
CITY OF KELOWNA
MEMORANDUM

Date: September 30, 2009
File No.: A09-0009
To: City Manager
From: Community Sustainability Division
Purpose: To obtain approval from the Agricultural Land Commission under Section 30(1) of the *Agricultural Land Commission Act* to exclude the subject property from the Agricultural Land Reserve.
Owner: Francis Duncan **Applicant:** Protech Consultants Ltd. (G. Maddock)
At: 2293 Charleswood Drive
Existing Zone: A1 – Agriculture 1
Report Prepared By: Luke Turri

1.0 RECOMMENDATION

THAT Agricultural Land Reserve Appeal No. A09-0009 for Lot 1 Section 12 & 13 Township 26 ODYD Plan KAP62978, located at 2293 Charleswood Drive, Kelowna, B.C. for exclusion from the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act not be supported by Municipal Council;

AND FURTHER THAT Municipal Council forward the subject application to the Agricultural Land Commission.

2.0 AGRICULTURAL ADVISORY COMMITTEE

At a meeting held on August 13, 2009, the Agricultural Advisory Committee passed the following recommendation:

THAT the Agricultural Advisory Committee not support Agriculture Application No. A09-0009, for 2293 Charleswood Drive by Protech Consultants Ltd. which seeks obtain approval from the Agricultural Land Commission under Section 30(1) of the ALC Act to exclude the subject property from the ALR.

In addition, the following anecdotal comments were recorded in the minutes:

The Agricultural Advisory Committee did not support this application because 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 straddles the existing ALR boundary, however it is the policy of the City to not permit the expansion of existing non-ALR, residential enclaves located in rural surroundings. Existing development in the surrounding areas has already placed pressure on the historically agricultural Belgo/Garner Road area, and further development would only add to this strain on the identified "Urban-Rural Agriculture Boundary".



The above comments mirror Land Use Management staff comments presented in the Committee report. The members requested that this portion of staff comments be included as an anecdotal comment to Council.

3.0 SUMMARY

The applicant is requesting permission from the Agricultural Land Commission (ALC) to allow the subject property to be excluded from the Agricultural Land Reserve. Currently, roughly one-third of the parcel is outside of the ALR (eastern portion).

4.0 SITE CONTEXT

The subject property is located west of the Kirschner Mountain subdivision, and south of Garner Road, accessed through the Charleswood Drive subdivision. The total site area is 20.4 hectares (50.42 acres) and the site elevation varies between 540 m and 630 m.

4.1 BCLI Land Capability (Map 82E.094)

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, with Improvements
North/ Northwest (ALR/non-ALR)	60% Class 4 with soil moisture deficiency 40% Class 5 with soil moisture deficiency and topography constraints	60% Class 1 20% Class 3 with topography constraints 20% Class 3 with soil moisture deficiency and stoniness
West (ALR)	60% Class 5 with soil moisture deficiency and stoniness 40% Class 4 with soil moisture deficiency	40% Class 3 with soil moisture deficiency and stoniness 40% Class 2 with soil moisture deficiency 20% Class 3 with topography and stoniness
Southwest (ALR/non-ALR)	40% Class 5 with soil moisture deficiency and stoniness 40% Class 4 with soil moisture deficiency and topography 20% Class 5 with topography and soil moisture deficiency	60% Class 3 with stoniness and topography 40% Class 2 with soil moisture deficiency and topography
East (non-ALR)	50% Class 5 with topography and soil moisture deficiency 30% Class 6 with topography and depth to solid bedrock and/or rockiness 20% Class 6 with topography and soil moisture deficiency	50% Class 3 with topography and soil moisture deficiency 30% Class 6 with topography and depth to solid bedrock and/or rockiness 20% Class 6 with topography

4.2 Soil Classification (Map 82E.094)

Portion of Site	%	Soil Type	Description
North/ Northwestern (ALR/non-ALR)	80%	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.
	20%	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.
West (ALR)	60%	PA - Peachland	<u>Land</u> : hummocky, pitted fluvioglacial deposits (kame) often over gently to very steeply sloping glacial till. <u>Texture</u> : 100cm or more of gravelly silt loam, gravelly sand loam or gravelly loamy sand. <u>Drainage</u> : Well.
	40%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well.
Southwest (ALR/non-ALR)	60%	PA - Peachland	<u>Land</u> : hummocky, pitted fluvioglacial deposits (kame) often over gently to very steeply sloping glacial till. <u>Texture</u> : 100cm or more of gravelly silt loam, gravelly sand loam or gravelly loamy sand. <u>Drainage</u> : Well.
	40%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well.
East (non-ALR)	70%	HD - Harrland	<u>Land</u> : eolian veneer over gently to very steeply sloping glacial till. <u>Texture</u> : 10 to 30 cm of sandy loam or loamy sand over gravelly sandy loam or gravelly loamy sand. <u>Drainage</u> : Well.
	20%	PL - Postill	<u>Land</u> : colluvial veneer over moderately to extremely sloping bedrock. <u>Texture</u> : 10 to 100 cm of stony, gravelly loamy sand, or gravelly sandy loam over bedrock. <u>Drainage</u> : Well to rapid.
	10%	MLC – Misc.	Exposed bedrock or rock areas covered by less than 10cm of mineral soil.

4.3 Zoning of Adjacent Property

North	A1 – Agriculture 1
South	A1 – Agriculture 1
East	RU1h – Large Lot Housing (Hillside Area) & A1 – Agriculture 1
West	A1 – Agriculture 1

5.0 BACKGROUND & PROPOSAL

The applicant proposes to exclude the subject property from the ALR. The eastern portion of the property is not within the ALR boundaries. The boundary line runs roughly north-south across the property, in a zig-zag fashion. The subject property was subdivided from a larger 40.2 ha (100 acre) parcel in 1989, where two 20.2 ha (50 acre) parcels were created. This parent parcel was owned by the applicant and his brother since 1952, and a portion of the lands (to the southwest of the subject property) were successfully used for orcharding, approximately 3.2 ha. This parcel remains in the family today (with the applicant's widowed sister-in-law).

