



Council Report

penticton.ca

Date: August 4, 2026
To: Anthony Haddad, City Manager
From: Yvonne Kent, Planner II
Address: 610 Pineview Road

File No: RMS/610 Pineview Road

Subject: **Agricultural Land Reserve (ALR) Exclusion Application**

Staff Recommendation

THAT Council forward the Agricultural Land Reserve (ALR) Exclusion Application for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470, located at 610 Pineview Road, an application to exclude a portion of the property from the Agricultural Land Reserve to the August 18, 2026, Public Hearing.

Strategic priority objective

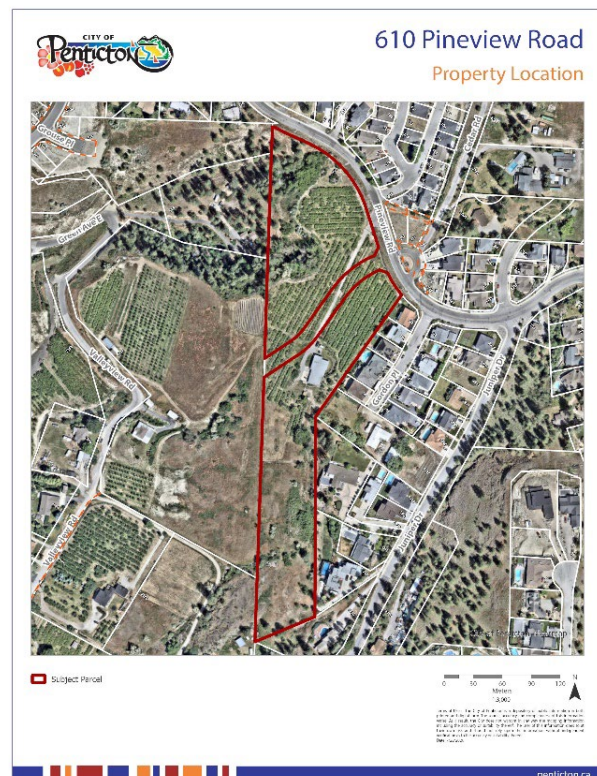
Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

The applicant is proposing to use a portion of a property within the Provincial Agricultural Land Reserve (ALR) for residential subdivision. This development is not permitted in the ALR, and an ALR exclusion application is required. The applicant has provided a letter of intent for the proposal (Attachment C).

Background

The property is located on the south side of Pineview Road, is 9.2 acres in size, and contains a single detached dwelling and orchard.



The property is zoned A – Agriculture with a portion to the north zoned R4-L – Small-Scale Multi-Unit Residential: Large Lot (Figure 2). The property is designated 'Low Density Residential' in the Official Community Plan (OCP). The surrounding area consists of residential development to the north, east, and south, and agricultural properties to the west.

Application History

ALR exclusion and subdivision of 610 Pineview Road has been contemplated since the 1990s. Several previous applications received approval with conditions, but a final subdivision plan was never completed:

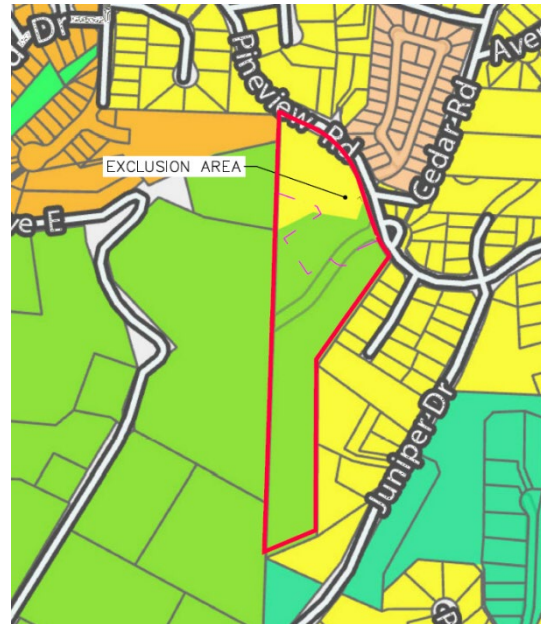


Figure 2 - Zoning Map with Proposed 2026 Exclusion Area (Pink Dash Line)

1993 – An ALR Exclusion Application is made for 610 Pineview Road. The ALR gives conditional approval to exclude the northern portion. Conditions included the preparation of a subdivision plan and a vegetative buffer along the ALR boundary.

1995 – The northern portion of 610 Pineview Road is rezoned to residential to align with the 1993 decision.

2011 – The City of Penticton Draft Upper Valley Area Plan, which contemplated residential development in the area and included 610 Pineview Road, is referred to the ALR. The Plan is endorsed by the ALR subject to the need for further applications as required (exclusions, subdivision etc.).

2011 – An ALR Exclusion Application for 610 Pineview Road, 2900 Valleyview Road, and 3050 Valleyview Road is given conditional approval by the ALR. Conditions included the preparation of a subdivision plan and a vegetative buffer along the ALR boundary.

2012 – A road dedication is completed through 610 Pineview Road in line with the now adopted Upper Valley Area Plan.

2023 – A new ALR Exclusion Application for only 610 Pineview Road is made. The request is refused, but a conditional exclusion is granted to exclude the northern portion of the property for residential development. Conditions included the preparation of a subdivision plan and a vegetative buffer along the ALR boundary.

2026 – A new ALR Exclusion Application has been made to primarily address changes to the subdivision design from 2023.

Financial implication

The ALR exclusion application fee is \$1,500. The City pays \$750 and the applicant pays \$750.

