



**3.0 SUMMARY**

The applicant is requesting permission from the Agricultural Land Commission (ALC) to allow the portion of the subject property south of McCurdy Road to be excluded from the Agricultural Land Reserve. The hooked parcel was created by the extension of McCurdy Road East to service the Tower Ranch subdivision. If successful, the intended use for the land is to subdivide into two parcels.

**4.0 SITE CONTEXT**

The subject property is located south of Wallace Road and on each side of McCurdy Road East, along the extension of McCurdy Road East to the Tower Ranch subdivision. This road extension has divided the property approximately in half and has eliminated the possibility of direct access between each half (McCurdy Road is a limited access arterial and significant differences in grade are present). The total site area is 1.89 hectares (4.7 acres) and the site elevation varies between 430-450 m.

**4.1 BCLI Land Capability (Map 82E.094)**

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
Northern	100% Class 3 (mineral) with soil moisture deficiency and undesirable soil structure and/or low perviousness	70% Class 3 (mineral) with undesirable soil structure and/or low perviousness  30% Class 3 (organic) with undesirable soil structure and/or low perviousness
Central	60% Class 5 (mineral) with soil moisture deficiency  40% Class 6 (mineral) with soil moisture deficiency	40% Class 2 (organic) with topography limitations  40% Class 3 (organic) with topography limitations and soil moisture deficiency  20% Class 3 (organic) with topography limitations
Eastern	70% Class 5 (mineral) with soil moisture deficiency  30% Class 6 (mineral) with soil moisture deficiency	70% Class 1 (mineral)  30% Class 3 (organic) with stoniness and soil moisture deficiency

**4.2 Soil Classification (Map 82E.094)**

Portion of Site	%	Soil Type	Description
Northern	100%	GL – Glenmore	<u>Land</u> : Nearly level to moderately sloping stratified glaciolacustrine sediments. <u>Texture</u> : 100 cm or more of silt loam, silty clay loam or clay loam. <u>Drainage</u> : Well to moderately well.
Central	60%	KE - Kelowna	<u>Land</u> : Moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravelly sandy loam or gravelly loam. <u>Drainage</u> : Well.
	40%	R - Rutland	<u>Land</u> : Very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.
Eastern	70%	KE - Kelowna	<u>Land</u> : Moderately and strongly sloping glacial till. <u>Texture</u> : 10 to 30 cm of loam or sandy loam veneer over gravelly sandy loam or gravelly loam. <u>Drainage</u> : Well.
	30%	R - Rutland	<u>Land</u> : Very gently to strongly sloping fluvioglacial deposits. <u>Texture</u> : 10 to 25 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand. <u>Drainage</u> : Rapid.

**4.3 Zoning of Adjacent Property**

North        A1 – Agriculture 1  
 South       A1 – Agriculture 1  
 East         A1 – Agriculture 1  
 West        A1 – Agriculture 1

**5.0 BACKGROUND & PROPOSAL**

The applicant proposes to exclude a portion of the subject property from the ALR and subdivide the property into two parcels, reflecting the fact that the extension of McCurdy Road East divides the property. The ALC approved, with conditions, the extension of McCurdy Road East in 1997. An excerpt of this decision is included below:

The Commission ... by Resolution #477/97, has allowed your application to extend McCurdy Road in order to connect the Tower Ranch development to the major street network.

This approval is granted provided that your layout is in substantial compliance with the plan attached hereto but is subject to consolidation and fencing design in such a way as to minimize fracturing of lot configurations and impact on efficient actual or potential orchard operation. In accordance with this condition, please prepare a plan with input from effected land owners, for Commission consideration. A suggested consolidation scheme has been attached for guidance.

The land referred to in this application continues to be subject to the provisions of the Act and regulations except as provided by this conditional approval.

At present a residence and associated small structures are present on the portion of the parcel north of McCurdy Road while no structures are present on the portion of the parcel south of McCurdy Road. No agricultural activity currently takes place on the subject property. The applicant has not indicated any future rezoning preference. Should this application succeed, the applicant intends to subdivide the 1.89 hectare parcel into two parcels of 1.0 hectares and 0.89 hectares, respectively.

## **6.0 CURRENT DEVELOPMENT POLICY**

### **6.1 Kelowna 2020 – Official Community Plan**

The subject property is designated as Rural / Agricultural for future land use.

#### **Agriculture Policies:**

Agricultural Land Reserve. Confirm support for the Agricultural Land Reserve.

Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability.

Subdivision. Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

Buffers. Provide for distinct boundaries that separate urban and rural uses by utilizing, where appropriate, roads, topographic features, watercourses, ditching, fencing, or small lot rural transition areas, as buffers to preserve larger farm units and areas.

### **6.2 City of Kelowna Agriculture Plan**

Defined Urban – Rural/Agricultural Boundary. Confirm support for the Agricultural Land Reserve and establish a defined urban – rural/agricultural boundary, as indicated on Map 14 – Urban – Rural/Agricultural Boundary (an excerpt of this map is attached), utilizing existing roads, topographic features, or watercourses wherever possible.

Farmland Preservation. Direct urban uses to land within the urban portion of the defined urban – rural/agricultural boundary, in the interest of reducing development and speculative pressure, toward the preservation of agricultural lands and discourage further extension of existing urban areas into agricultural lands.

ALR Application Criteria. Require applicants to substantiate the marginal nature of farming (for a full range of cropping options) based on soil capability, climate, topography (slope), elevation, and/or drainage/wetland conditions. In addition to the above background data, any City decision will use the following criteria as the basis of support or non-support of individual applications:

- Location/use context in terms of impact on adjacent agricultural properties with respect to conflict of uses and speculation/land value;
- Necessity for urban growth needs or as logical infill;
- Availability of sufficient services, particularly road access and sanitary sewer, and the impact of expansion of these services on adjacent agricultural properties;
- Benefits or sensitivity to agriculture in the form of buffering or complementary transition uses.

## **7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS**

The subject property has a variety of land capability and soil classification conditions across the site and has the potential for soil productivity and land capability to increase through improvements such as expanded irrigation. However, even with improvements the site continues to be of small size for farming and is heavily impacted by the extension of McCurdy Road East through the parcel.