At present a residence is located near the western property boundary, with a narrow driveway access accommodated through the Charleswood Drive subdivision (completed before the ALR was in place). No agricultural activity currently takes place on the subject property. A limited amount of cattle grazing has occurred on the property in the past several years. The applicant has provided an Agricultural Capability Assessment for the property from a Professional Agrologist, excerpts of which are attached. The applicant has not outlined the intentions for the parcel if successful with the exclusion, however, the portion of the subject property outside of the ALR is currently designated for single family housing in the Official Community Plan.

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.

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 impacted by soil moisture deficiencies and topographical constraints.

Although the ALR boundary dissecting the site does not appear to mirror any particular topographical or land capability boundaries, there does appear to be significant portions of the subject property that could achieve agricultural productivity. Provincial mapping lists Class 1, 2 & 3 land capabilities based on irrigation improvements. A detailed analysis of soil classification and land capability was completed for the owner through the attached Agricultural Capability Assessment.

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 straddles the existing ALR boundary, however it is the policy of the City to not permit the expansion of existing non-ALR, residential enclaves located in rural surroundings. Existing development in the surrounding areas has already placed pressure on the historically agricultural Belgo/Garner Road area, and further development would only add to this strain on the identified "Urban-Rural Agriculture Boundary" outlined in the OCP (Map 11.2), which parallels the ALR boundary on the subject parcel.

Should Council choose to support the application, an alternate recommendation is provided below:

8.0 ALTERNATE RECOMMENDATION

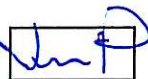
THAT Agricultural Land Reserve Appeal No. A09-0001 for a portion of Lot 1 Section 36 Township 26 ODYD Plan 41383 Except Plan KAP60857, located at 781 Wallace Road, Kelowna, B.C. for exclusion from the Agricultural Land Reserve, pursuant to Section 30(1) of the Agricultural Land Commission Act be supported by Municipal Council;

AND FURTHER THAT Municipal Council forward the subject application to the Agricultural Land Commission.



Shelley Gambacort
Director of Land Use Management

Approved for inclusion:



Jim Paterson
General Manager, Community Sustainability

ATTACHMENTS

Location map of subject property

Agricultural Land Reserve map of subject property

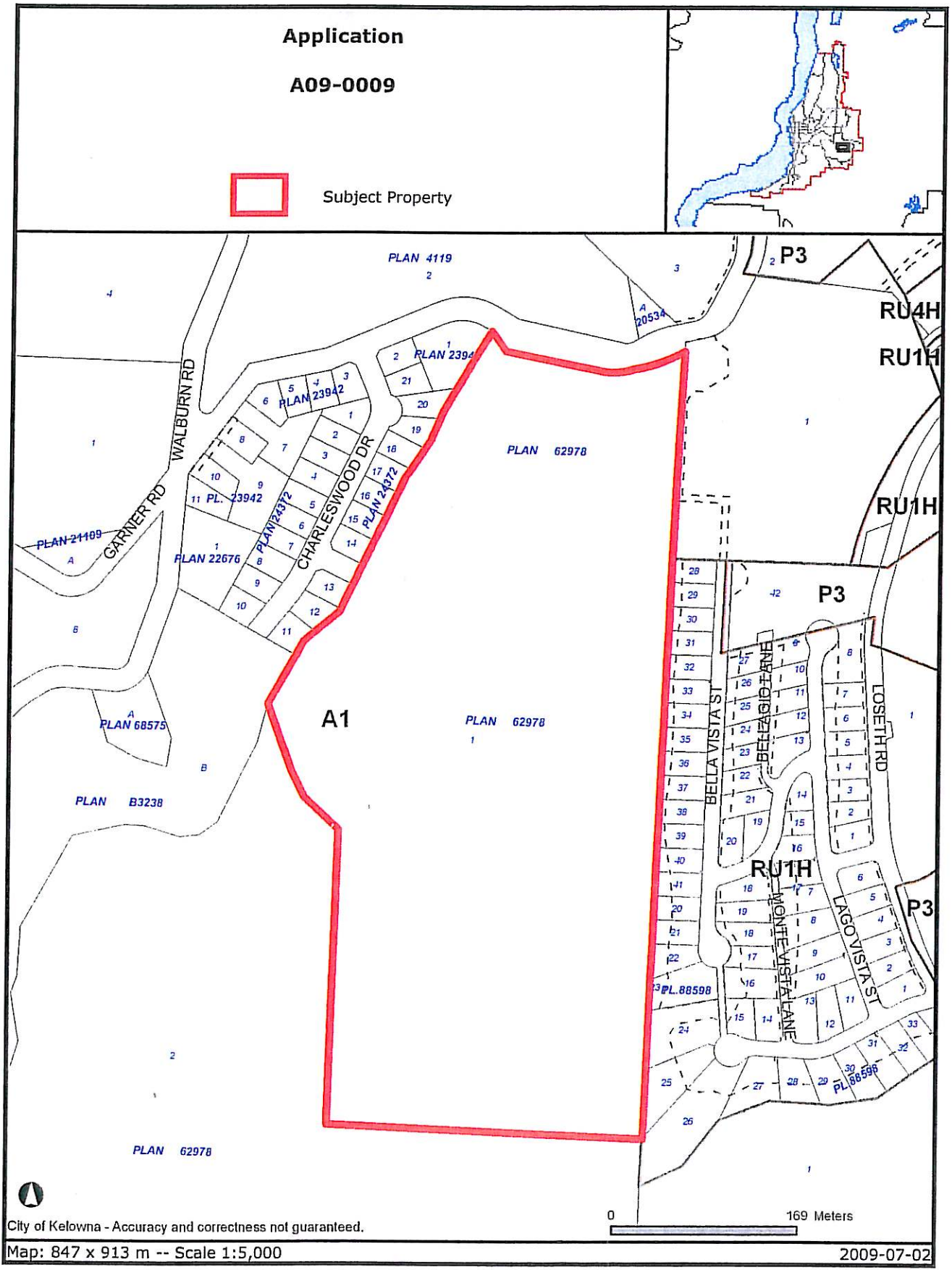
Topographical Mapping of subject property

Air photo of subject property

ALC Application by applicant (2 pages)

Agricultural Capability Assessment, including site photos (excerpt, 9 pages)

Land Capability and Soil Classification maps (2 pages)