Technical Review

The application was reviewed by the city staff. Preliminary comments on the future subdivision, such as the need to close the existing dedicated road, adjust the R4-L portion of the property to match the proposed subdivision boundaries, and the need for development permit applications, were provided to the applicant.

Analysis

As per s.29 of the *Agricultural Land Commission Act*, landowners may no longer make exclusion applications to the ALR. The City of Penticton is required to make the application, should Council wish to continue with the exclusion process.

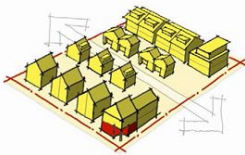
As per Council's ALR Exclusion Policy, applications for exclusion from the ALR will only be considered by staff if the property owner demonstrates both of the following:

1. The property owner(s) have exhausted all other applicable ALR Applications prior to considering exclusion from the ALR; and
2. No portion of the property(ies) are designated as 'Agriculture' by the City's Official Community Plan Bylaw.

This application is consistent with Council's ALR Exclusion Policy. The proposed residential subdivision requires ALR exclusion, and the property is designated 'Low Density Residential' in the OCP.

Official Community Plan

The property is designated 'Low Density Residential' within the OCP and has been designated for residential development since the 1990s. The designation permits low density residential land uses, such as single detached dwellings, duplexes, and townhouses, generally up to three storeys in height. The request to exclude a portion of the property from the ALR for residential development aligns with this designation.

Land Use	Description	Building Type(s)	Uses	Height / Density
Low Density Residential 	Lower-density residential areas with new housing types compatible with single-detached houses in character and scale but providing more units per lot	• Single detached houses with or without secondary suites and/or carriage houses • Duplexes with or without suites and/or carriage houses • Cluster housing • Townhouses • Bareland stratas • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop, childcare) • Low-rise apartment buildings	• Residential • Limited retail/service	• 1 to 4 units per lot • Up to 6 units subject to contextual design and adherence to DP guidelines Additional • units may be considered where lot consolidation occurs (e.g. consolidation of two lots could support twice as many units per lot) • Generally up to 3 storeys • <i>increased height and density permitted in transit-oriented areas</i>
Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.				

Zoning Bylaw

The property has split zoning: A – Agriculture and R4-L – Small-Scale Multi-Unit Residential: Large Lot. The proposed exclusion area does not exactly match the existing R4-L zone area. If the ALR approves the exclusion application, a rezoning application will be required to adjust the R4-L zone on the property to match the area proposed for residential development.

As per s.29 of the *Agricultural Land Commission Act* notice must be given of the exclusion application and a public hearing held before the application can be forwarded to the ALR for consideration. Staff are recommending Council forward the exclusion application to the required public hearing.

Alternate recommendations

Council may consider that the proposed ALR exclusion application is not suitable for this site. If this is the case, Council should not support the application and give direction to staff to proceed with amending the OCP to remove the existing 'Low Density Residential' designation and amending the Zoning Bylaw to remove the existing R4-L zoning.

THAT Council deny support for the ALR Exclusion application, for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470, located at 610 Pineview Road, and not forward to Public Hearing;

AND THAT Council gives staff direction to initiate an OCP amendment to change the future land use designation of 610 Pineview Road from 'Low Density Residential' to 'Agriculture' and initiate a Zoning amendment to change the zoning from 'R4-L – Small-Scale Multi-Unit Residential: Large Lot' to 'A – Agriculture'.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Letter of Intent (Applicant)