The applicant notes that a prior ALC decision (1997) relating to the McCurdy Road East extension required parcel consolidation (the ALC provided a “Suggested Consolidation Scheme” as part of their decision, which can be found attached to this report) and appropriate fencing, and that some of these conditions appear to not have been satisfied by the applicant of the day (Intracorp Developments Ltd.). However, the current property owner purchased the property in 2007, when the Right of Way for the McCurdy Road extension was well established and construction was imminent.


The City of Kelowna Agriculture Plan (1998) notes figures from the Ministry of Agriculture and Food (today the Ministry of Agriculture and Lands) that describe minimum farm unit areas:

- Tree fruits – 6 to 8 hectares (15 to 20 acre) minimum
- Grapes – 4 hectares (10 acre) minimum, 6 to 8 hectares (15 to 20 acres) preferred
- Vegetables – 2 hectares (5 acre) minimum
- Berries – 2 hectares (5 acre) minimum

While these minimum farm unit areas are meant as guidelines and do not represent every case, it is apparent that the subject property would be a challenging site for agriculture. Nonetheless, it would be incorrect to assert that otherwise arable land is not able to be productive due to insufficient farm unit area. Existing parcels can be consolidated to form larger parcels more suitable to agriculture.

Both the City of Kelowna Official Community Plan and Agriculture Plan express concern that the permitted expansion of urban uses into what is otherwise an agricultural landscape will serve to diminish the viability of agricultural practice. Increased speculative pressure on land and conflict between land uses should be avoided, particularly in agricultural areas under development pressure. The subject property is adjacent to a pocket of land not within the ALR, however it is critical that the urban – rural/agricultural boundary be maintained to the west in order to limit the growth of urban uses into agricultural land. It is the policy of the City to not permit the expansion of existing non-ALR, residential enclaves located in rural surroundings.

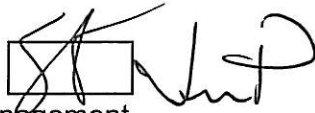
While it appears that parcel consolidation did not occur as required during the extension of McCurdy Road East, the solution is not to exclude a portion of the subject property from the ALR but rather to pursue lot consolidation. The Land Use Management department cautions that the ultimate goal of exclusion will undermine the intent of OCP policies and be precedent-setting in a well established agricultural area.

*for*   
Danielle Noble  
Urban Land Use Manager

Approved for inclusion:

Shelley Gambacort

Director of Land Use Management



---

#### ATTACHMENTS

Location and zoning map of subject property

Agricultural Land Reserve map of subject property

Map 14 – Urban – Rural/Agricultural Boundary (*excerpt and legend, 2 pages*)

ALC Application by landowner (*2 pages*)

Submission by applicant incl. excerpts from previous ALC decision (*7 pages*)

Land Capability, and Soil Classification maps (*2 pages*)

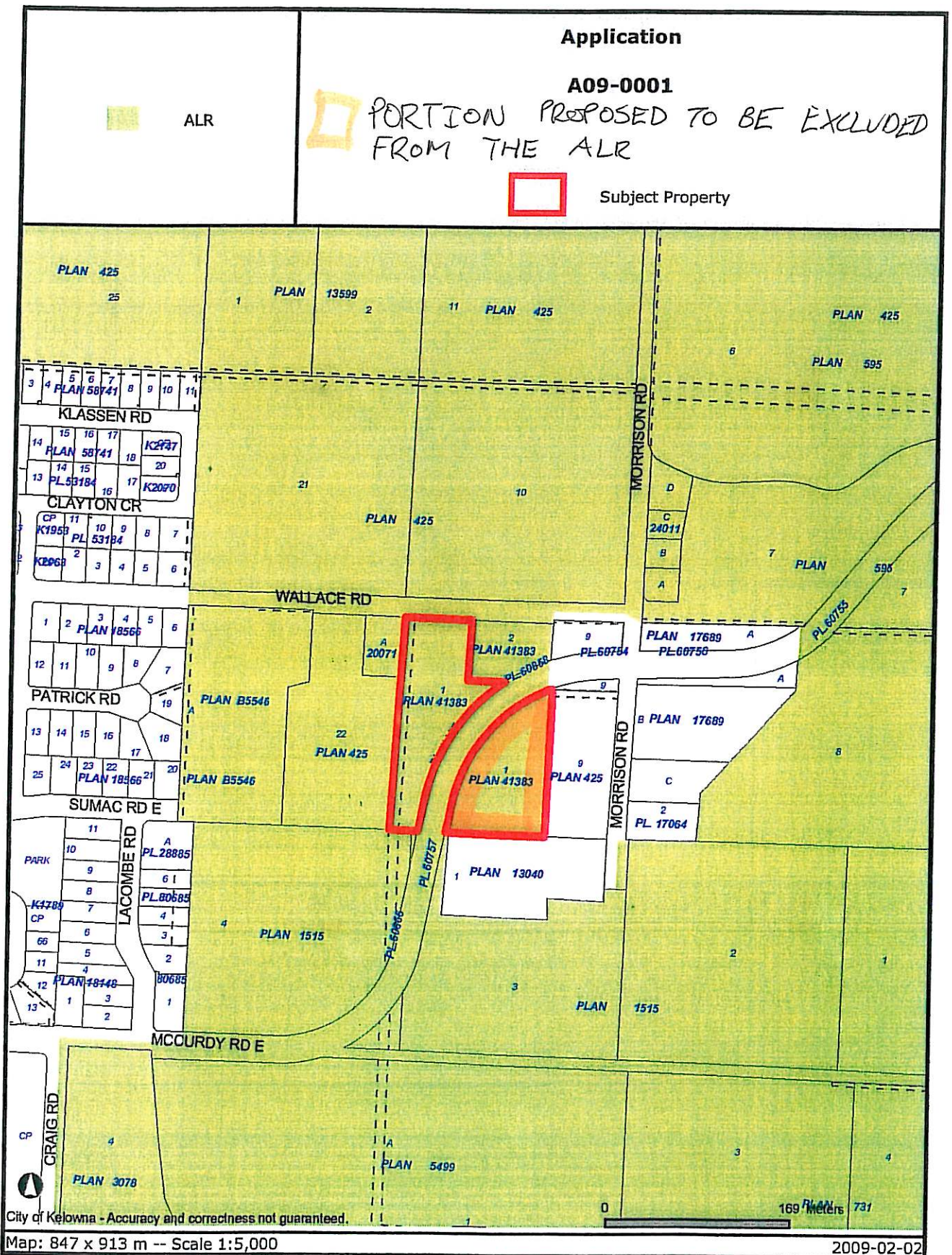
Site plan of subject property showing portion proposed to be excluded