*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.*

Application
A09-0009

ALR

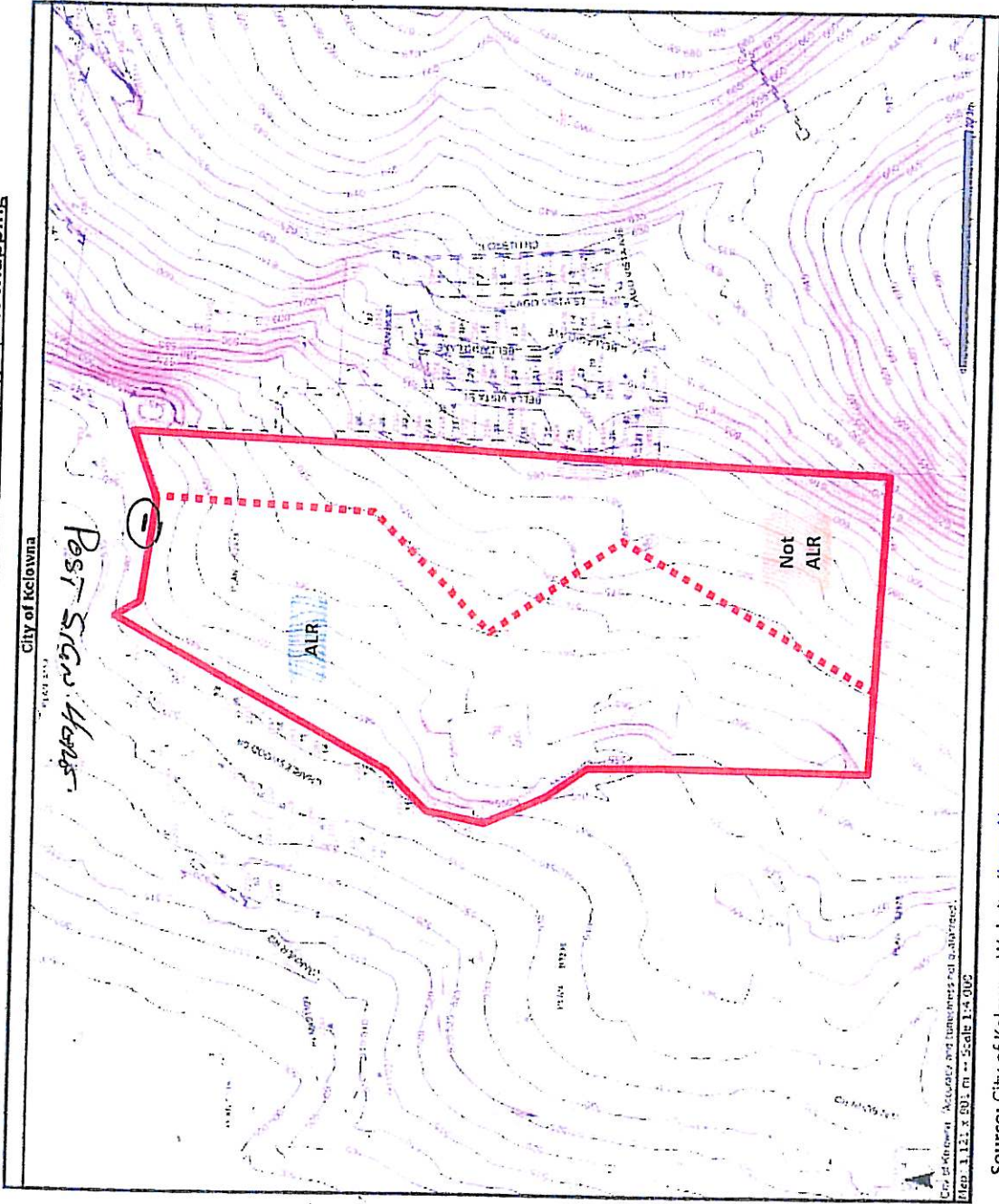
Subject Property



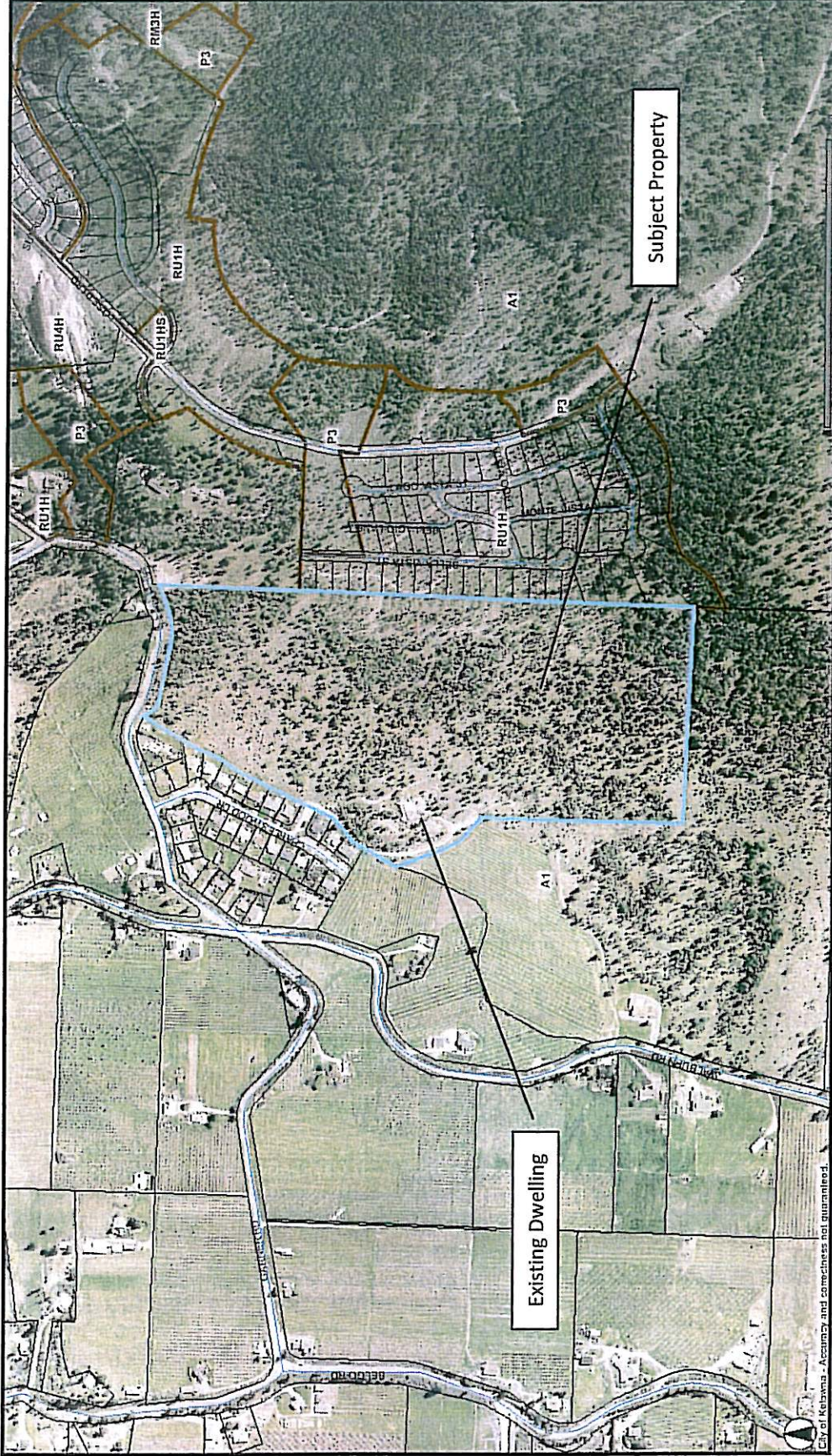
City of Kelowna - Accuracy and correctness not guaranteed.
Map: 847 x 913 m -- Scale 1:5,000
2009-07-02