Attachment D – Photos of Property

Respectfully submitted,

Yvonne Kent

Planner II

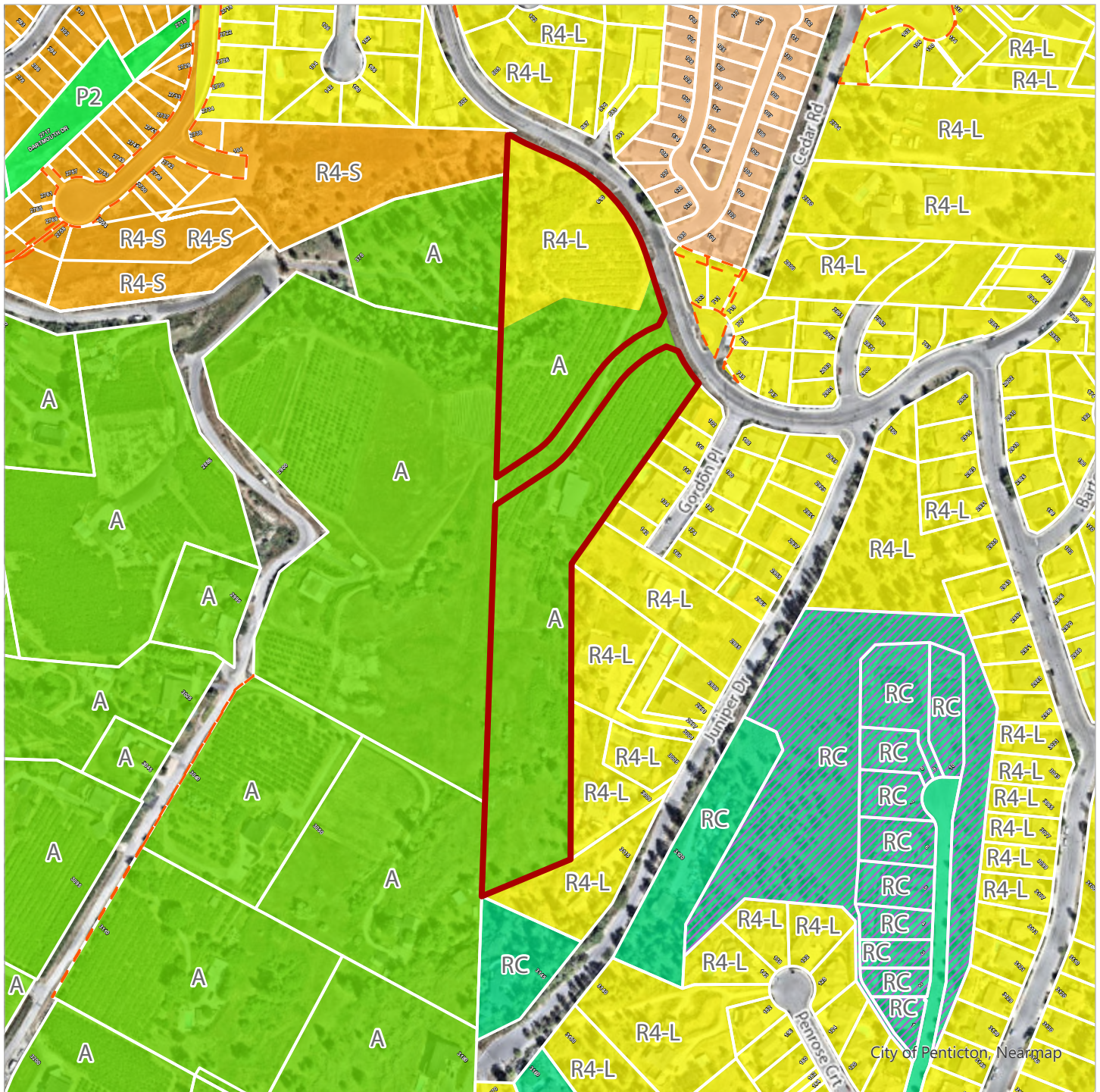
Concurrence

General Manager of Development Services <i>BL</i>	City Manager <i>SH</i>
---	--------------------------------------



610 Pineview Road

Zoning Bylaw



 Subject Parcel

 Site Specific Zoning

Zoning Bylaw No 2024-22

 A - Agriculture

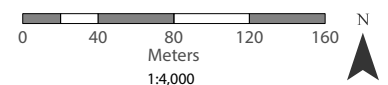
 RC - Country Residential Housing

 R4-S - Small-Scale Multi-Unit Residential - Small Lot

 R4-L - Small-Scale Multi-Unit Residential - Large

 RM1 - Bareland Strata Housing

 P2 - Parks and Recreation

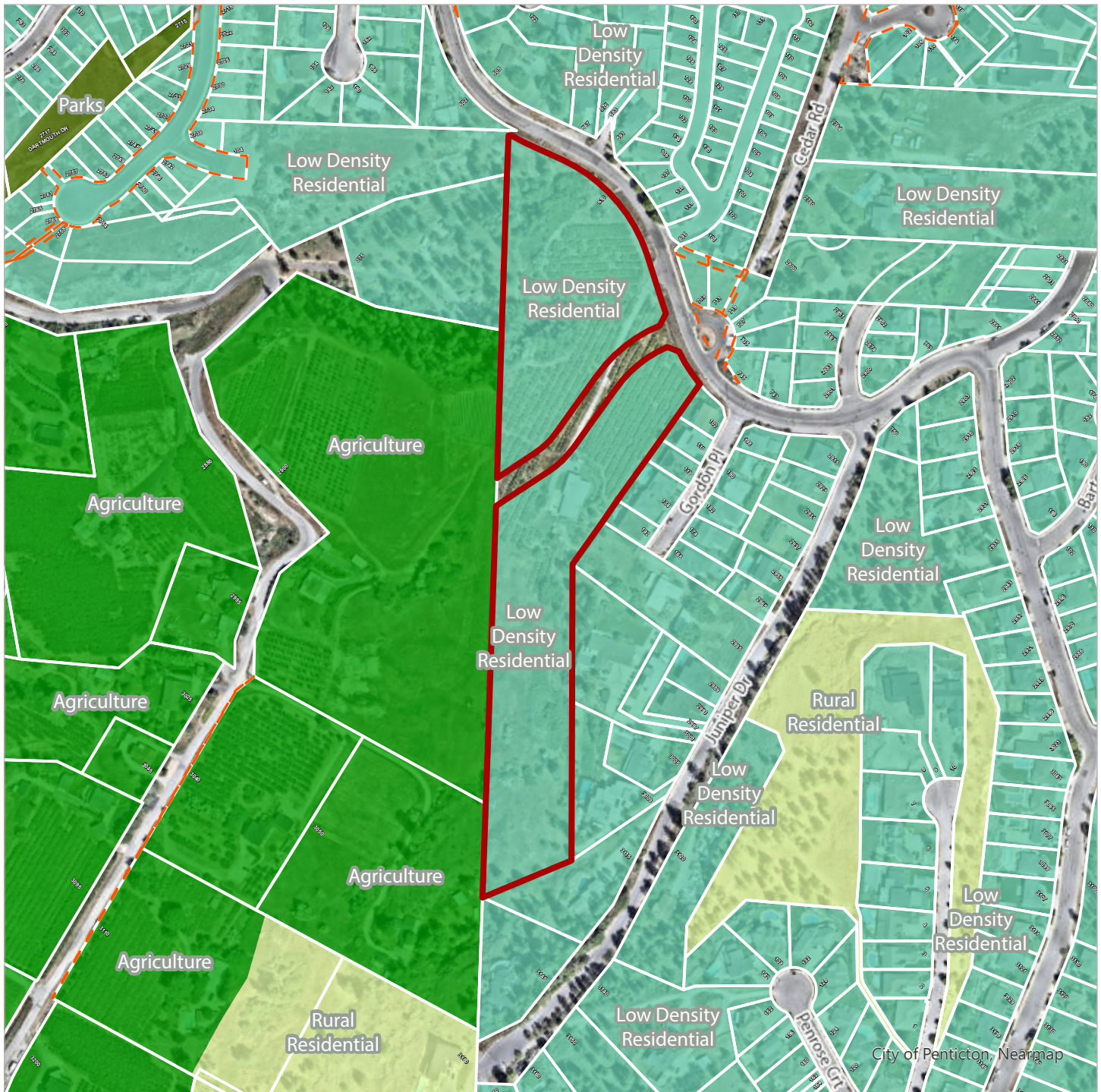


Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.
Date: 7/22/2026

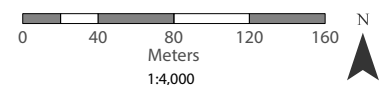


610 Pineview Road

Official Community Plan



- Subject Parcel
- Low Density Residential
- Parks
- Agriculture
- Rural Residential