Air photo of subject property



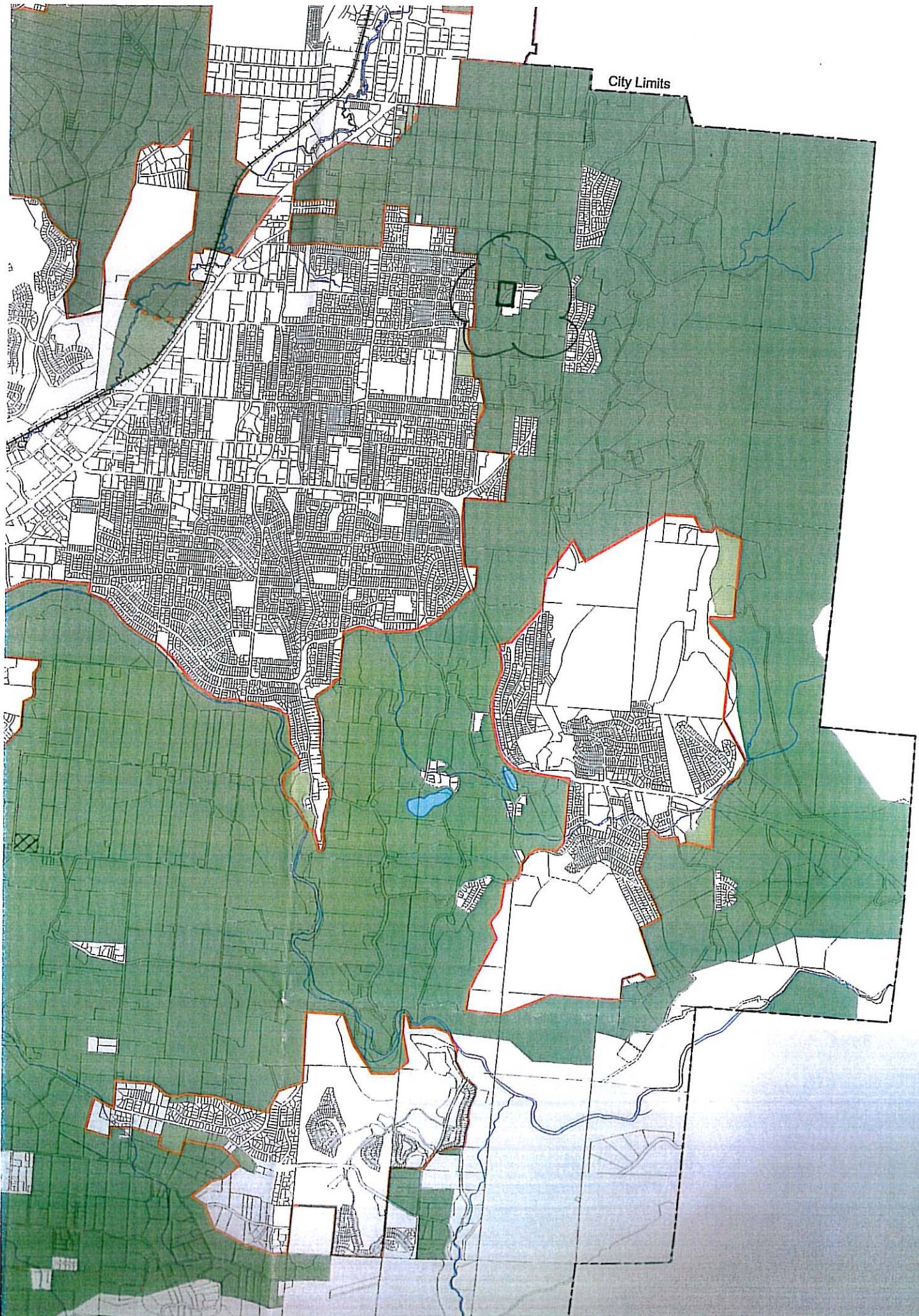






Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.








# Legend

 ALR Lands based on Agriculture Plan

 Urban - Rural/Agricultural Boundaries

 Boundary to be determined  
based on road location

ALR Lands Proposed for Non-Farm Use

 Civic Use within the ALR

**Catherine Orban, M. Sc., P.Ag.**  
1977 Harlequin Cres  
Nanoose Bay, BC  
V9P 9J2

**Mr. Arjan S. Poonian**  
781 Wallace Rd  
Kelowna, BC  
V1X 4T5

December 5, 2008

Dear Mr. Poonian

**RE: Soils and Agricultural Capability for 781 Wallace Road, Kelowna**  
**LOT 1, PLAN 41383, SEC 36, TP 6, ODYD Except PLAN KAP60857**

**Introduction & History**

In response to your request, I have prepared this letter report to provide an overview of the soils and agricultural capability of the Subject Property at 781 Wallace Road, Kelowna; legal description: Lot 1, Plan 41383, Sec 36, TP 6, ODYD Except Plan KAP60857 (Figures 1 & 2). It is my understanding that this letter report will accompany your application to the Agricultural Land Commission (ALC) to exclude the Subject Property from the Agricultural Land Reserve (ALR).

This letter report is based primarily on a review of documents pertaining to the land use, soils and environmental conditions on the Subject Property. (A list of references is provided at the end of this document). After discussing the site conditions and scope of work with Mr. Grant Maddock (Agent for the Landowner), and Mr. Martin Collins (Land Use Planner, ALC), it was decided that a full scale soils-on-site inspection would not be necessary under the circumstances. However, I did conduct a brief site visit on July 30, 2008 during which I made general observations and took photographs of the Subject Property. I did not excavate any soil test pits or take any samples.