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.

Figure 3 - 2293 Charleswood Drive, Kelowna, BC – Topographic Mapping



Source: City of Kelowna Website (http://www.kelowna.ca/website/kelowna_map_viewer/viewer.cfm) Date: 2003



A09-0009
2293 Charleswood Drive
Ortho photo of surrounding area.

City of Kalamazoo - Accuracy and completeness not guaranteed.

AGRICULTURAL CAPABILITY ASSESSMENT

for

2293 Charleswood Drive,

Kelowna, BC

Lot 1, Plan 1639, KAP 62978

Prepared for: MR. MIKE DUNCAN
2293 Charleswood Drive
Kelowna, BC, V1P 1E4

Prepared by: CATHERINE ORBAN, MSc, PAg
1977 Harlequin Cres.
NanOOSE Bay, BC, V9P 9J2

Version: FINAL

Report Date: April 28, 2009

Project: 135-1001

1.0 INTRODUCTION

1.1 Project Description

As requested by Mr. Grant Maddock of Protech Consultants Ltd., agent for Mr. Mike Duncan (the Landowner) a detailed Soils on Site Inspection of the property at 2293 Charleswood Drive, Kelowna, BC (the Subject Property) was carried out by Catherine Urban, MSc, PAg on September 9, 2008. The purpose of this inspection was to assess the agricultural capability of the Subject Property. The Landowner requested this inspection as a component of his application to the Agricultural Land Commission (ALC) to exclude the Subject Property from the Agricultural Land Reserve (ALR).

This report begins with a description of the site conditions of the Subject Property and surrounding area. The following three sections describe the soils, climatic capability for agriculture and overall agricultural capability of the Subject Property. Each of these three sections presents information both from published government sources (eg. soil surveys) as well as the results from the site inspection carried out on September 9, 2008. These are followed by a summary of the agricultural suitability of the Subject Property, and an impact analysis of the proposed exclusion. The assessment summary and conclusions are presented at the end of the report.

Catherine Urban has a Master of Science Degree in Geography, specializing in Soil Science. She has been conducting soils assessments since 1985. She has been a registered professional agrologist (PAg) since 1999, first in Alberta, and later in British Columbia where she has worked on a variety of soils assessment, management, remediation and reclamation projects in the agricultural and environmental sectors. Her resume is included with this report (Appendix E).

2.0 LOCATION, HISTORY AND LAND USE

2.1 Subject Property

The Subject Property covers 20.2 ha (50 ac) and is located at 2293 Charleswood Drive, on the east side of Kelowna, approximately 5.0 km east of Highway 97, and 1.5 km south of Highway 33 (Appendix A, Figure 1). Approximately 12.7 ha (31.4 ac) or 63% of the Subject Property, is located in the ALR, while the remaining 7.5 ha (18.6 ac) or 37% is not in the ALR (Appendix A, Figure 2). The dividing line runs north-south, and zig zags through the central area of the Subject Property. The entire property 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 Subject Property is approximately rectangular (+/- 290 m x 720 m), with frontage on Garner Road (north side). However, the primary access to the Subject Property is off Charleswood Drive, along a narrow access and winding driveway on the west side. A single family dwelling (built in 1994) is located above a very steeply sloping rocky slope on the west side near the property boundary. The Subject Property is located in a transitional area on the edge of the ALR, between very steep, rocky uplands that are too rugged for agricultural or grazing activities, and orchards on the relatively gentle slopes below. It is characterized by variable

topography; including several near-vertical bedrock outcrops, a gently sloping area and moderate to extreme complex slopes. The remnants of what appears to be a kame terrace occupies the east central area of the Subject Property. The elevation ranges from +/-540 m ASL at points on the central west side and in the northwest corner to +/-630 m ASL in the southeast corner, with a generally west to northwest aspect. There are no obvious differences in topography between the areas that are in and out of the ALR in the Subject Property. Therefore, it does not appear that topography provided the basis for determining the location of the ALR boundary (Appendix A, Figure 3).

The Subject Property originally was part of a 40.4 ha (100 ac) parcel that was jointly purchased by the Landowner and his brother circa 1952. In the early 1960's they developed a successful orchard that occupied +/-8 ac (+/-3.2 ha) on the gently sloping southwestern portion of the parcel, below +/- 550 m ASL. (According to the Landowner, this was the only area of the parcel that was suitable for an orchard). They pumped water from an irrigation ditch on the west side of the Subject Property to make up for shortfalls in moisture during the dry season. In 1989, when the Landowner retired from active farming the original property was subdivided into two 20.2 ha (50 ac) parcels. All of the orchard area was kept in the southwestern parcel, which belongs to the Landowners' widowed sister-in-law. Most of the steep rocky terrain was allocated to the northeastern parcel, which comprises the Subject Property.

