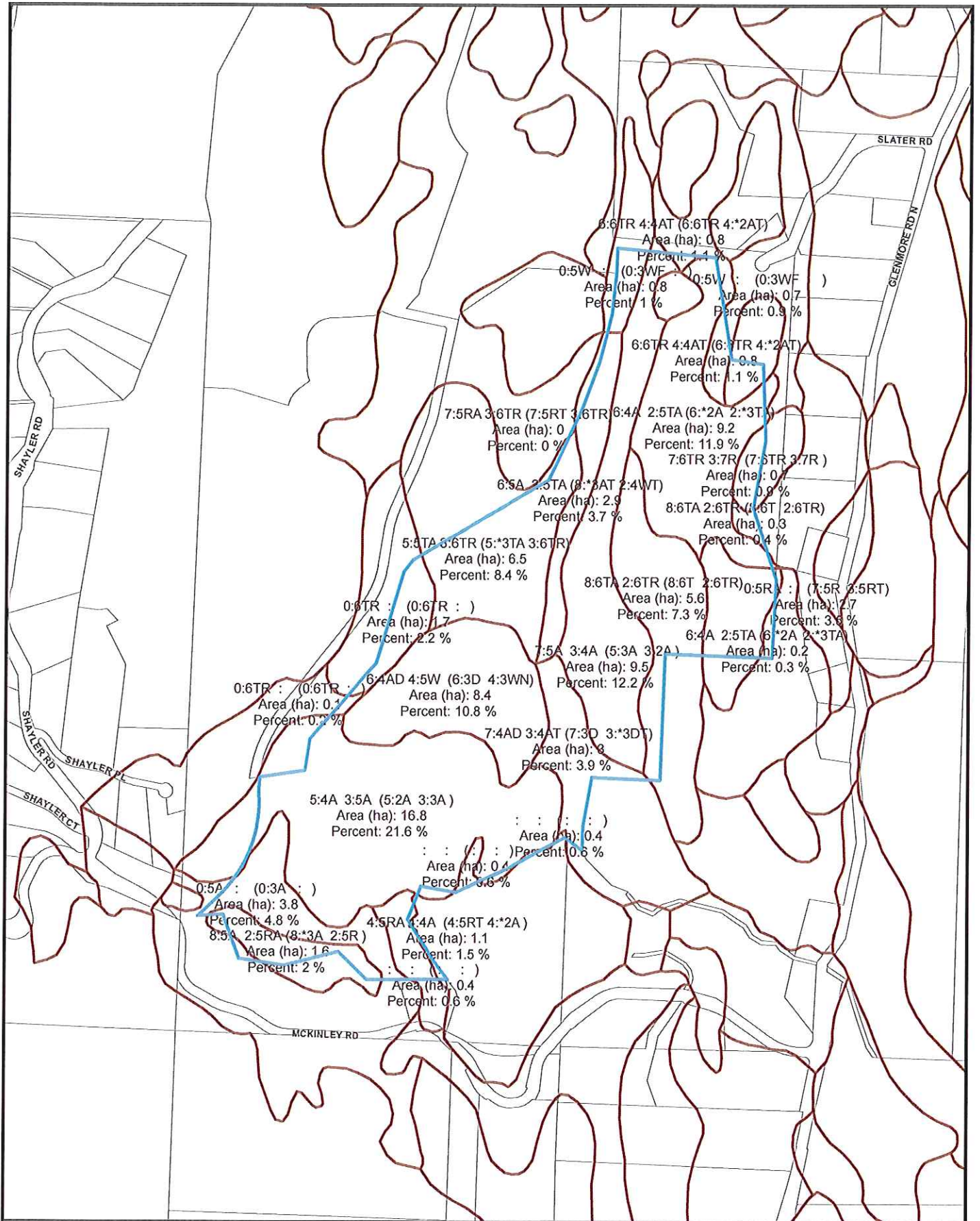
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Land Capability = Brown/ Soil Class = Green