The Landowner purchased the Subject Property as a single parcel in April 2007. At that time, the McCurdy Road extension had not been constructed, although the road right-of-way had been approved by the City of Kelowna. A letter from the ALC to Intracorp Developments dated September 9, 1997 indicated that the ALC granted a conditional approval for the McCurdy Road extension (Reference Document 1). The ALC conditions included parcel consolidation and fencing designed to minimize lot fragmentation. The letter further specified that the ALC would not authorize the Registrar of Land Titles to accept the deposit of the subdivision plan until the final parcel consolidation and fencing survey plans had been approved by the ALC. However, the McCurdy Road extension was completed in late 2007 in the absence of parcel consolidation and fencing. As a result, Lot 1, Plan 41383, Sec 36, TP 26 ODYD was bisected, and two small parcels were created when McCurdy Road was constructed. Enquiries to the City of Kelowna, Planning Department have recently been made regarding these plans and approvals for the McCurdy Road extension, but no records have been found to date.



## Location & Land Use

The Subject Property is located in the ALR at the intersection of Wallace and McCurdy Roads, on the east side of Kelowna, +/- 2.5 km east of Highway 97, and +/-2.9 km north of Highway 33 (Figure 5). The total land area is 1.89 ha (4.67 ac). Originally, the Subject Property was roughly rectangular, +/- 195 x 140 m (2.73 ha), with a "cut-out" area in the NE corner (+/- 0.4 ha). Site access was off Wallace Road. In late 2007 the Subject Property was bisected by the McCurdy Road extension (Figure 3). As a result, two parcels were created, one on either side of McCurdy Road; measuring 1.01 ha (2.48 ac) on the west side, and 0.84 ha (2.18 ac), on the east side. The remaining area in the middle of the parcel (+/-0.88 ha) was allocated to build the road and shoulders (Figure 4). While access to the northwest parcel is still off Wallace Road, currently there is no access to the southeast parcel although it has frontage on McCurdy Road. A residence and associated small structures are located on the northwest parcel, while there are no structures on the southeast parcel. The Subject Property is not currently being used for any agricultural or commercial purposes. The entire property is located in the ALR and is zoned as Agriculture 1 (A1). According to the City of Kelowna Zoning Bylaw 8000, Section 11, most agricultural uses are permitted in this zone, with the exception of intensive agriculture which ..."means the use of a confined livestock area, buildings or structures by a commercial enterprise or an institution for:

- (a) the confinement of poultry, livestock (excluding horses) or fur bearing animals;
- (b) on-farm composting or more than five cubic metres of material;
- (c) production of mushroom medium. "

The adjacent properties to the north and west are in the ALR, while those to the east and south are not in the ALR. It is important to note that both of the two adjoining properties to the east that have been bisected by McCurdy Road are not in the ALR.

A variety of land uses are found in the area including horticultural and soil-bound agriculture, orchards, berries, "u-pick" operations, hobby farms as well as rural and suburban residential. Land uses adjacent to the Subject Property include rural residential (east and west), and mixed soil-bound agriculture (north and south).

## Soils & Topography

The Subject Property is characterized by gentle to moderately sloping simple topography with a generally northeast aspect. The elevation ranges from 430 m (northwest corner) to 451 m (southeast corner) above sea level (ASL). The entire property has been cleared and has a somewhat sparse covering of mixed grasses with some weeds.

Baseline soils information was obtained from the *BC Ministry of Environment (MOE) Technical Report 18, Soils of the Okanagan and Similkameen Valleys*, which comprises Report No. 52 of the BC Soil Survey and 1:20,000 scale mapping (MOE, 1986). The study area is found on Mapsheet 82E.094, which indicates that the Glenmore (GL), Kelowna (KE) and Rutland Soil Series occur in roughly equivalent proportions on the Subject Property (Figure 6). Glenmore soils are found on the lower areas, in the northwestern corner, on the west side of McCurdy Road, while the Kelowna/Rutland complexes occur on the upper moderate slopes on the east side of McCurdy Road.

*Glenmore soils have developed in moderately fine to fine textured, stone-free glaciolacustrine deposits. Surface and subsurface textures are mainly silty clay loam or clay loamy while subsoils are silty clay with variations to clay or silty loam. Sandy or gravelly lenses are sometimes present at depths greater than 2 metres...The soils are generally well to moderately well drained, slowly pervious, have high water holding capacity and moderate surface runoff. Temporary perched groundwater tables may occur during snowmelt or after excessive irrigation due to the slowly pervious subsoil. Glenmore soils are moderately well suited for most agricultural crops. They have good water holding capacity, are stone-free and relatively fertile. Most areas are cleared and cultivated to either pasture, hay or tree fruit production (MOE, 1986, p.88).*

*Kelowna ...soils have developed in a sandy to loamy eolian veneer, between 10 and 30 cm thick, overlying glacial till. Surface textures are loam or sandy loam while subsurface and subsoil textures range from gravelly*

sandy loam to gravelly loam. These Orthic dark brown soils are well drained, moderately pervious and have a moderate water holding capacity. Kelowna soils are well suited for most agricultural crops although adverse topography and stoniness may be limiting in some areas. Cultivated and irrigated areas with moderately sloping topography are planted to tree fruits and vineyards. (MOE, 1986, p.110).

The parent material of Rutland soils is a moderately coarse textured veneer between 10 and 25 cm thick which overlies gravelly and stony, very coarse textured glaciofluvial deposits. Surface soil textures are dominantly sandy loam or loamy sand while subsurface and subsoil textures are gravelly sandy or gravelly loamy sand. Stones and cobbles are also common... They are rapidly drained, rapidly pervious, have slow surface runoff and low water holding capacity. The main agricultural limitations are gravelly and stony textures, rapid permeability and low water holding capacity. Tree fruits and grapes are presently grown in most cultivated and irrigated areas (MOE, 1986, p.172).

### **Agricultural Capability**

Agricultural capability ratings are based on the combined conditions of soils, topography and climate for any given location. General reference information for agricultural capability was provided by *Land Capability Classification for Agriculture in British Columbia, Manual 1* (BC Ministry of Agriculture and Food and Ministry of Environment, 1983). Site-specific agricultural capability information was obtained from the BC Ministry of Environment mapsheet 82E.094, @1:20,000, 1987 (Figure 7).