Over the last several years, a limited number of cattle have been grazing on the Subject Property to help reduce the fire hazard. In a typical year approximately 12 cattle can graze for up to 3 weeks on the undeveloped portion of the Subject Property. Otherwise, the Subject Property (the 20.2 ha/50 ac northeastern parcel of the original property) has not been used for any agricultural purposes during the 60+ years it has been in the Landowner's family.

2.2 Surrounding Land Use

A variety of land uses are found in the area including horticultural and soil-bound agriculture, orchards, berries, hobby farms as well as rural and suburban residential properties. Land uses adjacent to the Subject Property are primarily zoned A1, and include small lot rural residential to the northwest, orchards to the north and west, and undeveloped forested land to the south and east. An area adjacent to the Subject Property on the east side has been subdivided and cleared for small lot rural residential use, but no houses have been built to date. This area is zoned for rural residential and parks-open space. (Appendix A, Figures 2 and 3).

The adjacent properties on the east and south sides of the Subject Property are not in the ALR. In addition, the small lot residential subdivision on the northwest side is not in the ALR. Only the properties to the north and southwest of the Subject Property (primarily occupied by orchards) are in the ALR. The Subject Property is located on an undeveloped strip of land between two small lot residential subdivisions. (Appendix A, Figures 2 and 3). The Kirschner Mountain development which is anticipated to eventually include +/- 750 residential units is located on the east side of the Subject Property. The increasing suburban development on both sides of the Subject Property is anticipated to create issues with the security and management of any livestock that is kept in this area of the parcel.

3.0 SOILS INFORMATION

Soil conditions are the primary factor in determining the overall agricultural capability of any given site. The soil conditions on the Subject Property are described in this section; beginning with the published government survey information, followed by the soil conditions as described by the lab data and observed during the site inspection, conducted on September 9, 2008.

7.0 IMPACT ANALYSIS

7.1 Potential Impact of Agricultural Development of Subject Property on Surrounding Lands

AC Units 1 through 6 are undeveloped and have not been used for any commercial agricultural activities. However, a limited number of cattle are grazing in this area for +/- 3 weeks per year to reduce the fire hazard. If this portion of the Subject Property was subdivided and used for hobby farms or acreages as described in Section 6.5, there would not be any significant impacts on the surrounding area.

7.2 Potential Impacts of Exclusion on Subject Property & Agricultural Productive Capacity

The results of this investigation indicate that there would be no negative impacts on local or regional agricultural productive capacity if the Subject Property was excluded from the ALR. There is practically no potential for the parcel to be developed for any commercially viable agricultural activities. Adverse site conditions have prevented the Subject Property from contributing to local and/or regional agricultural capacity for more than 45 years. This area could just as easily be developed for the uses described in Section 6.5 if it was excluded from the ALR or subdivided into smaller acreages.

7.3 Potential Impact of Exclusion on Surrounding Agricultural Operations

The Subject Property has not been productive for over 55 years and is not connected to any surrounding agricultural operations. Therefore, the exclusion of the Subject Property from the ALR is not anticipated to have any significant impacts on surrounding agricultural operations.

7.4 Precedent of Exclusion for Triggering Future Applications

The combined environmental, political and social context of the Subject Property is very uncommon in the Kelowna area. The Subject Property is located in a transitional area on the edge of the ALR, between steep, rocky non-arable uplands, and orchards on relatively gentle slopes below. In addition, only a portion of the Subject Property (+/-63%; 12.7 ha) is in the ALR and is considered to be marginal for agriculture. The remaining area (+/-37%; 7.5 ha) is not in the ALR. Small-lot residential subdivisions are located on both the east and west sides of the Subject Property. The proximity of relatively high density housing combined with access through these neighbourhoods would create a variety of land management issues and land use conflicts if it was possible to develop any type of commercially viable agricultural operation on the Subject Property. If the Subject Property was excluded from the ALR, it would only set a precedent for other properties with similar environmental, political and social conditions. Other properties with higher agricultural capability ratings that are surrounded by agricultural properties entirely within the ALR would not be in any way comparable to the Subject Property.

8.0 SUMMARY AND CONCLUSIONS

8.1 Agricultural Capability and Proposed Exclusion of the Subject Property

- The Subject Property originally was part of a 40.4 ha (100 ac) parcel that was jointly owned by the Landowner and his brother. In 1963 they developed a successful 8 ac (3.2 ha) orchard on the gently sloping southwestern portion of the original parcel, below +/- 550 m ASL. In 1989 the original property was subdivided into two 20.2 ha (50 ac) parcels. All of the orchard area was kept in the southwestern parcel,

while most of the steep, rocky terrain was allocated to the northeastern parcel, which comprises the Subject Property.

- Over the last several years, a limited number of cattle have been grazing on the Subject Property to help reduce the fire hazard. In a typical year approximately 12 cattle can graze for up to 3 weeks on the undeveloped portion of the Subject Property. Otherwise, the Subject Property (the eastern parcel of the original property) has not been used for any agricultural purposes during the 55+ years it has been in the Landowner's family.
- The Subject Property is located on an undeveloped strip of land with marginal agricultural capability between two small lot residential subdivisions. The adjacent properties on the east and south sides of the Subject Property are not in the ALR. In addition, the small lot residential subdivision on the northwest side is not in the ALR. Only the properties to the north and southwest of the Subject Property (primarily occupied by orchards) are in the ALR. The increasing suburban development on both sides of the Subject Property would create issues with the security and management if any livestock was kept in this area of the parcel.
- Information obtained during the site inspection (Sept 9, 2008) indicated that the soils on the Subject Property are generally coarse-textured with relatively high coarse fragment fractions and low water storage capacities. This information was found to be in general agreement with soil survey information published by the Government of British Columbia.
- The Sept 9, 2008 field inspection did not indicate any obvious topographical, climatic or soils related rationale for the location of the ALR boundary that bisects the Subject Property along the N/S axis. In addition, a review of published information for the area did not indicate why the ALR boundary was established in its current location. It appeared that a more appropriate location for the ALR boundary may be generally along the west boundary of the Subject Property, at the foot of the steep slopes above the established orchards.
- AC Units 1, 2, 3 and 5 account for +/- 70% of the Subject Property area within the ALR. The unimproved agricultural capability ratings for this area are Class 5 A, T, and/or P as determined by the field inspection (at a mapping scale of +/- 1:5,000). The improved ratings (for tree fruits and grapes) were determined to be Class *4 A, T and/or P.
- AC Units 4 and 6 account for +/- 23% of the Subject Property area within the ALR. The unimproved agricultural capability ratings for this area range from Class 5 to Class 6, with A, T and/or R subclasses as determined by the field inspection (at a mapping scale of +/- 1:5,000). The improved ratings (for tree fruits and grapes) were determined to be Classes 3, 6 and 7 with A, T, P and/or R subclasses.
- AC Unit 7 accounts for +/-7% of the Subject Property area within the ALR and is rated Class AN due to the presence of residential structures and access areas.
- The agricultural capability of the portion of the Subject Property within the ALR is constrained by severe soil moisture deficiencies, high coarse fragment fractions in the upper soil profile, steep, complex topography and, to a lesser extent, rockiness. The limitation of chronic water shortages in the area is compounded by the relatively high elevation and low water storage capacity of the soils. There is practically no potential for the Subject Property to produce crops at a commercially viable scale. The Landowner has owned and

