



## Agricultural Land Commission Staff Report

**DATE:** August 27, 2009  
**TO:** Vice Chair and Commissioners - Okanagan Panel  
**FROM:** Brandy Ridout

**RE:** Application # 50160  
**PROPOSAL:** To exclude the 0.2 ha subject property from the ALR in order to register a strata title conversion for the existing four-plex (pre-dated the ALR).

### PROPOSAL INFORMATION

**Background:** Resolution #8313/1978 refused the exclusion of the 0.2 ha area.  
**Received Date:** July 2, 2009  
**Applicant:** 0811952 BC Ltd / Edwin Chu  
**Agent:** Marni Adams  
**Local Government:** District of West Kelowna

### DESCRIPTION OF LAND

**PID:** 027-278-026  
**Legal Description:** Lot A District Lot 486 Osoyoos Division Yale District Plan KAP85159  
**Civic Address:** 3555 Paynter Road, Westbank, BC. V4T 1R2  
**Area:** .2 ha  
**ALR Area:** .2 ha  
**Purchase Date:** December 1, 2007  
**Owner:** 0811952 BC Ltd / Edwin Chu

**Total Land Area:** .2 ha  
**Total ALR Area:** .2 ha  
**Current Land Use:** Four-plex with yard

### PROPOSAL DETAILS

Exclusion Area	Agricultural Capability	Agricultural Capability Source
0.2	Prime	

**Surrounding Land Uses:**

**Official Community Plan**

**Bylaw Name:** Westside Bylaw No. 1050  
**Designation:** Agricultural  
**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:** Westside Bylaw No. 2000 No. 871  
**Zoning Designation:** R3A Multiple Housing (Low Density)  
**Minimum Lot Size:** 0.1 ha  
**Zoning Compliance:** Yes

**PREVIOUS APPLICATIONS**

**Application #:** 42414  
**Applicant:** John Alfred Seltenrich  
**Proposal:** To subdivide a 0.6 ha lot from the 3.9 ha subject property under the Homesite Severance Policy. The lot would include the existing house and four-plex.

**Decisions:**

Resolution Number	Decision Date	Decision Description
674	December 8, 2005	Refuse - subdivision not in the best interest of agriculture as it would introduce an additional residence into the ALR, ultimately using valuable farmland for housing. However, confirm the Commission's previous approval of the subdivision of a 0.2 ha lots to encompass the four-plex.

**Application #:** 23269  
**Applicant:** J Seltenrich  
**Proposal:** To exclude the 3.9 ha subject property on the grounds that it is ideally located for development as residential or commercial properties.

**Decisions:**

Resolution Number	Decision Date	Decision Description
		<b>Note:</b> Resolution #8313/1978 refused the exclusion of the property on the grounds that it has an improved agricultural rating of Class 2D. The Commission, however, allowed the subdivision of a 0.5 acre lot from the property that would encompass the four-plex.

**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	Approve	Recommend support.
Board/Council	Refuse	District of West Kelowna Council moved to deny the request and directed staff to send a local government report to the ALC for review and decision.

## **STAFF COMMENTS**

- The property was previously proposed for exclusion when it was part of a larger property. That application was refused.
- Excluding the 4-plex would allow the 0.2 ha lot to be developed in the future without referral to the ALC.
- The 4-plex existed before the ALR.
- The 4-plex has a large backyard area. If exclusion is considered, it may be useful to consider requiring a portion of the backyard be consolidated with the adjacent lot.
- If the Commission considers approving the proposal, the fencing and buffering should be improved to provide more of a screen between the residential and farm uses.
- Although the adjacent property is not currently being farmed, it is possible that it may be intensely farmed in the future.

## **ATTACHMENTS**

50160\_AirphotoMap.pdf  
50160\_ContextMap10k.pdf  
50160\_photos.pdf  
50160 West Kelowna info.pdf

## **END OF REPORT**

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Signature

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Date