Terms of Use : The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.
Date: 7/22/2026



landscape architecture + civil engineering

May 14, 2026

City of Penticton

171 Main Street
Penticton, BC V2A 5A9

Attention: Ms. Audrey Tanguay
Manager, Planning and Licensing
planning@penticton.ca

**RE: ALR Exclusion Application (Formerly ALC File #52429; Most Recently ALC #64490)
610 Pineview Road, Penticton (Owners: Figueira Family)**

Included with this submission are the following materials:

- \$1,500 Application Fee
- Title Search (to be completed by the City)
- Application Form
- ALR Exclusion Checklist
- Agency Agreement (Agent Information)
- Series of Figures
- New Plan

It is our understanding that the City will review and process this application, including submission to the Provincial Agricultural Land Commission (ALC).

Background to this Application

The original application for exclusion from the ALR was conditionally approved under ALC File #52429 in 2022. At that time, the application included additional lands to the west of the current subject property, totaling approximately 9 hectares (23.24 acres). This proposal aligned with the approved Upper Valleyview Plan policies of the City of Penticton.

The ALC supported the application as a phased release of lands from the ALR, subject to the following conditions:

- Provision of buffering and fencing, along with housing setbacks along the new ALR boundary;
- Registration of disclosure statements for parcels adjoining lands in active agricultural production;
- Road patterns designed not to extend through to the ALR boundary, in anticipation of future development.

we communicate · we collaborate · we create



landscape architecture + civil engineering

Subsequently, adjacent landowners who had initially agreed to participate in the comprehensive exclusion application withdrew. Despite this, both the ALC and the City of Penticton continued to support exclusion of the entire Figueira property (3.8 ha / 9.3 acres).

A later decision refined the approval to apply only to the northernmost portion of the property, located at the outer edge of the long, linear ALR block in Penticton. The ALC issued conditions and timelines for completing the exclusion and enabling future development. The City concurred with this direction, noting that the entire Figueira parcel is designated Low Density Residential in the Official Community Plan (OCP) and has been rezoned to Single Family Residential. Recent zoning updates also permit secondary suites and carriage homes.

Although the owner was aware of the April 2026 deadline to fulfill the approval conditions (notably survey and fencing), a request for extension was submitted to both the City and the ALC. The extension was declined by the ALC, and a new application has been requested, primarily due to minor but necessary changes in the subdivision design.

Change in Subdivision Design

The landowner determined that the previous concept was not feasible for the site. Following discussions with City staff, a revised design was considered. New planning and engineering consultants have recommended several small but critical modifications.

These changes provide safe and appropriate access from Pineview Road, better integrate environmental and steep slope constraints, and revise the layout to approximately 10 lots. Importantly, the updated design results in virtually no net loss of ALR land.

The proposed cul-de-sac terminates in a location that allows continued access to the remaining farm and estate residence, while avoiding any implication of future road extension into the ALR. Buffering and fencing will continue to protect adjacent agricultural operations. Additionally, the entry road alignment accommodates servicing requirements, including water supply to the farm.

we communicate · we collaborate · we create



landscape architecture + civil engineering

Relationship to Adjacent Development and ALR

The proposed exclusion area is located at the northernmost edge of the ALR block. Existing residential development across Pineview Road and upslope from the subject site establishes a logical and contiguous residential pattern. Locating housing closer to Pineview Road will also help minimize potential impacts such as orchard spray drift to the residential areas above Pineview Road and somewhat towards Gordon Road,

will also help minimize potential impacts such as orchard spray drift.

The proposed 10-lot subdivision will not create adverse impacts on the remaining agricultural lands. Separation distances, topography, and retained environmental areas will provide effective buffering. It is also noted that these lands have not been actively farmed for several years.

The revised design clusters residential development closer to Pineview Road, further reducing interface conflicts. Any affected peach trees can be relocated to the lower portion of the property, in the area previously designated for roadway in the earlier concept. The existing hobby farm will remain intact and function independently of the proposed residential development.

The following figures are included to assist with the review of the revised/new application:

- Figure 1 Subject Lands – Parent Parcel
- Figure 2 Subject Lands – Provincial ALR Map
- Figure 3 Site in Context of City Official Community Plan
- Figure 4 Exclusion Request Area
- Figure 5 Proposed Subdivision (10 Lots)
- Figure 6 Comparison of Previously Approved Plan (1.62 Ha) - New Proposed Plan (1.37 Ha)
- Figure 7 Subdivision Details (Includes Fencing)

Should further information or a meeting be required to support the City's review and submission of this application to the ALC, please do not hesitate to contact us.