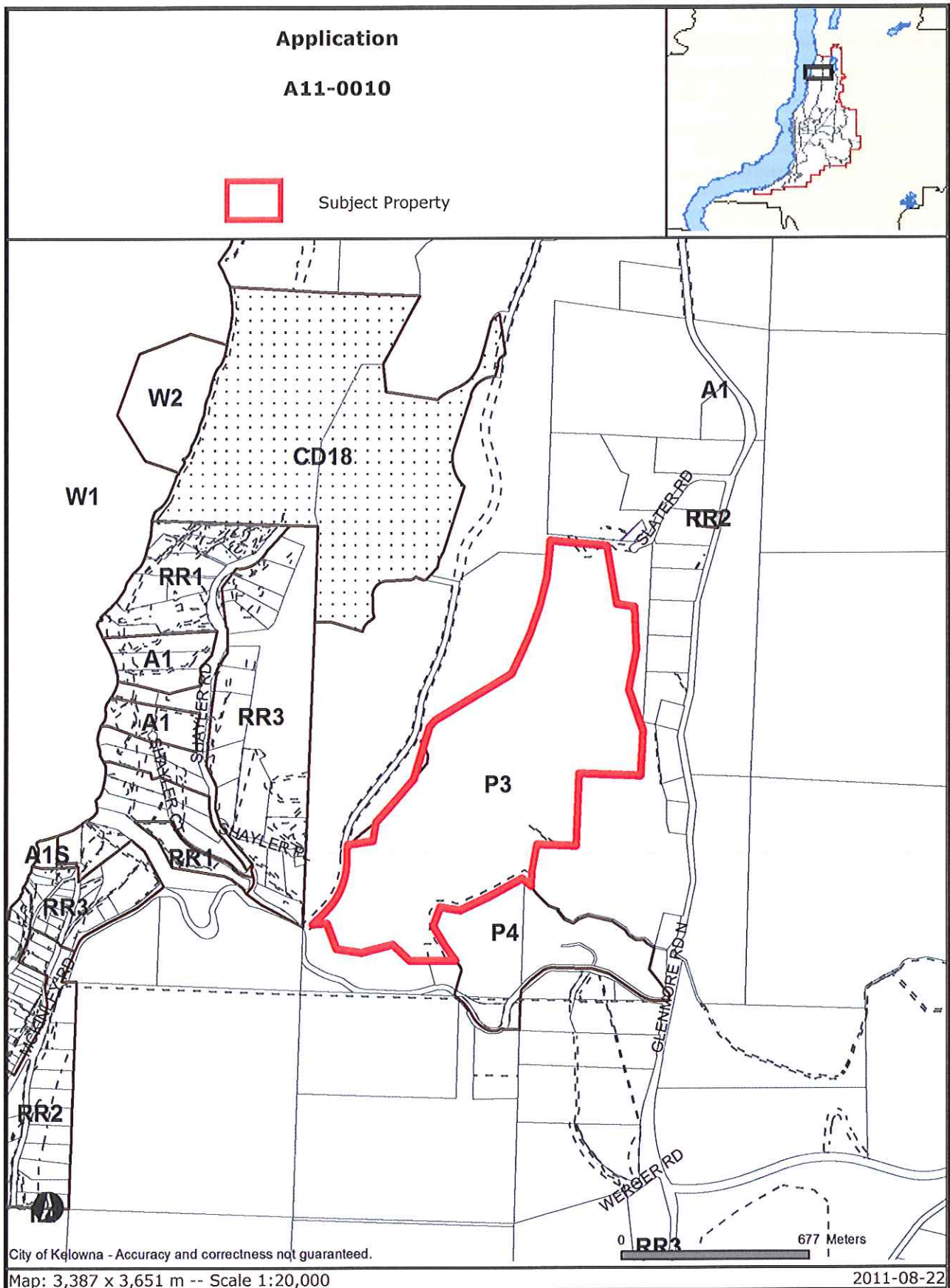


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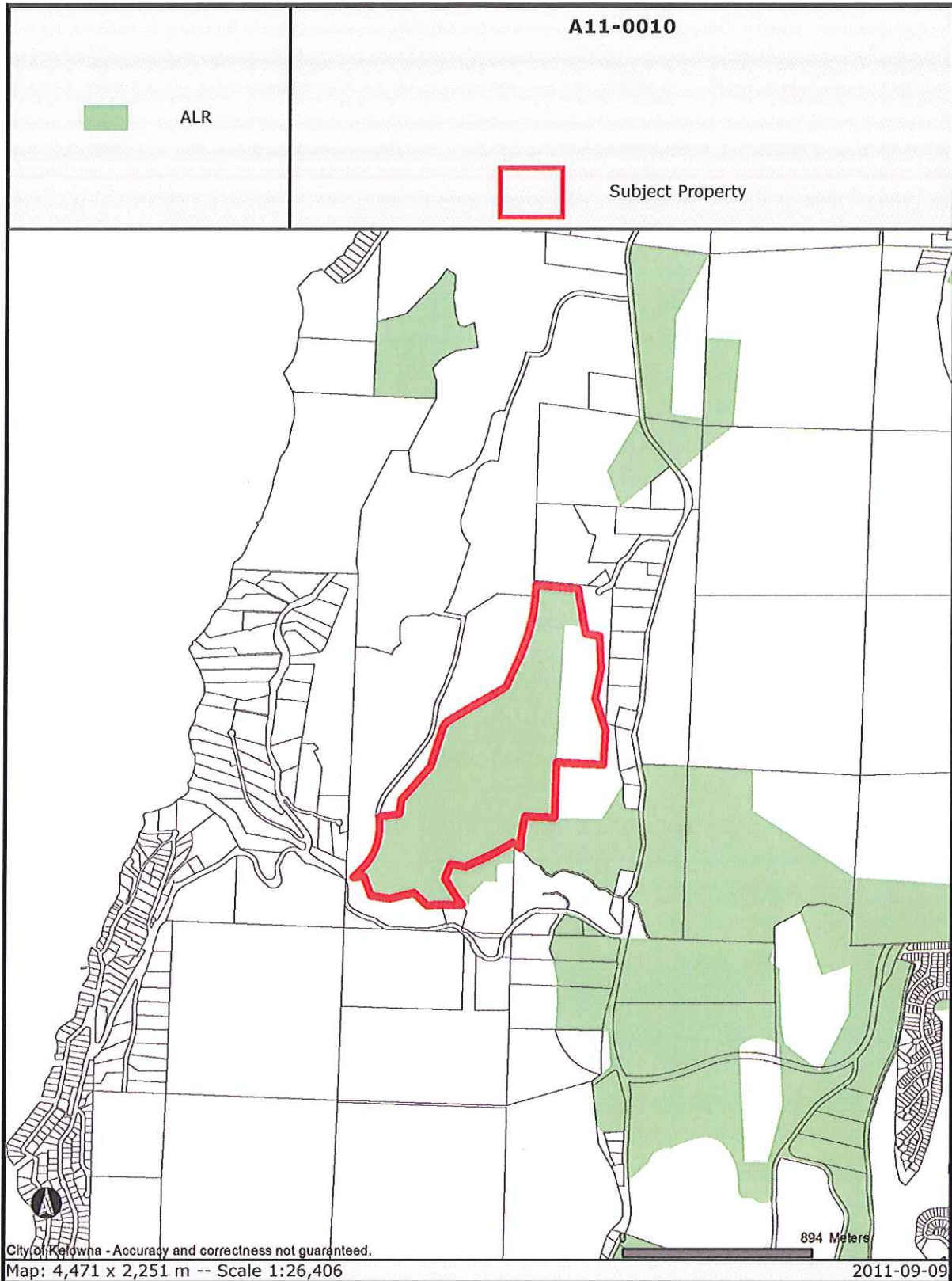
Land Capability = Brown/ Soil Class = Green



