



Provincial Agricultural Land Commission - Staff Report

Application: 51929

Applicant: Russell Bennett
Agent: Protech Consultants Ltd
Local Government: District of West Kelowna

Proposal: To exclude 0.4 ha from the ALR, and include 0.4 ha into the ALR and undertake a boundary adjustment. The resulting lots would be a 0.9 ha non ALR lot and 2 ha ALR lot. The proposal is to develop a dryland boat storage facility on the 0.9 ha new lot.

BACKGROUND INFORMATION

No previous applications have been considered on the subject property.

PROPERTY INFORMATION

PID: 011-375-248
Legal Description: Lot 3 District Lot 487 Osoyoos Division Yale District Plan 316 Except Plan 17635
Property Area: 1.9 ha
ALR Area: 1.9 ha
Purchase Date: June 21, 1988
Location: Gellatly Road, to the south of Powers Creek, across from the Westbank Yacht Club
Owner: Russell Bennett

PID: 009-333-363
Legal Description: Lot A District Lot 487 Osoyoos Division Yale District Plan 12966
Property Area: 1.1 ha
ALR Area: 0.0 ha
Purchase Date: June 21, 1988
Location: Gellatly Road, to the south of Powers Creek, across from the Westbank Yacht Club
Owner: Russell Bennett

Total Land Area: 3.0 ha
Total ALR Area: 1.9 ha

LAND USE

Current Land Use:
Irrigated pasture for horses.

Surrounding Land Uses:

North: Powers Creek Park
East: Yacht Club outside the ALR
South: Irrigated pasture in the ALR
West: Irrigated pasture in the ALR

PROPOSAL DETAILS

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Exclusion Area: 0.4 ha

Agricultural Capability:

The majority of the area under application is rated as: Prime

Source: On-Site

Mapsheet: 82 E.082

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Westside OCP Bylaw #1050

Designation: Country residential/Agricultural

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Zoning Bylaw #871

Zoning Designation: RU 3 and A1

Minimum Lot Size: 1.0 ha

Zoning Compliance: No

Comments and Recommendations:

Agricultural Advisory Committee

The District of West Kelowna Agricultural Advisory Committee supports the proposed application subject to the installation of appropriate buffers; that topsoil from the SE parcel be placed on the NW parcel to improve the soils; and that the applicants work with the District and MoE to improve creek flow to limit flooding.

Board/Council

The District of West Kelowna forwarded the exclusion/inclusion application with a recommendation of support.

Planning Staff

District of West Kelowna staff support the application.

ALC STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) There is no net loss of agricultural land in the proposal, and there may be an overall improvement in agricultural capability if soils are transferred from the excluded area and placed on the included parcel.
- 2) It is possible that the included area might be under greater threat of flooding than the area proposed for exclusion.
- 3) No compelling reason is provided in the file material which explains the benefit of the reconfigured parcel to the applicant. It is possible that the revised configuration is critical to the unique design of the dry marina. Since there is no net increase in non ALR land, then the applicant could potentially develop the boat storage facility on the existing non ALR parcel.
- 4) Written correspondence received with the file material indicate that a nearby non ALR parcel is being underutilized for boat storage. Some opposition to the proposal is expressed, though the inclusion aspect is not referenced.
- 5) If the Commission believes that this proposal has agricultural merit, then it is recommended that a covenant be registered against the title of the property prohibiting residential structures, and that the revised ALR boundary be buffered and fenced to mitigate impacts of the boat storage facility on the agricultural resource.

ATTACHMENTS

51928_ContextMap10k.pdf
51928_AirphotoMap10k.pdf
51929 sketch plan.pdf

END OF REPORT

Prepared by: Martin Collins