Sincerely,



Ed Grifone, MCIP, PIBC, M.A.
Senior Consultant

we communicate · we collaborate · we create

P:\Projects-2025\25104 - 610 Pineview\4-Eng\4-CAD\11-OPTIONS\OPTION 1a.dwg July 3, 2026 Graeme Welton



610 PINEVIEW - SUBJECT LANDS PARENT PARCEL
SCALE 1:5000

ALR EXCLUSION APPLICATION
CITY OF PENTICTON



landscape architecture + civil engineering

FIGURE 1

PROJECT No. 25104
July 3, 2026

P:\Projects-2025\25104 - 610 Pineview\4-Eng\4-CAD\11-OPTIONS\OPTION 1a.dwg July 3, 2026 Graeme Welton



610 PINEVIEW - SUBJECT LANDS PARENT PARCEL
(PROVINCIAL ALR MAP)

SCALE 1:5000

ALR EXCLUSION APPLICATION
CITY OF PENTICTON

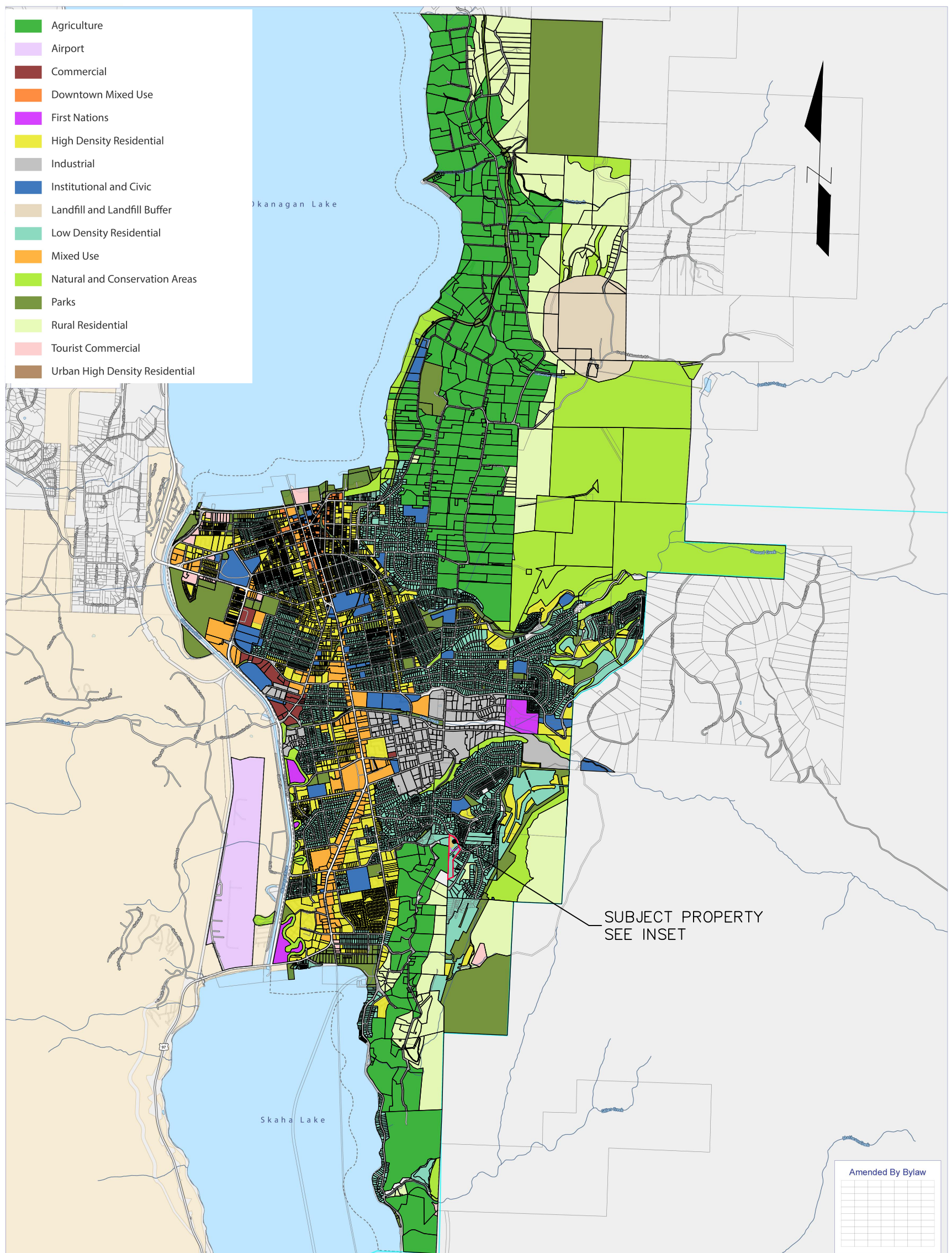


CTQ

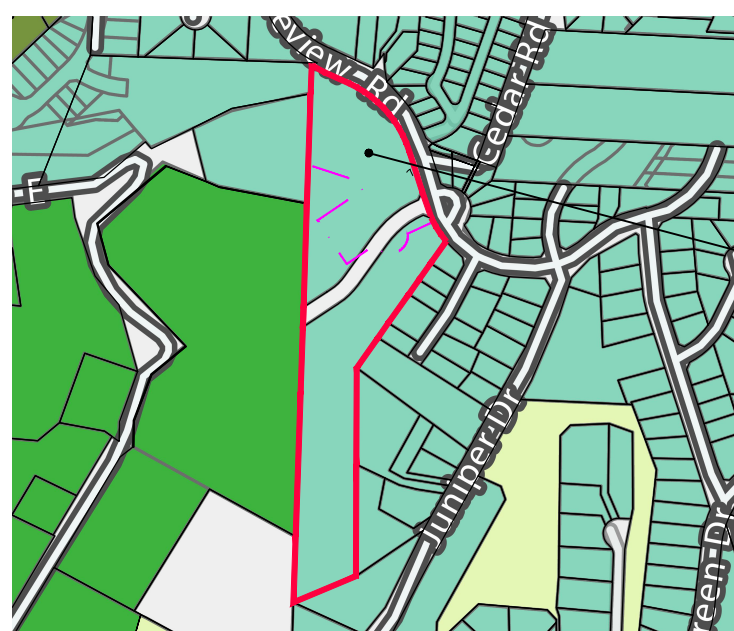
landscape architecture + civil engineering