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*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.*



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Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

July 29, 2005

Reply to the attention of Brandy Ridout

622664 BC Ltd.
200-3275 Lakeshore Rd.
Kelowna, B.C. V1W 2A9

Dear Sir/Madam:

Re: Application #G-35937

PID: 013-782-525

The South West 1/4, Section 28, Township 23, Osoyoos Division of Yale District;

PID: 013-782-517

The North West 1/4 of, Section 21, Township 23, Osoyoos Division of Yale District, EXCEPT Plans DD24364 and 18402;

PID: 013-787-047

The West 1/2 of the South East 1/4, Section 28, Township 23, Osoyoos Division of Yale District, EXCEPT Part shown as road on Plan 20134;

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude 19.4 ha from the ALR for residential housing, and use 65 ha for a golf course. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on June 7, 2005. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application, in principle, subject to the following conditions:

- the preparation of more detailed site plans showing the location and the precise size of the areas proposed for exclusion and golf course uses. The attached map shows, in very general terms, the preliminary areas suggested for exclusion and golf course uses. However, the Commission recognizes that at this early stage plans are likely to be amended.
- the inclusion of approximately 30 ha into the ALR (comprising both the golf course lands and the vineyard),
- the development of a 16 ha vineyard,
- the consolidation of the golf course into a single legal title,
- compliance 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. The Commission suggests you contact the City of Kelowna at your earliest convenience.

The decision noted above is recorded as Resolution #398/2005.

As noted, the decision to allow the development is subject to the inclusion of land into the ALR, and the development of a vineyard. The Commission is not prepared to exclude any land from the ALR, or permit the commencement of the construction of the golf course until the vineyard is substantially completed, and the inclusion application is submitted. Please advise this office if you are prepared to proceed on the basis of this approval.

Upon final confirmation that the development plans are acceptable to the Commission, further advice will be provided as to how to register subdivision plans and exclude the land from the ALR.

Please quote your application number in any future correspondence.