The three agricultural capability map units for the Subject Property as depicted on the MOE mapping corresponded exactly to soil map units in Soil Report No. 52 (MOE, 1986). For the purposes of this letter report, the map labels were read off digital copies which were not clear, and very difficult to resolve. However, I have attempted to discern the agricultural capability on the Subject Property from this mapping to the best of my ability as follows:

1. 3AD (7:3D / 3:3D)\* corresponds to Glenmore Soil Series – northwest area  
\*(low confidence in reading of 30% “improved” component = 3D).
2. 6:5A / 4:6A (4:2T / 4:3AT / 2:3T) - Kelowna/Rutland - 56-S2 – S central area
3. 7:5A / 3:6A (7:1 / 3:3AP)\* - Kelowna/Rutland – 3 -S2 – S east area  
\*(low confidence in reading of 30% “improved” component = 3AP).

The MOE mapping indicates that irrigation would be required to achieve the improved ratings on all areas of the Subject Property. The possibility of irrigating two relatively small parcels that are separated by a busy high-grade road could be technically challenging.

Based on the field observations made on July 30, 2008, it appeared that the site conditions were in general agreement with the agricultural capability ratings as mapped by MOE. The only obvious exception was the strong slope created by in the northwest parcel (on the northwest side of McCurdy Road) by construction and grading of the road bed. The rating for such a slope is estimated to be 5T.

### **Agricultural Suitability**

While MOE agricultural capability ratings are based on the specific values of physical site conditions (eg. slope, soil moisture calculations, coarse fragment percentages), agricultural suitability is primarily determined through more subjective means. It includes an assessment of attributes such as lot size, access, historical land use, surrounding land use, regional plans (including OCP's), and financial considerations in addition to agricultural capability ratings.

In this case, the agricultural suitability of the Subject Property has definitely been compromised by the McCurdy Road extension. What appear to be the most significant impacts on agricultural suitability are related to lot access and fragmentation. As a result of the McCurdy Road extension, there is currently no road access to the southeast parcel. The most obvious option for access would be from McCurdy Road, but this is a relatively busy, high grade road with a sharp curve at the Subject Property. In addition, the City of Kelowna

would have to approve any plans to create access to this parcel. It may be difficult for slow-moving farm equipment to safely enter and exit this parcel due to limited visibility and relatively fast, heavy traffic.

Lot fragmentation has resulted in the creation of two relatively small lots of 1.01 ha and 0.84 ha, bisected by McCurdy Road. In addition, 0.88 ha of the original parcel was lost to the road and shoulders. When the influence of these conditions is combined with the impacts on agricultural capability there is an inevitable, concurrent negative impact on agricultural suitability.

There are no obvious commercial agricultural options for either of the two lots on the Subject Property under the current conditions. The northwest lot has existing access, but it is small at only 1.01 ha (2.48 ac), part of which is occupied by a residence and associated structures. In addition, a relatively substantial portion of this lot has been modified (including increased slope angles) to accommodate the road grade and shoulder. Without access to the southeast parcel, there can be no commercial, agricultural or residential development of this lot. In addition, it is also small at 0.84 ha (2.18 ac), and possibly has altered soil conditions along McCurdy Road and the shoulder on the west boundary.

### **Summary**

- ❖ The ALC conditionally approved plans to extend McCurdy Road across the Subject Property (which is in the ALR). The ALC approval conditions included lot consolidation and fencing to minimize lot fragmentation within the ALR.
- ❖ The McCurdy Road extension was constructed in the absence of lot consolidation, and apparently without the approval of the ALC. To date, no records of the related approvals have been provided by the City of Kelowna.
- ❖ The Subject Property has been bisected by construction of the McCurdy Road extension. As a result, two parcels were created, one on either side of McCurdy road; measuring 1.01 ha (2.48 ac) on the northwest side, and 0.84 ha (2.18 ac), on the southeast side. The remaining area in the middle of the parcel (0.88 ha) was used to build the road and shoulders.
- ❖ Currently there is no access to the southeast parcel, which makes it unsuitable for any commercial, residential or agricultural uses.
- ❖ The agricultural capability of the northwest parcel has been reduced to include an estimated Class 5T limitation due to increased slope angles adjacent to the west side of McCurdy Road.
- ❖ The agricultural capability of the both parcels may have been compromised by altered soil conditions, resulting from road construction along the boundaries of McCurdy Road. (Further field work would be required to confirm the current soil conditions on the Subject Property).
- ❖ The agricultural suitability of both parcels has been primarily compromised by reduced lot sizes, the loss of agricultural land, a lack of access to the southeast parcel and increased slopes on the northwest parcel.
- ❖ No viable commercial agricultural land uses were identified for either of the parcels due to issues associated with agricultural capability and suitability.



### Limitations

I, Catherine Orban certify that I supervised and carried out the work as described in this report. The report is based upon and limited by circumstances and conditions referred to throughout the report and upon information available at the time of the site investigation. I have exercised reasonable skill, care and diligence to assess the information acquired during the preparation of this report. I believe this information is accurate but cannot guarantee or warrant its accuracy or completeness. Information provided by others was believed to be accurate but cannot be guaranteed.

The information presented in this report was acquired, compiled and interpreted exclusively for the purposes described in this report. I do not accept any responsibility for the use of this report, in whole or in part, for any purpose other than intended or to any third party for any use whatsoever. This report is valid for one year only after the date of production.

Catherine Orban, M.Sc., P.Ag.

  
December 5/2008

### References

- BC Ministry of Agriculture and Food and Ministry of Environment, April 1983. *Land Capability for Agriculture in British Columbia. MOE Manual 1.* Surveys and Resource Mapping Branch and Soils Branch: Kelowna, British Columbia.
- BC Ministry of Environment, 1986-1987. Land Capability for Agriculture of the Okanagan and Similkameen Valleys, Mapsheet 82E.094 at 1:20,000. Thematic Mapping Unit, Surveys and Resource Mapping Branch: Victoria, British Columbia
- BC Ministry of Environment, March, 1986. MOE Technical Report 18, Soils of the Okanagan and Similkameen Valleys, Report No.52, British Columbia Soil Survey. U. Wittenben, P.Ag., Soils and Resource Mapping Branch: Victoria, British Columbia.
- BC Ministry of Environment, 1986. Soils of the Okanagan and Similkameen Valleys, Mapsheet 82E.094 at 1:20,000. Thematic Mapping Unit, Surveys and Resource Mapping Branch: Victoria, British Columbia.
- City of Kelowna, 2007. Consolidated Zoning Bylaw 8000, Section 11, Agricultural Zones. Revised: November 1, 2007. Website link:  
<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws%5CZoning%20Bylaw%20No.%208000/Section%2011%20-%20Agricultural%20Zones.pdf>
- Soil Classification Working Group, 1998. *The Canadian System of Soil Classification.* Agric. and Agri-Food Can. Publ.1646 (Revised). 187 pp.