FIGURE 2

PROJECT No. 25104
July 3, 2026



610 PINEVIEW - SITE IN CONTEXT OF CITY O.C.P.



INSET
SCALE 1:7500

-EXCLUSION AREA

ALR EXCLUSION APPLICATION
CITY OF PENTICTON

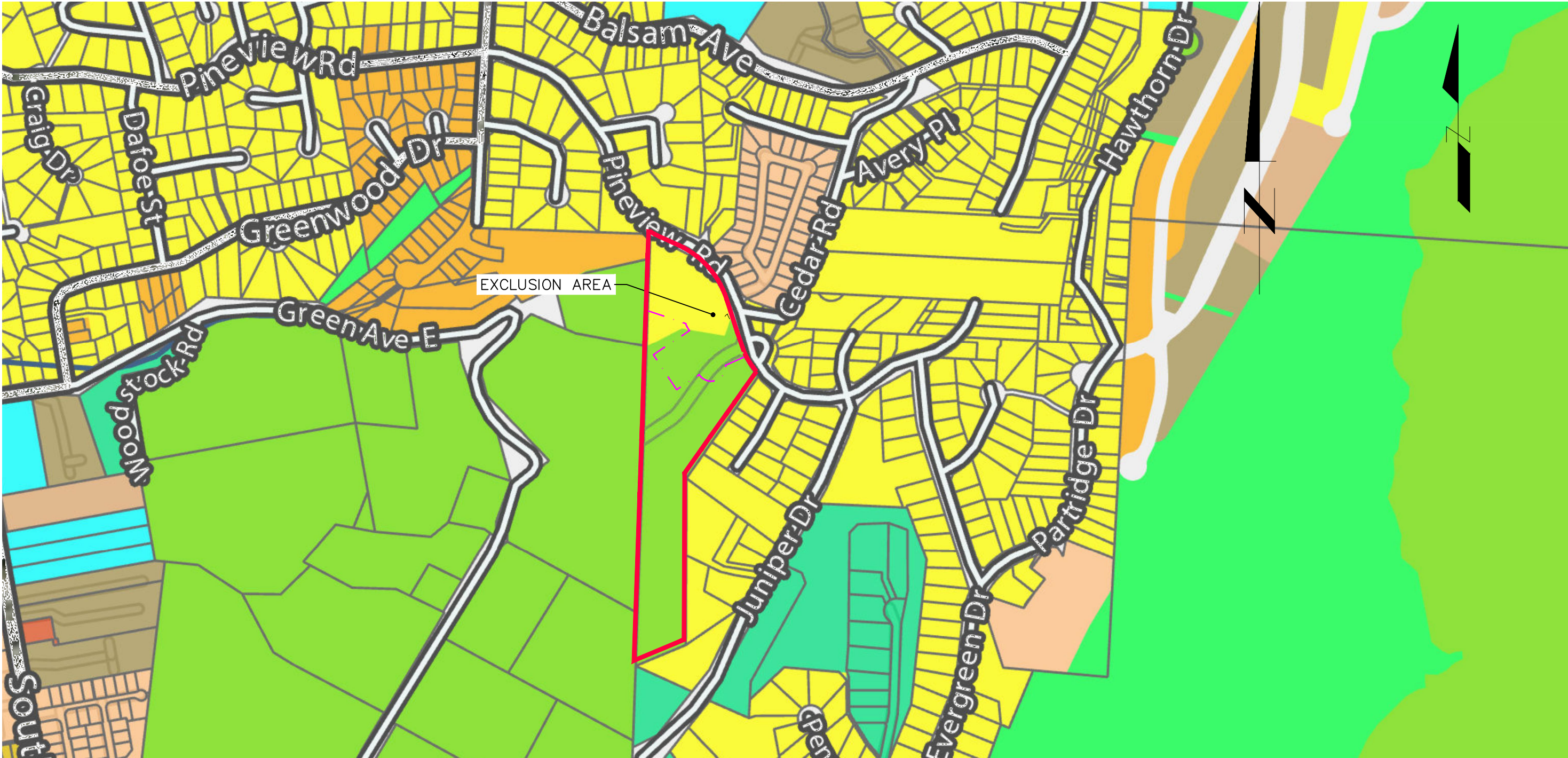
CTQ

landscape architecture + civil engineering

FIGURE 3

PROJECT No. 25104
July 3, 2026

P:\Projects-2025\25104 - 610 Pineview\4-Eng\4-CAD\11-OPTIONS\OPTION 1a.dwg July 3, 2026 Groeme Welton