Yours truly,

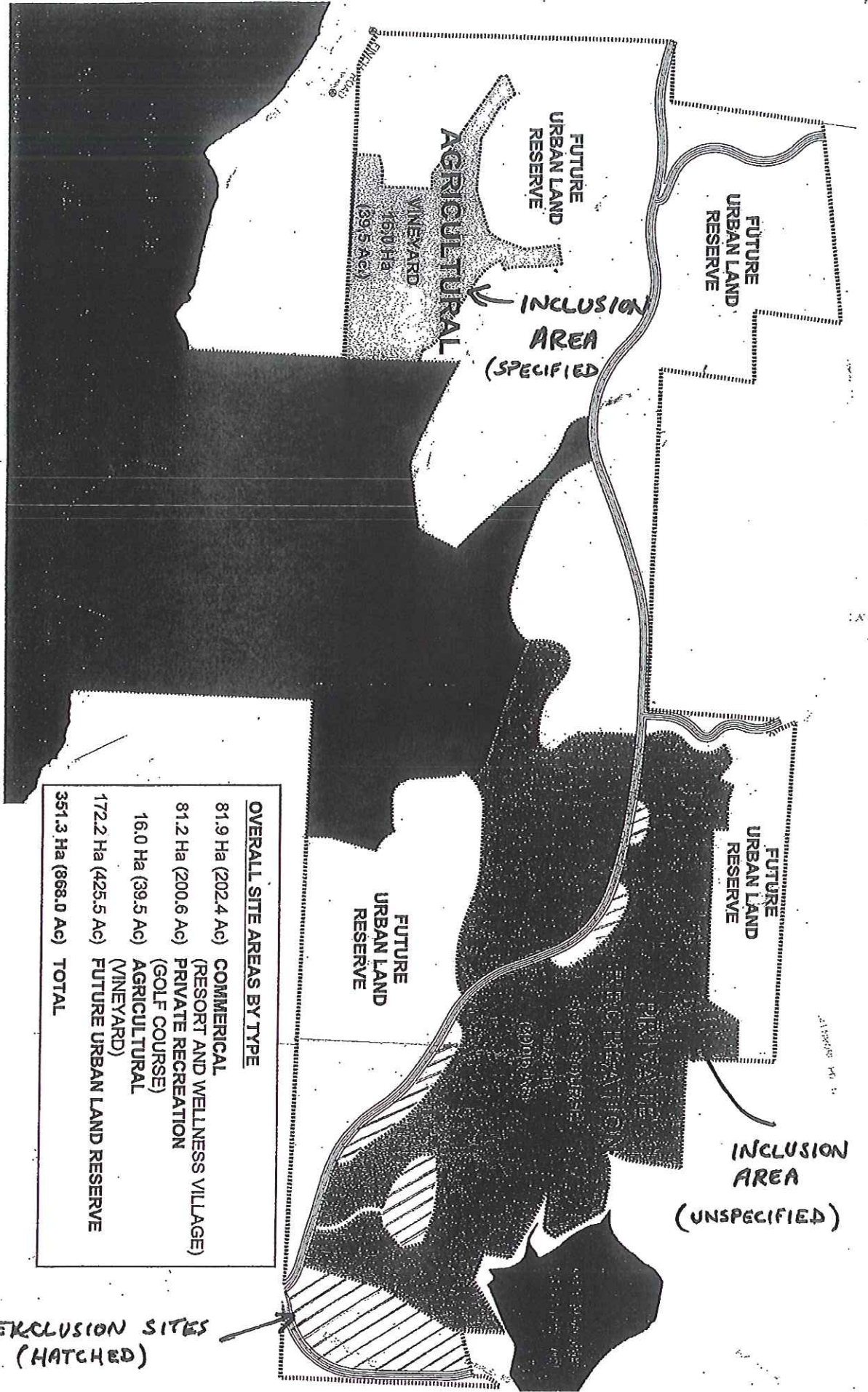
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

E. Karlsen, Chair

cc: City of Kelowna (#A04-0011)
Brian French, C & F Land Resource Consultants Ltd. Happy Valley Rd.,
Victoria, B.C. V9C 3Z3

BR/lv/Encl.
35937d1a



Provincial Agricultural Land Commission
 Application: G-35937
 Resolution # 398/2005

EXCLUSION SITES
 (HATCHED)

Commission Discussion

The Commission had no objection in principle to the application because the ALR land had limited capability for agriculture, and because the impacts of the development would not affect any nearby or active agricultural operations (as there is very little ALR land in the area). Furthermore, the Commission believed that the inclusion of good agricultural land, and development of a vineyard and winery balanced the exclusion of land for residential uses. Also a golf course could revert to agricultural production, if needed in the future. The Commission also required that the golf course property be a single title to ensure that it is not sold off piecemeal in the future.

IT WAS

MOVED BY: Commissioner Irvine
SECONDED BY: Commissioner McCoubrey

THAT the staff report be received and the application to exclude 19.4 ha from the ALR and to use 65 ha for golf course uses be approved, in principle, subject to; the submission of more detailed plans, the inclusion of 30 ha into the ALR, and the development of a vineyard on 16 ha of the included lands, and the consolidation of the golf course land under a single title.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # G – 35937-0
Applicant: 622664 BC Ltd
Agent: Grant Gaucher

Location: McKinley Area, City of Kelowna

DATE PREPARED: May 27, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Elisa Martin, Regional Research Officer

PROPOSAL: To exclude 19.4 ha of land from two properties totaling 151.9 ha (65.4 ha currently lies within the ALR) to facilitate the development of a golf course, winery ancillary to a resort and wellness center to be located on lands to the north.

The applicants are also proposing to include a 30.4 ha of land into the ALR. Approximately fourteen (14.4) ha of the proposed inclusion area is to be used for golf course purposes and 16.0 ha is to be used as vineyard lands.

Of the total proposed area to remain in the ALR (67.7 ha), 53.7 ha is planned to be used for a golf course.

This application is made pursuant to section 20(3), 30(1) and 17(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION

A Soils Onsite Report has been prepared by Brian French (please refer to the attached report).

The City of Kelowna planning staff prepared a report providing additional information about the project (see attached). In September 2004, the applicant initially submitted an application to the City of Kelowna requesting permission to exclude approximately 67.7 ha from the ALR. A request to prepare an Area Structure plan was approved by Council in 2004 in order for the applicant to develop a resort hotel and conference centre, a wellness village, a golf course, a vineyard/cottage winery and an educational retreat centre. The applicant has since amended his application to exclusion of a smaller area from the ALR, inclusion of land into the ALR and a non-farm use within the ALR.

There was one letter submitted expressing some concerns regarding the proposal.

There are no previous applications on this property.