operated this and the adjacent parcel for +/-45 years, and has never identified an option to make it a commercially productive agricultural property.

- The most suitable agricultural use of the proposed parcel would be as an acreage(s) or hobby farm(s). However, the acreage owners may have issues with water supply in the dry season, and a lack of forage.
- The Subject Property is not currently connected to any local or regional agricultural operations. Therefore, the exclusion of the Subject Property from the ALR is not anticipated to have adverse impacts on local or regional agricultural operations or productive capacity.
- The exclusion of the portion of the Subject Property within the ALR would only potentially set a precedent for other properties in the area that have similar conditions including partial inclusion in the ALR, marginal agricultural capability and surrounding small lot residential neighbourhoods. Therefore, this exclusion is not expected to set a precedent for future applications by other properties with less severe limitations and more uniformly rural surrounding land use.

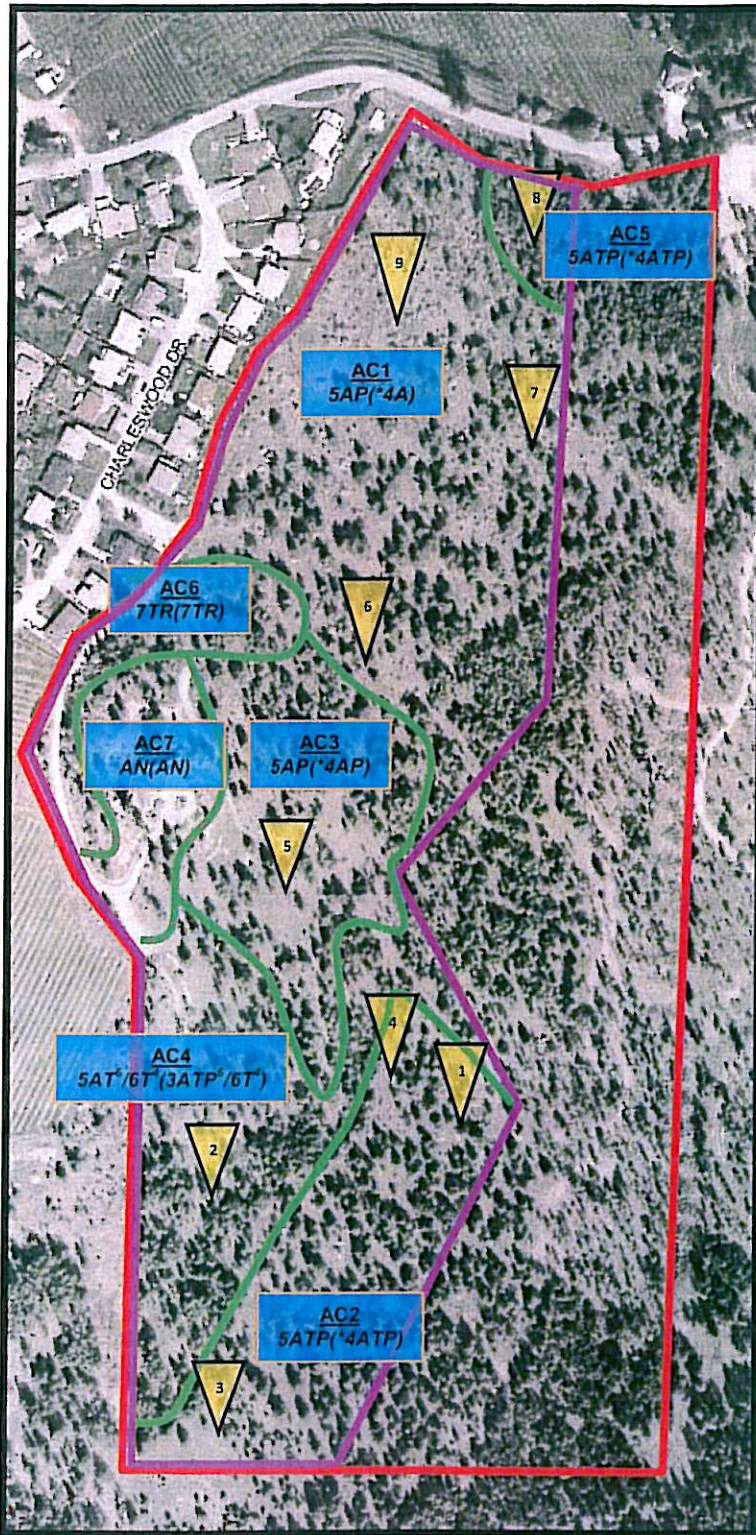
8.2 Conclusions

The Landowner would like to exclude the portion of the Subject Property that is in the ALR, thus creating a single parcel that is not partially within the ALR. He has demonstrated his dedication to agriculture by building successful orchards that continue to produce on the relatively gentle slopes on the west side of the original 40.4 ha parcel of land. It quickly became obvious that the upland portion of the parcel was not similarly suitable for agriculture, and when he retired from farming, the Landowner subdivided the property, keeping all of the productive orchards in the western parcel. The remaining parcel (the Subject Property) has never been used for commercial agricultural purposes, and under the current circumstances, there are no obvious options to do so in the foreseeable future.