610 PINEVIEW - SUBJECT EXCLUSION REQUEST AREA WITH ZONING

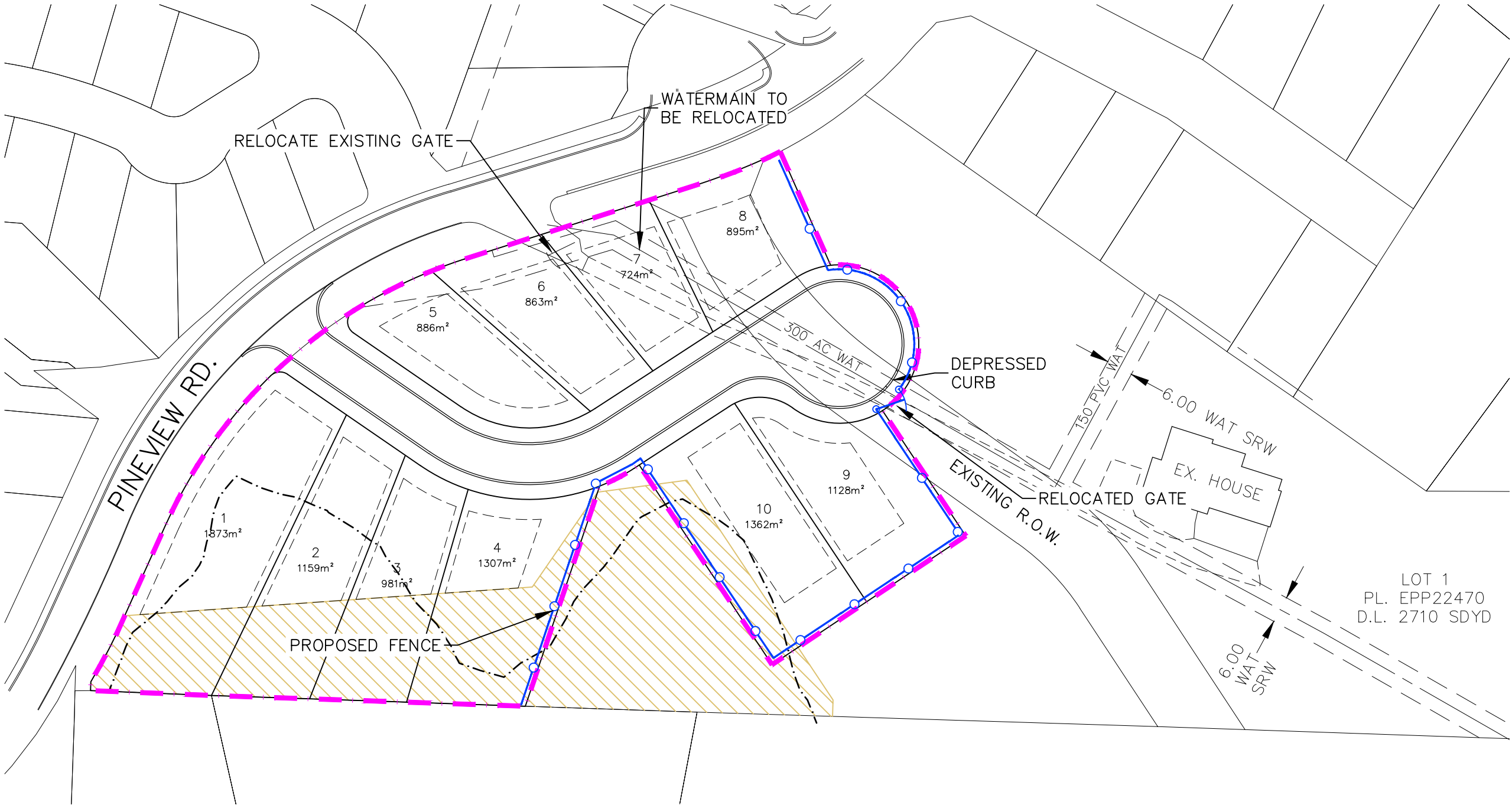
SCALE 1:5000

ALR EXCLUSION APPLICATION
CITY OF PENTICTON



FIGURE 4
PROJECT No. 25104
July 3, 2026

P:\Projects-2025\25104 - 610 Pineview\4-Eng\4-CAD\11-OPTIONS\OPTION 1a.dwg July 3, 2026 Graeme Welton



610 PINEVIEW - PROPOSED SUBDIVISION PLAN
SCALE 1:1000

LEGEND:
—○—○— PROPOSED FENCE

R4-L SINGLE FAMILY

EXISTING APPLICATION
TOTAL SITE AREA = 4.09 ha
CONDITIONALLY APPROVED EXCLUSION AREA = 1.62 ha
TOTAL ALR REMAINING = 2.47 ha

PROPOSED APPLICATION (REVISED)
TOTAL SITE AREA = 4.09 ha
CONDITIONALLY APPROVED EXCLUSION AREA = 1.41 ha
TOTAL ALR REMAINING = 2.68 ha

SUBDIVISION DETAILS
SETBACKS
MIN. LOT 560m²
MIN. WIDTH 16m
MIN. WIDTH 18m (Corner Lot)
MIN. DEPTH 31m

MIN. FRONT YARD 4.5m
MIN. INTERIOR SIDE 1.5m
MIN. EXTERIOR SIDE 3m
MIN. BACK YARD 6m

ALR EXCLUSION APPLICATION
CITY OF PENTICTON



FIGURE 5
PROJECT No. 25104
July 3, 2026



EXISTING APPLICATION

TOTAL SITE AREA = 4.09 ha
CONDITIONALLY APPROVED EXCLUSION AREA = 1.62 ha
TOTAL ALR REMAINING = 2.47 ha

PROPOSED APPLICATION (REVISED)

TOTAL SITE AREA = 4.09 ha
CONDITIONALLY APPROVED EXCLUSION AREA = 1.41 ha
TOTAL ALR REMAINING = 2.68 ha

SUBDIVISION DETAILS

SETBACKS

MIN. LOT 560m ²	MIN. FRONT YARD 4.5m
MIN. WIDTH 16m	MIN. INTERIOR SIDE 1.5m
MIN. WIDTH 18m (Corner Lot)	MIN. EXTERIOR SIDE 3m
MIN. DEPTH 31m	MIN. BACK YARD 6m