**REFERENCE DOCUMENT 1 – ALC letter excerpt - conditional approval of McCurdy Road extension.**

September 9, 1997

Reply to the attention of Ross Blackwell

Intercept Developments Ltd  
Box 10147 - 14th Flr - 701 W Georgia St  
Vancouver, B.C. V7Y 1A1

Dear Sir:

Re: Application #G-31439

The Agricultural Land Commission has considered your application regarding land described as:

1. Lot A Section 25 Township 26 QDYM (Osageous Div. of Yale) Plan 5499
2. Lot 4 Section 25 & 26 Township 26 QDYM (Osageous Div. of Yale) Plan 1515.
3. Lot 3 Section 25 & 26 Township 26 QDYM (Osageous Div. of Yale) Plan 1515 EXCEPT Plan 13040.
4. Lot 1 Section 26 Township 26 QDYM (Osageous Div. of Yale) Plan 41383.
5. Lot 2 Section 26 Township 26 QDYM (Osageous Div. of Yale) Plan 41383.

The Commission, acting under Section 14(2) of B.C. Regulation 313/78, by Resolution #477097, has allowed your application to extend McCurdy Road in order to connect the Tower Ranch development to the major street network.

This approval is granted provided that your layout is in substantial compliance with the plan attached hereto but is subject to consolidation and fencing designed in such a way as to minimize fracturing of lot configurations and impact on efficient actual or potential orchard operation. In accordance with this condition, please prepare a plan with input from affected land owners, for Commission consideration. A suggested consolidation scheme has been attached for guidance.

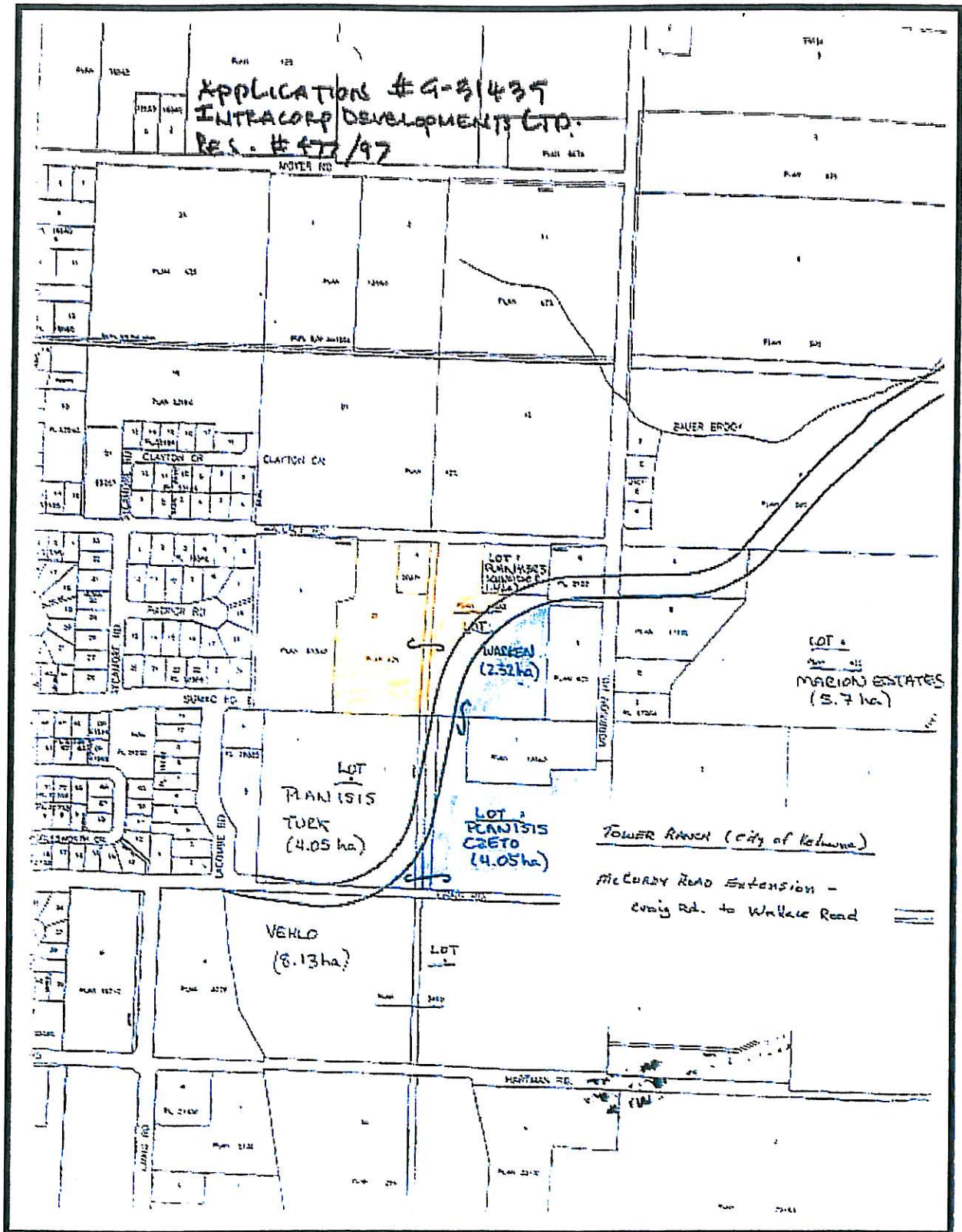
The land referred to in the application continues to be subject to the provisions of the Act and regulations except as provided by this conditional approval.

This conditional approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation which may apply to the land. This includes zoning, subdivision or other land use bylaws, and decisions of any authorities which have jurisdiction.

Please obtain the confirmation of the Commission if any substantial changes are requested to the proposal as conditionally approved by this office.

