



## Agricultural Land Commission Staff Report

**DATE:** August 27, 2009  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout  
  
**RE:** Application # 50350  
**PROPOSAL:** To exclude the 0.9 ha portion of the property lying to the south of McCurdy Road from the ALR.

### PROPOSAL INFORMATION

**Background:** The ALC approved the McCurdy Road extension under application #31439.  
**Received Date:** August 4, 2009  
**Applicant:** Arjan Poonian  
**Agent:** Protech Consultants (1989) Ltd  
**Local Government:** City of Kelowna

### DESCRIPTION OF LAND

**PID:** 014-311-861  
**Legal Description:** Lot 1 Section 36 Township 26 ODYD (Osoyoos Div of Yale ) Plan 41383  
Except Plan KAP60857  
**Civic Address:** 781 Wallace Road, Kelowna  
**Area:** 1.9 ha  
**ALR Area:** 1.9 ha  
**Purchase Date:** August 6, 2007  
**Owner:** Arjan Poonian

**Total Land Area:** 1.9 ha  
**Total ALR Area:** 1.9 ha  
**Current Land Use:** Unfarmed with a mobile home and shed on the north side.

### PROPOSAL DETAILS

#### Exclusion

Area	Agricultural Capability	Agricultural Capability Source
0.9	Prime	BCLI

**Surrounding Land Uses:**

North Wallace Road , farm  
 East Non-ALR, residence/hobby farm  
 South Hobby farm  
 West Single family residence, residence/hobby farm

**Official Community Plan****Bylaw Name:** Kelowna 2020**Designation:** Agriculture**OCP Compliance:** Yes**Zoning****Zoning Bylaw Name:** No. 8000**Zoning Designation:** Agriculture 1 Zone**Minimum Lot Size:** 2.0 ha**Zoning Compliance:** No**PREVIOUS APPLICATIONS****Application #:** 39124**Applicant:** Paul & rose Schneider**Proposal:** To subdivide a 0.5 ha lot from the 2.7 ha subject property under the Homesite Severance Policy.**Decisions:**

Resolution Number	Decision Date	Decision Description
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<b>Note:</b>	Resolution #1063/1987	allowed the proposal subject to the homesite being reduced to 0.42 ha in size.
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**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	Refuse	Recommend that the application not be supported by Council and that Council forward the application to the ALC as the applicant has not demonstrated a benefit to agriculture.
Board/Council	No Comment	Moved that the application be supported. Motion defeated.
Agricultural Advisory Committee	Refuse	Did not support application. The AAC was concerned that if the property were excluded from the ALR it would put undue pressure on the existing urban/rural boundary in the neighbourhood. Members noted that there is still agricultural viability on the lands. Subsequent to this motion, the applicant refined the proposal and is now asking for only the exclusion of the portion of the subject property lying to the south of McCurdy Road.

## **STAFF COMMENTS**

- The property was purchased in 2007 when the road was not built. The applicant thought there would be level access across the road. This is not possible, nor is access to either half of the property from McCurdy Road as it is a controlled access road.

- In a letter dated August 20, 2008 from Intracorp Developments Ltd. (the firm designing the road extension), it is stated that "farm/agricultural access will be provided at one location across McCurdy Road". It appears as though this was accepted as an alternative to consolidation as an ALC letter of October 15, 1998 indicates that "the conditions, as required by Resolution #477/1997, have been addressed to the satisfaction of the Commission."

## **ATTACHMENTS**

50350 ag cap.pdf

50350 proposal air photo.pdf

50350 previous application.pdf

50350 soils report.pdf

50350 Kelowna info.pdf

## **END OF REPORT**

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**Signature**

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**Date**