Local Government:

City of Kelowna

Legal Description of Property:

1. PID: 013-782-517

The North West 1/4 of, Section 21, Township 23, Osoyoos Division of Yale District, EXCEPT Plan DD24364 and 18402, the South West 1/4, Section 28, Township 23, Osoyoos Division of Yale District;

2. PID: 013-787-047

The West 1/2 of the South East 1/4, Section 28, Township 23, Osoyoos Division of Yale District, EXCEPT Part shown as road on Plan 20134;

Purchase Date (m/d/y):

April 24th 1995 and August 25th 2003

Location of Property:

McKinley Area, Kelowna

Size of Property:

151.9 ha

ALR Area:

65.4 ha

Present use of the Property:

The land has numerous older buildings and barns. Portions of the property are cleared, but most is forested with residual Interior Douglas Fir and Ponderosa Pine. The land has been used for beef cattle grazing in the past.

Surrounding Land Uses:

WEST: Small field & rural residential in ALR, vacant forested land beyond (not in ALR)

SOUTH: Gravel pit, forested vacant land, rural residential development, outside of ALR

EAST: Rural residential, in the ALR

NORTH: Forested land, large parcels, outside of ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.093

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

Official Community Plan and Designation:

Future Urban Reserve

Zoning Bylaw and Designation:

A1 - Agricultural

The minimum lot size is 2.0 ha.

RELEVANT APPLICATIONS:

Application #25681-0

Applicant: Glenmore Ellison Improvement District

Decision Date: August 14, 1991

Proposal: To exclude the property in order to store irrigation pipe, construct a storage shed/workshop and validate existing land use (chlorinator building, dam & reservoir)

Decision: Allowed.

Application #20995-0

Applicant: Stephans, Katherine

Decision Date: April 24, 1987

Proposal: To subdivide the property along the ALR boundary thus creating a non-ALR parcel of 56.8 ha and an ALR parcel of 4.7 ha.

Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The City of Kelowna Council supported this application.

Agricultural Advisory Committee

The Agricultural Advisory Committee accepted the application based on the amendment for a partial exclusion and partial inclusion (the AAC did not support the initial exclusion proposal).

Local Government Staff

The City of Kelowna Planning staff recommends that this application not be supported.

STAFF COMMENTS:

Staff recommends that the Commission consider the following points:

- According to a report prepared by Brian French, 13.6 ha (21.5%) of the ALR land has a class 3 or 3-4 complex or class 4 improved agricultural capability rating, 1.3 ha (2.1%) of the ALR land is class 5 and 48.4 ha (76.5%) is class 5-6, 6 and 7 capability. The proposed inclusion area (golf course and vineyard on north quarter) has an improved capability rating of classes 3 (4.6 ha), 4 (14.1 ha), 5 (0.1 ha), and 6-7 (11.6 ha). The proposed exclusion area has an improved capability rating of classes 3 (0.4 ha), 5 (7.6 ha) and 6-7 (11.4 ha). The amount of class 3 and 4 land being proposed for inclusion is much greater than that being proposed for exclusion from the ALR. The applicant notes that, although 80% (53.7 ha) of the proposed ALR land would be in golf course use, the actual agricultural potential of this land would be much higher because of the irrigation improvements proposed (development of water supply from Okanagan Lake for domestic and irrigation purposes)
- Almost half of the land proposed for inclusion into the ALR is proposed to be used as a golf course. The Commission must determine whether or not the proposed 16.0 ha irrigated vineyard on lands to the north of the subject properties is enough to offset the proposed non-farm use and exclusion areas.

END OF REPORT

EMant
Signature

Date

May 27/05



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 30, 2010

Reply to the attention of Martin Collins
ALC File: 52005

G. Gaucher, President
Kinnikinnik Developments Inc.
#200 - 3275 Lakeshore Road
Kelowna, B.C.
V1W 3S9

Dear Sir:

Re: Application to Include Land into the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2765/2010 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan, and include the land into the ALR.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: City of Kelowna
BC Land Title & Survey, Kamloops
BC Assessment, Kelowna

MC/52005d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 23, 2010 at Vernon, B.C.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Sylvia Pranger	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application:	52005
Applicant:	Kinnikinnik Developments Inc.
Proposal:	To include 28 ha into the ALR, comprising a 16 ha proposed vineyard site, and 12 ha for additional golf course.
Legal:	PID's 026-392-313; 013-782-517; 013-782-525; 026-392-518
Location:	McKinley Road

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 Commission assessed whether the lands under application were suitable for agricultural development. It was noted that the BLCI mapping showed that ~14 ha was improvable to CL1 Class 4, and that the soils and westerly aspect were suitable for grape production (Suitability Class 3 in the Grape Atlas Overall Suitability).

Assessment of Agricultural Suitability

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

Assessment of Impact on Agriculture

The Commission also assessed the impact of the inclusion proposal against the long term goal of preserving agricultural land. The Commission recalled that the purpose of the inclusion was to fulfill one of the conditions associated with Resolution # 398/2005 which permitted the exclusion of 19 ha from the ALR, and a golf course in the ALR.

The Commission believed at that time that the inclusion and vineyard development balanced the exclusion of ALR land of limited arability for housing and golf course uses. The land proposed for golf course uses and exclusion was not suitable for intensive tree fruit or vineyard production (Suitability Class 4 and 5 in the Grape Atlas Overall Suitability).