9.0 REFERENCES

- Association of British Columbia Grape Growers, 1984. *Atlas of Suitable Grape Growing Locations in the Okanagan and Similkameen Valleys of British Columbia*. Agriculture Canada: Kelowna, BC
- BC Ministry of Environment, 1986-1987. *Land Capability for Agriculture of the Okanagan and Similkameen Valleys, Mapsheet 82E.083 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, 1983-1984. *Soils of the Okanagan and Similkameen Valleys, Mapsheet 82E.084 at 1:20,000*. Thematic Mapping Unit, Surveys and Resource Mapping Branch: Victoria, British Columbia.
- 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, 1981. *Climatic Capability Classification for Agriculture in British Columbia*. Climatology Unit - Air Studies Branch; Victoria, British Columbia.

Figure 10 – 2293 Charleswood Drive, Kelowna, BC – Site Plan – Agricultural Capability Units







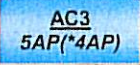
-  Soil Test Pit
-  ALR (approx)
-  Subject Property
-  Ag Capability Unit
-  **AC3**
5AP(*4AP) *Agricultural Capability Unit Unimproved (Improved)*
- * Improved Topography & Stoniness Ratings for Tree Fruits & Grapes



Photo 1 - 08.09.09 - 2293 Charleswood Drive, Kelowna, BC
Looking S – Bedrock outcrop beside driveway on steep slope.



Photo 2 - 08.09.09 - 2293 Charleswood Drive, Kelowna, BC
Looking E – Vegetation & topography near TP1 – Note very dry conditions, sparse grasses, exposed soils & bedrock.

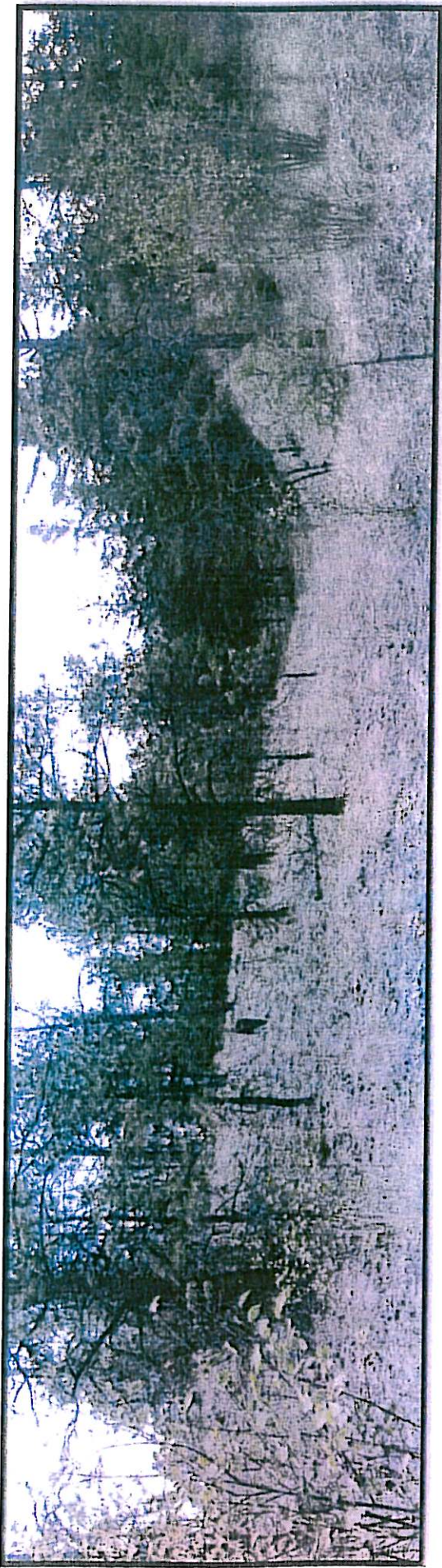


Photo 3 - 08.09.09 - 2293 Charleswood Drive, Kelowna, BC

Looking N>NE (in ALR) – Vegetation & moderate to steep complex topography near TP1 – Note very dry conditions, sparse grasses & exposed soils.



Photo 4 - 08.09.09 - 2293 Charleswood Drive, Kelowna, BC

Looking NE>E (in ALR) – Vegetation & moderate to strong complex topography near TP4 – Note very dry conditions, sparse grasses & exposed soils.

