



# Provincial Agricultural Land Commission - Staff Report

## Application: 51927

**Applicant:** Farlie Paynter  
**Agent:** Brante Farrell  
**Local Government:** District of West Kelowna

**Proposal:** To subdivide a 0.5 ha parcel from the 4 ha subject property to facilitate an inheritance from the current property owner to his son. Applicant intends to construct a juice plant on the subdivided parcel, which will process the fruit grown on the larger remaining parcel (3.5 ha).

### BACKGROUND INFORMATION

The agent (applicant's son and intended benefactor) has indicated a desire to construct a residence on the subdivided parcel. He also expressed a willingness to utilize the remaining parcel not affected by the juice operation for fruit trees and vegetables.

This property was previously refused for exclusion in 1988 on the grounds that it has sufficient agricultural capability.

### PROPERTY INFORMATION

**PID:** 012-090-654  
**Legal Description:** Lot 51 District Lot 806 Osoyoos Division Yale District Plan 761  
**Property Area:** 3.9 ha  
**ALR Area:** 3.9 ha  
**Purchase Date:** March 15, 1985  
**Location:** 2672 Scharf Road  
**Owner:** Farlie Paynter

### LAND USE

**Current Land Use:**  
Orchard, mobile home, owner's residence, garage, shed

**Surrounding Land Uses:**  
North: Horse Pasture - ALR  
East: Apple orchard, forest, field - ALR  
South: Vineyard - ALR  
West: Apple Orchard - ALR

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 3.9 ha

Number of Lots	ALR Area of Lot (ha)
1	3.5
1	0.5

**Agricultural Capability:**  
The majority of the area under application is rated as: Prime  
**Source:** BCLI  
**Mapsheet:** 82E.082

## PREVIOUS APPLICATIONS

**Application ID:** 38943

**Legacy #:** 22520

**Applicant:** JB Stuart

**Note:** (1988) Exclusion of property refused. Applicants had trouble selling the property and thought removal from the ALR would expediate the process.

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## RELEVANT APPLICATIONS

**Application ID:** 5047

**Legacy #:** 30465

**Applicant:** Dragotin & Maria Prpich

**Proposal:** s/d a 5.2 ha area (approx. 2.6 ha are non-A.L.R.) from the 25.7 ha property - applicant suggests a willingness to consolidate an adjacent 3 ha farm property with main vineyard property. Applicant also wants to develop a winery

**Decision:**

Resolution #	Decision Date	Decision Description
361/1996	April 23, 1996	allow the s/d and consolidation subject to the rescission of the previous approval

**Note:** Located 3 lots east of subject property.

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**Application ID:** 397

**Legacy #:** 27945

**Applicant:** B. & G. PENNER

**Proposal:** To subdivide the 1.4 ha lot into a 0.3 ha lot and a 1.1 ha remainder.

**Decision:**

Resolution #	Decision Date	Decision Description
708/1993	July 15, 1993	The Commission refused the two lot subdivision because of the negative impact of increasing the non farm residents in this agricultural area.

**Note:** Located 2 lots south of subject parcel.

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## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Westside OCP Bylaw No.1050

**Designation:** Agricultural

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Zoning Bylaw No.871 (A1)

**Zoning Designation:** A1- Agricultural

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Agricultural Advisory Committee**

AAC does not support the referral:

- Applicant does not need to subdivide to put a juice plant on the subject property
- Family and personal issues should not be used as basis for a decision.
- The AAC does not want to see the subject property broken down to a smaller size.

#### **Board/Council**

Council support the application for subdivision within the ALR and direct staff to forward a local government report to the ALC for review and decision.

## LOCAL GOVERNMENT INFORMATION

### Comments and Recommendations:

#### **Ministry of Agriculture and Lands**

MAL does not support the application:

- As proposed, application could be carried out within the existing lot boundaries and ALC regulations.
- The proposal could be carried out on a much smaller land footprint and in a location that more closely reflects "homeplating" initiatives in land use planning.

#### **Other**

See attached submissions from:

BC Hydro  
Interior Health  
Westbank Irrigation District  
Building Inspector  
ALC

#### **Planning Staff**

Regional District Planning Staff recommends that Council not support the request to subdivide within the ALR and that Council direct staff to close the file. This recommendation to refuse is based on the conclusion that the proposed use is not consistent with the Agricultural Policies and Objectives of the Westside OCP, the AAC resolution of non-support and the non-support of other interested parties (MAL and ALC).

## ALC STAFF COMMENTS

Staff would like the Commission to note the following:

- 1) The proposed subdivision parcel has an improved prime agricultural capability for tree fruits within the BCLI classification system.
- 2) The Act allows on farm processing of farm products as long as at least 50% of the product processed is from on the farm, which would be unlikely if the subdivision occurred.
- 3) The fragmentation created by the proposed subdivision does not appear to benefit the long term preservation of agricultural land.
- 4) While the Council approved the application to be sent to the ALC for review, comments from the Regional District planning staff, the Ministry of Agriculture and Lands, and the local Agricultural Advisory Committee do not support the application. Their combined comments conclude that it is not good for agriculture, it is an unnecessary subdivision and that family inheritance should not be used as a basis for a decision.

## ATTACHMENTS

51927\_ContextMap20k.pdf  
51927\_AirphotoMap5k.pdf  
51927 - ALC Response to City Planners.pdf  
51927 - BC Hydro Response.pdf  
51927 - Building Inspector Response.pdf  
51927 - Interior Health response.pdf  
51927 - MAL Response.pdf  
51927 - Proposal Sketch and Background info.pdf  
51927 - Public correspondence.pdf  
51927 - Westbank Irrigation District Response.pdf

## END OF REPORT

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