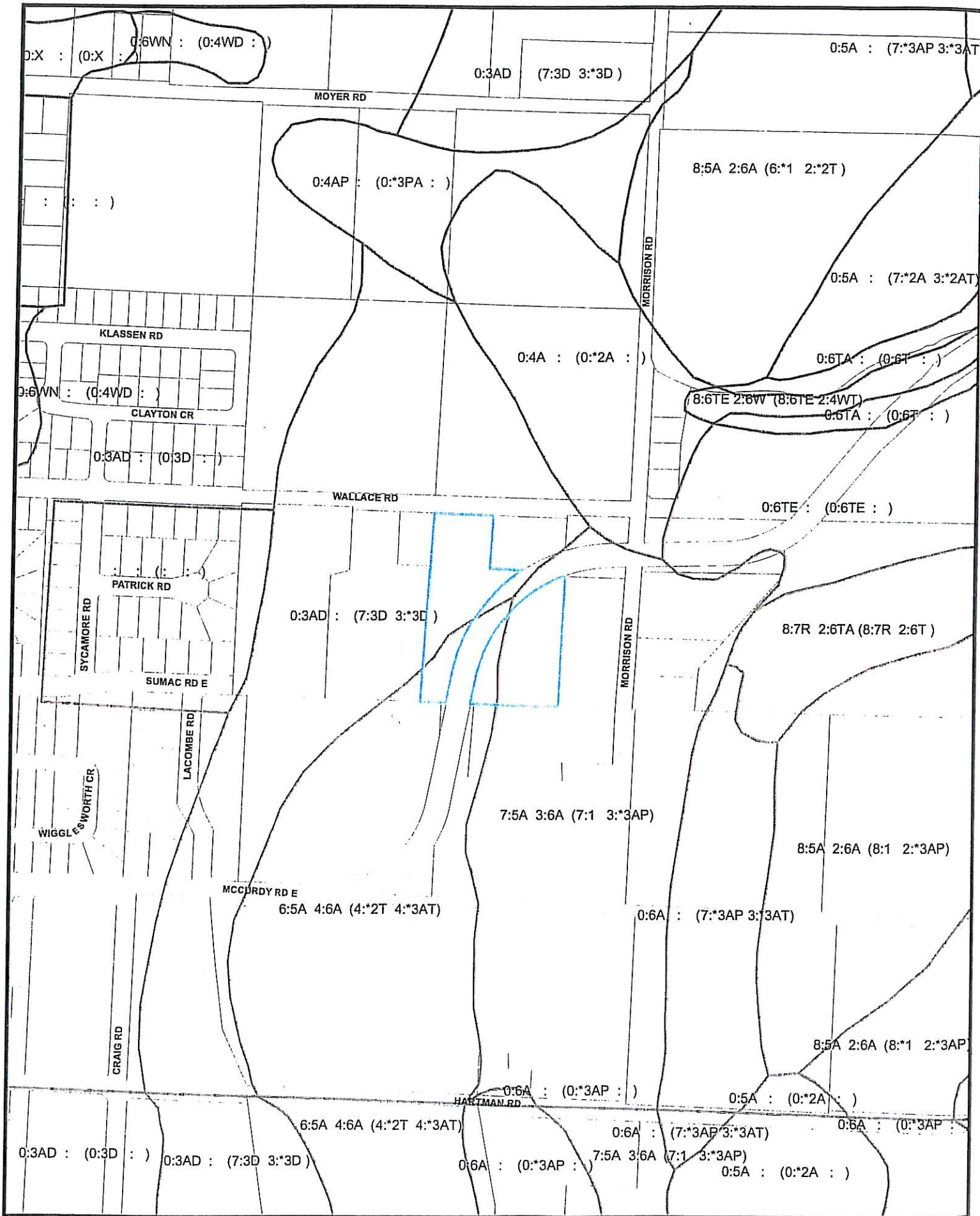
Once the parcel consolidation and fencing requirement has been met to the satisfaction of the Commission and the final survey plans or diagrams as required for Land Title purposes have been prepared, please send two paper prints to this office, well in advance of commencing registration procedures at the Land Title Office. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