Assessment of Other Factors

It was noted that the Commission had excluded the proposed inclusion area from the ALR in 1978. However, it was recognized that the grape industry has made significant strides in the region since 1978, and that land with similar agricultural capability and aspect is in vineyard production to the north (Grey Monk).

Although some of the area (~12 ha) proposed for inclusion is to be used for a golf course, the Commission believed that it was appropriate that the entire golf course be located in the ALR, to be consistent with other golf course decisions in the region and the province. Retaining golf courses in the ALR recognizes that they have agricultural capability, and helps to ensure that they are not relocated onto arable farmland, and then developed to housing or other non farm uses.

Conclusions

1. That the land under application has agricultural capability and is suitable for agricultural use.
2. That the proposal is consistent with previous decisions of the Commission and the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner S. Pranger

SECONDED BY: Commissioner R. Mayer

THAT the application to include 28 ha into the ALR be allowed.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 2765/2010

ALC APPLICATION 52005

RESOLUTION #2765/2010

APPROVED ~28ha INCLUSION (IN YELLOW)



Vintage Landing Comprehensive Development Zone

Oct .10,2011

To whom it may concern:

Re: Application by a landowner under the Agriculture Land Commission Act to use land in the ALR for non-farm use

Rockchild Foundation was created in 2008 . On Feb 14th 2011, the name of the Society was changed to “Society for Enlightenment of Humanity” to better reflect the direction of the Society. As well, a constitutional amendment has been adopted to clarify the purpose of the Society and focus our efforts on a single objective;

“To advance education by constructing and operating an Interactive Teaching Facility for the study , practice and integration of agriculture and farming with mankind’s physical, mental, and spiritual wellness “.

The facility has been named “The Grove” to further emphasis the connection to the earth.

The ‘Society for Enlightenment of Humanity’ (the Society) has negotiated a one year option on a 191acre parcel of land in the McKinley landing area in Kelowna B.C for the construction of the teaching facility. Because of the comprehensiveness and size of the Grove, the advancement of this project is contingent on receiving charitable status in a timely manner. Enclosed you will find a copy of the option to purchase (attachment #1) The option year will allow us to work with the architects and engineers to expand and develop the concept plan and deal with the servicing issues.

This parcel of land is 13 km from the town center with a future connecting road only minutes away from Kelowna International Airport. Our access to local, national and international guests will be enhanced as a result. Our interest in the property was sparked by not only the location and beauty but by its potential to allow our programs and patrons to connect with the land on the hiking trails and through the grounds involved in the farming operation. The site, because of its size and location, offers a great deal of privacy and well suited to create a retreat type atmosphere.

Enclosed are a concept plan (attachment #2) along with soil tests, Temperature and agriculture viability comments (attachment#3) and a building time table(attachment #4)

The Grove, will be a teaching/learning facility with a wide variety of programs offered and supported by the Society. Our goal is to create a space that will inspire and motivate individuals and have an impact on how we interact with each other and our world. We will create a facility that is not only conducive to learning but one that will encourage progressive thought and discussion at all levels, physical, mental, emotional and spiritual. Our programs will offer single evening seminars, world renowned guest speakers, single and corporate retreats, guest performers and artists. The agricultural component will be a key focus of the Society not only to supply 'Farm to Table' for our dining facility but be a teaching component for all ages from school, college and University programs to individuals wanting to get involved and learn about organic gardening and farming. The Grove will be focusing on the wellness of both individuals and the earth offering courses in body works, food preparation and wellness.

We will be offering a volunteer program to allow everyone the experience of working and learning at the Center. For those individuals outside the city of Kelowna, room and board will be offered. We will provide volunteer credits for those not requiring accommodation. The credits can be applied to the many programs, courses and facilities that will be offered and allow individuals to attend who would not normally be able to afford the programs. Our goal is to not turn away any individual who is interested in the programs because of lack of funds. The Society will also be making a connection with WWOOF (World Wide Opportunities on Organic Farms) to further expand our volunteer base for the farming operation.

The design of the complex will be built on the highest level of sustainability. Our construction will follow the 'Living Building Challenge' philosophy comprising seven performance areas; Site, Water, Energy, Health, Materials, Equity and Beauty. Our goal will be to create a building that is esthetically pleasing as well as sensitive to the natural amenities of the land.

Buildings:

- 1) Main Lodge; 60,000 sq. feet containing the society offices, kitchen and dining facilities, meeting rooms, physical activity area and accommodation
- 2) Winery; 10,000 sq. feet for the production of 3500 to 5000 cases of wine
- 3) Maintenance and equipment building
- 4) @ teaching facilities @ 5000 sq.ft.
- 5) Staff residences

Agriculture component:

- 1) 20,000 sq feet of Greenhouses
- 2) 5 acre orchard
- 3) 20 acre vineyard
- 4) 2 acres of herbs and flowers (medicinal and pest control)
- 5) composting area
- 6) 10 acres vegetable gardens
- 7) 2 acres of a variety of nut trees
- 8) 1 acre variety of berries

The agricultural component will form an important part of the The Grove as a food supply for our kitchen and as part of our programs offered. An integration of Biodynamics and Permaculture will be our focus. Biodynamics is a proactive approach to farming that integrates agricultural, biological and scientific knowledge into crop rotations, compost production, plant diversity, homeopathic sprays and soil and animal practices. Permaculture is based on ecological and biological principals using patterns that occur naturally. The goal is to achieve stable productive systems by utilizing the ecological processes of plants, animals, their nutrient cycles, climatic factors and weather patterns. We will apply these processes to a wide variety of crops. We will also construct green houses to extend our growing season. Through preservation and storage our goal will be to supply a large percentage of our food source the entire year.