610 PINEVIEW - COMPARISON OF PROPOSED PLANS

SCALE 1:1000

LEGEND:

	EXISTING ALR
	AREA TO BE PLACED BACK INTO ALR
	ALR AREA REQUESTED TO BE EXCLUDED

ALR EXCLUSION APPLICATION
CITY OF PENTICTON

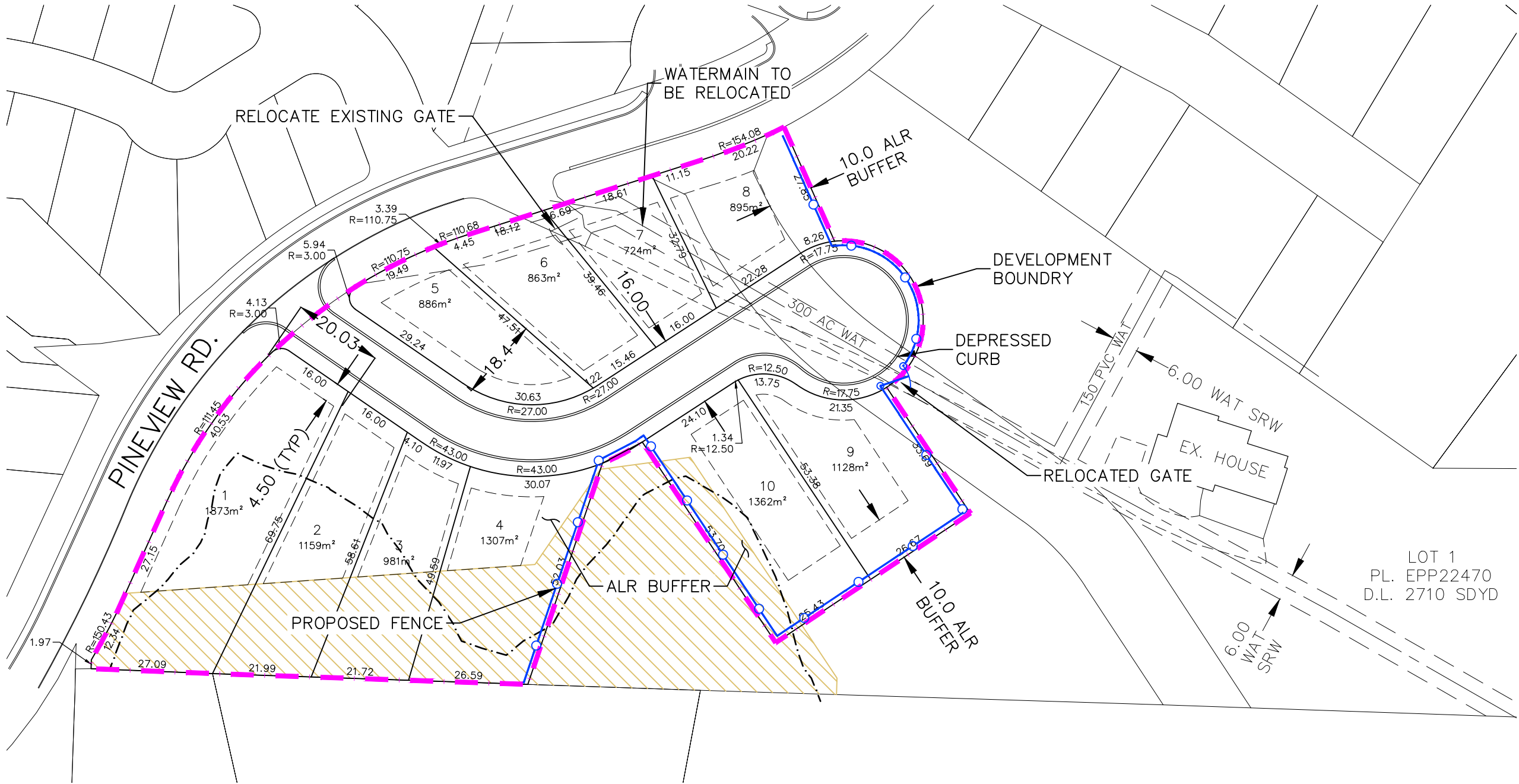


CTQ

landscape architecture + civil engineering

FIGURE 6
PROJECT No. 25104
July 3, 2026

P:\Projects-2025\25104 - 610 Pineview\4-Eng\4-CAD\11-OPTIONS\OPTION 1a.dwg July 3, 2026 Graeme Welton



R4-L SINGLE FAMILY

EXISTING APPLICATION

TOTAL SITE AREA = 4.09 ha
CONDITIONALLY APPROVED EXCLUSION AREA = 1.62 ha
TOTAL ALR REMAINING = 2.47 ha

PROPOSED APPLICATION (REVISED)

TOTAL SITE AREA = 4.09 ha
CONDITIONALLY APPROVED EXCLUSION AREA = 1.41 ha
TOTAL ALR REMAINING = 2.68 ha

SUBDIVISION DETAILS

SETBACKS

MIN. LOT 560m²
MIN. WIDTH 16m
MIN. WIDTH 18m (Corner Lot)
MIN. DEPTH 31m

MIN. FRONT YARD 4.5m
MIN. INTERIOR SIDE 1.5m
MIN. EXTERIOR SIDE 3m
MIN. BACK YARD 6m

610 PINEVIEW - SUBDIVISION DETAILS

SCALE 1:1000

LEGEND:

—○—○— PROPOSED FENCE

**ALR EXCLUSION APPLICATION
CITY OF PENTICTON**



CTQ

landscape architecture + civil engineering

FIGURE 7
PROJECT No. 25104
July 3, 2026

Attachment D – Photos of the Property