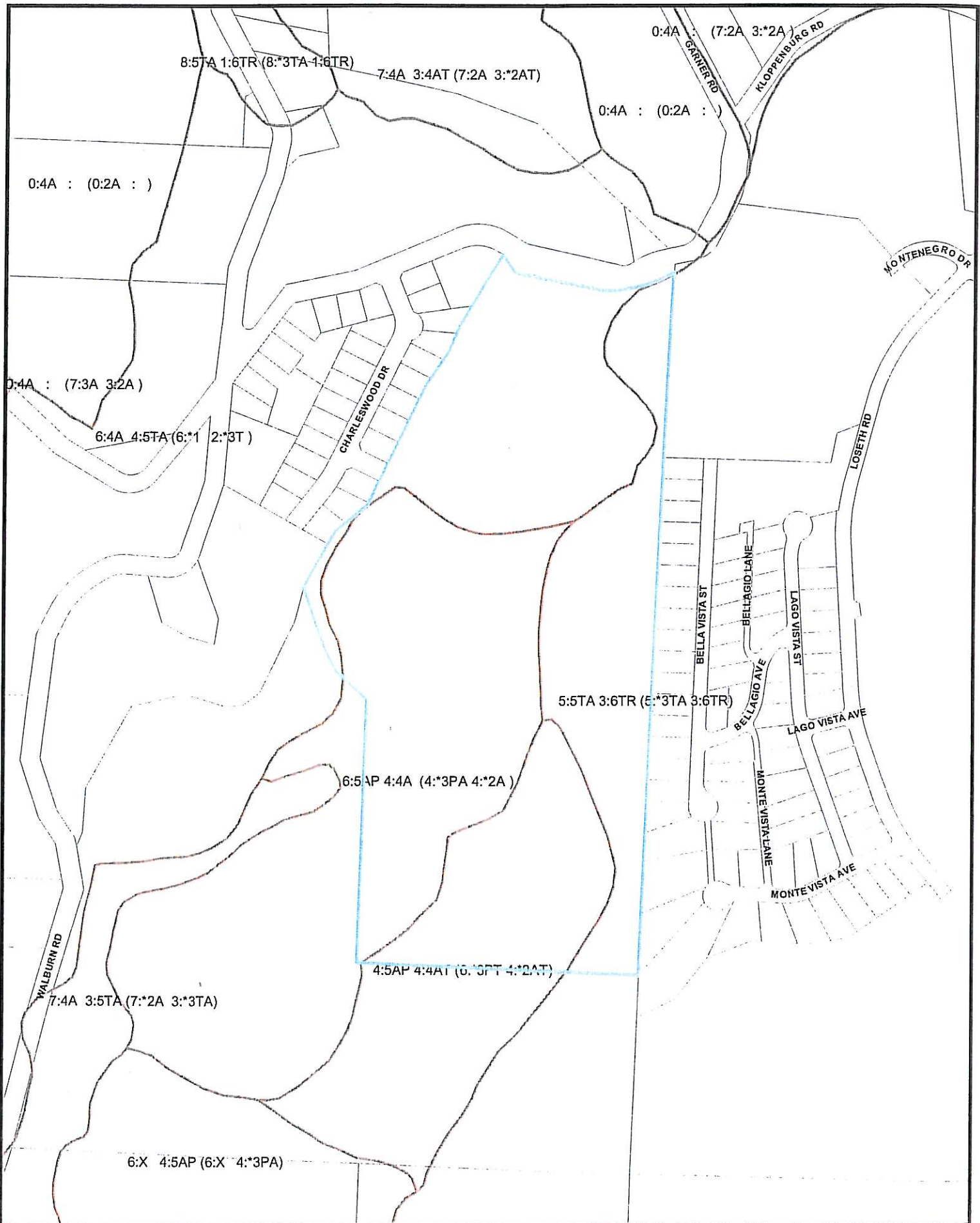


Photo 5 - 08.09.09 - 2293 Charleswood Drive, Kelowna, BC
Looking NW>N (in ALR) - Vegetation & topography near TP5 - Moderate to gentle slopes below kame terrace with trail (R side) -
Note very dry conditions, sparse grasses & exposed soils.

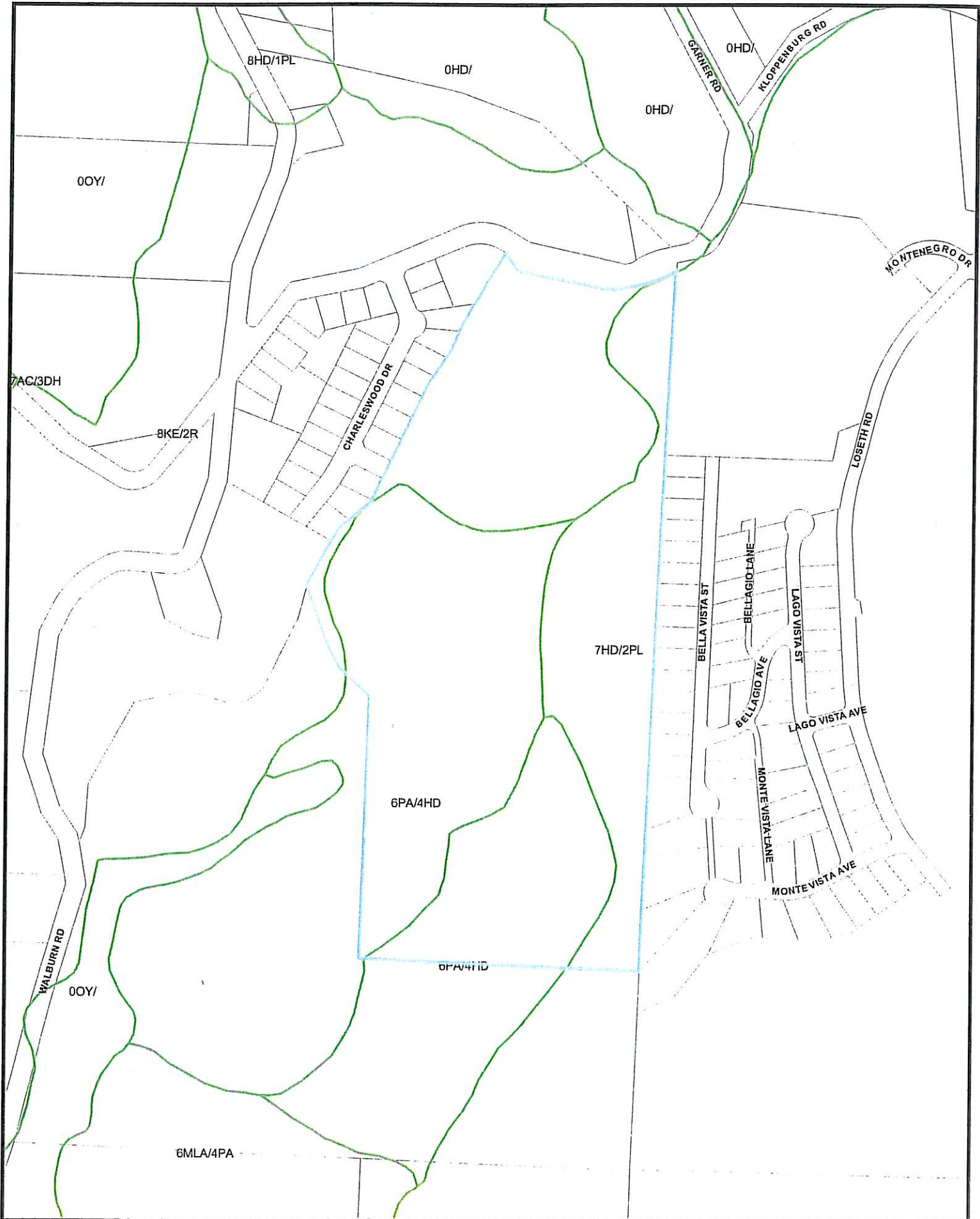


Photo 6 - 08.09.09 - 2293 Charleswood Drive, Kelowna, BC
Looking SW>W (in ALR) - Selectively logged, gently sloping to nearly level site near TP6 - Note very dry conditions, sparse grasses, exposed bedrock & soils.

Land Capability = Brown/ Soil Class – Green



Land Capability = Brown/ Soil Class – Green



1:5,000