The Grove will have tremendous meaning and impact for the Okanagan Valley as it draws on the rich historical agriculture roots of the Okanagan and marries it with the newest approaches and techniques in farming. The vision and approach of this initiative is truly innovative as it draws both learners and teachers worldwide to participate in a process of creating a sustainable way of growing food for the future in an environment that embraces the natural beauty of the land, the caring for this earth, and for each other.

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Aug-02-2011 11:40:31.001

CA2127090

PAGE 1 OF 76 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Pihl Law Corporation
Barristers & Solicitors
100 1465 Ellis Street
Kelowna
Document Fees: \$71.90

BC V1Y 2A3

Telephone: (250) 762-5434
LTO Client Number: 12260
File Number: 11-285

Deduct LTSA Fees? Yes

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

028-405-129 LOT 5 SECTIONS 21 AND 28 TOWNSHIP 23 ODYD PLAN EPP8753

STC? YES

3. NATURE OF INTEREST

Option to Purchase

CHARGE NO.

ADDITIONAL INFORMATION



4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms D.F. No.(b) Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

KINNIKINNIK DEVELOPMENTS INC. NO. BC0622664

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SOCIETY FOR ENLIGHTENMENT OF HUMANITY

200 - 537 LEON AVENUE
KELOWNA

V1Y 2A9

BRITISH COLUMBIA
CANADA

Incorporation No
S0054872

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Grant E. Shirreff
Barrister & Solicitor
200 -537 Leon Avenue
Kelowna, BC V1Y 2A9

Execution Date

Y	M	D
11	07	26

Transferor(s) Signature(s)

Kinnikinnik Developments Inc., by its
authorized signatory (ies)

Grant Gaucher

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)

Peter D. Borszcz

100 - 1465 Ellis Street
Kelowna, BC V1Y 2A3
Phone: (250) 762-5434

Execution Date

Y	M	D
11	07	29

Transferor / Borrower / Party Signature(s)

Society for Enlightenment of Humanity,
by its authorized signatory (ies)

John Weisbeck

OFFICER CERTIFICATION:

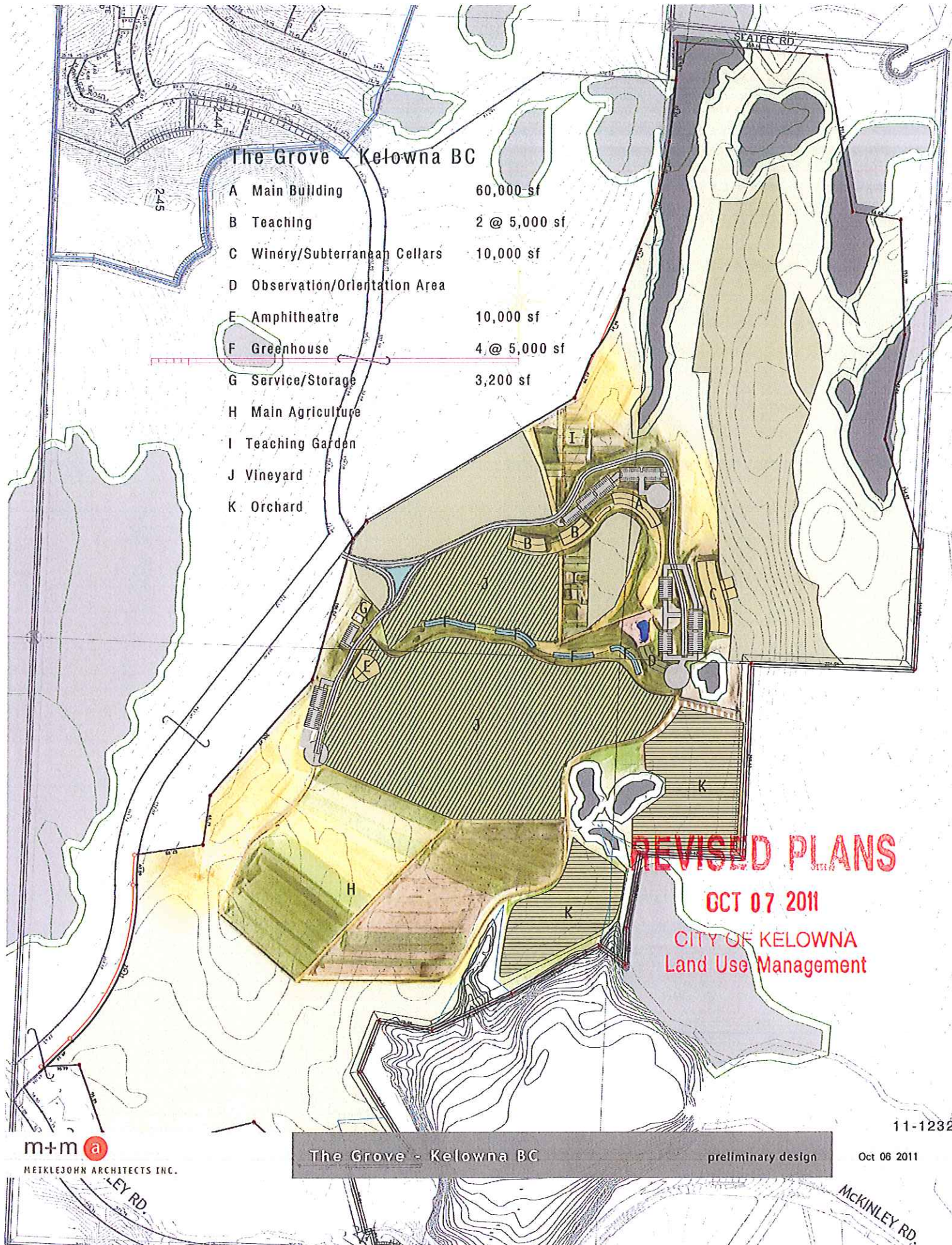
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.