**REFERENCE DOCUMENT 1 – ALC letter excerpt – Suggested Consolidation Scheme.**

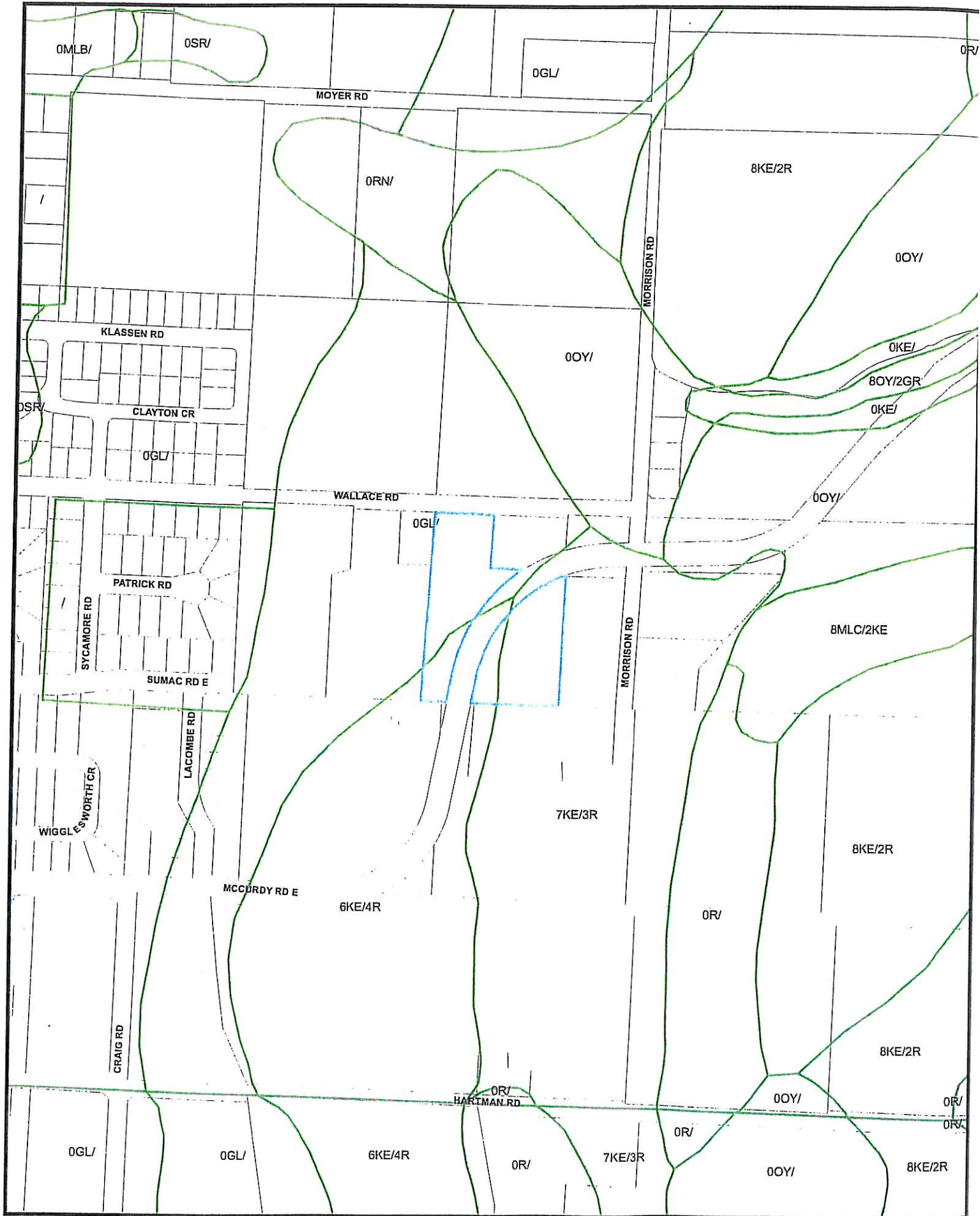


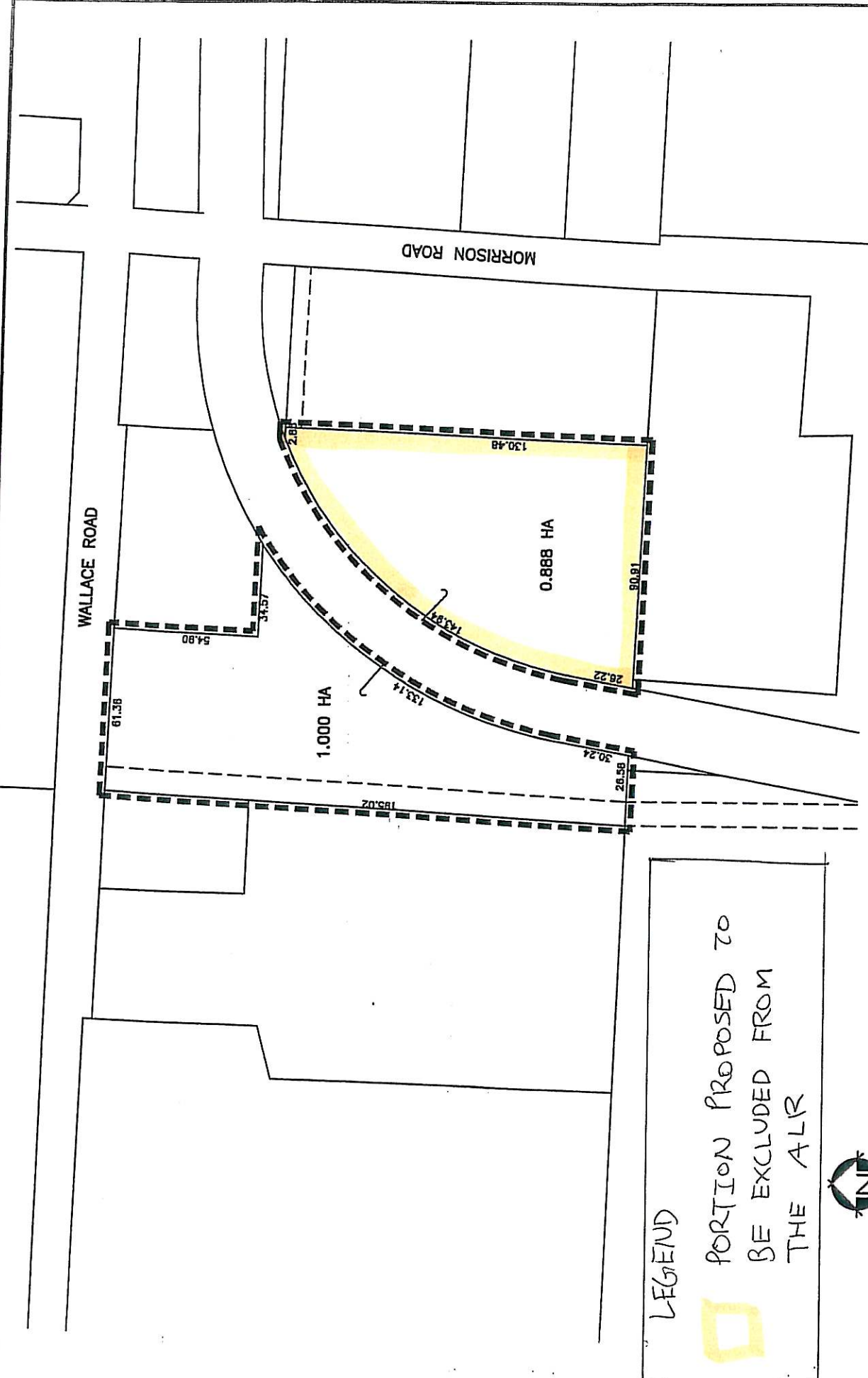


# Land Capability = Brown/ Soil Class = Green




Land Capability = Brown/ Soil Class = Green





LEGEND

 PORTION PROPOSED TO BE EXCLUDED FROM THE ALR



1:2000

**PROTECH**  
 CONSULTANTS LTD.  
 200-1161 St. Paul Street, Kelowna, B.C.  
 PHONE 880-1771  
 FAX 880-1894

EXCLUSION UNDER SECTION 30(1) OF  
 THE AGRICULTURAL LAND COMMISSION ACT.  
 ARJAN SINGH POONIAN  
 LOT 1, SEC 36, TWP 26 ODYD  
 PLAN 41383, EXCEPT PLAN KAP60857  
 781 WALLACE ROAD, KELOWNA, B.C.





**PROTECH CONSULTANTS LTD.**  
 200-161 St. Paul Street, Odessa, FL  
 PHONE 888-1771  
 FAX 888-1994

**PORTION PROPOSED TO BE EXCLUDED FROM THE ALR**