1232

The Grove - Kelowna BC

- A Main Building 60,000 sf
- B Teaching 2 @ 5,000 sf
- C Winery/Subterranean Cellars 10,000 sf
- D Observation/Orientation Area
- E Amphitheatre 10,000 sf
- F Greenhouse 4 @ 5,000 sf
- G Service/Storage 3,200 sf
- H Main Agriculture
- I Teaching Garden
- J Vineyard
- K Orchard



REVISED PLANS
OCT 07 2011
 CITY OF KELOWNA
 Land Use Management

11-1232

LEY RD.

MCKINLEY RD.



VINTAGE LANDING

GOLF COURSE AERIAL PLAN

SCALE 1:2500

PIT LOCATIONS
WATER

--

Attachment # 3

Vikki Drummond

From: Thomas McBrown [thomasmc@thomasmcchrom.com]
Sent: Tuesday, October 20, 2009 2:02 PM
To: G.Gardner@gsioup.ca
Subject: Test Pits
Attachments: Vintage Landing Test Pits July 27 2008.pdf

Grant,

Here is a scan of the July 27, 2009 drawing Tom had on site. The test pits locations, shown in Red TP1-13, are the original locations we recommended. However once on site, Tom revised the locations and these are shown as black dots with the site number circled (usually). There are 18 sites in total. The notes are a bit difficult to read so here is a summary.

TEST PIT

1. 4" topsoil
3' brown silt
6' medium sand
clay blue
no rock hit
2. 3" topsoil
18" silt
9' medium/course sand
no rock hit
3. 2" topsoil
6" silt
12" sandy gravel
9' medium/course
no rock hit
4. 18" silty top soil
7-8' fine, silty clay
2-3' very fine sand/silt
clay
holds moisture
5. 1" forest topsoil
2" silty, glacial till
bedrock at 2'
6. 1" topsoil
5-6' brown, silty clay
bedrock at 6'
gradable
7. 2" topsoil
10' fine, silty clay
bedrock

8. 2" topsoil
6' fine, silty clay
bedrock
9. 18" topsoil
8' silty, brown clay
boulder till below 8'
10. 18" black topsoil
4' white, fine sandy
5' brown/blue wet clay
11. 18" topsoil
2' brown, silt clay
6' light clay
clay boulder, till below
12. 18" topsoil
1' clean, fine sand
4' light, brown clay
do not go to bedrock
13. 6" topsoil
2' light, fine sand
3' bouldery silt/clay
do not go to bedrock
14. 6" topsoil
2' sandy, silt till
hole stopped
15. rock at surface
4" thin topsoil
note: no picture!
16. rock
4" topsoil
17. 14 feet sand
excellent borrow
18. 2' sand
bedrock

Note to south of TP18 reads "Good sand here."

Regards,
Jane Fincher

Thomas M. Johnson

THOMAS M. JOHNSON ASSOCIATES LTD.

11 Church St
Suite 307
Toronto, ON
M5E 1W1

Tel. 416.967.9329
Cell 416.464.5492
thomas@thomasmjohnson.com

Construction Time Table

June 2012 ; Exercise of option on land purchase

July 2012 ; Master plan

- Design of site services

- Land clearing for vineyard

- Site and soil preparation for orchard and gardens

- Construction of access road

- Construction of composting area

Sept 2012 ; Construction of irrigation system

- Installation of posts and wire

- Order vines

Nov 2012; Clean up of remainder of property

Spring 2013 ; Vineyard planting

- Design of buildings

- Landscaping plan

- Design and construction of residences

Spring 2014 ; Plant orchard and gardens

- Design and construction of greenhouses

Spring 2015 ; Construction of main Lodge

Spring 2016 ; Construction of accommodation

- Design of winery

- Construction of hiking trail

Spring 2017 ; Construction of Winery

2018 ; Completion of landscaping