

Date: March 21, 2007
File No.: A06-0029
To: City Manager
From: Planning & Development Services Department
Purpose: To obtain approval from the Agricultural Land Commission to allow a .55 ha. lot subdivision (in lieu of a homesite severance subdivision) from the 5.40 ha. subject property under Section 21(2) of the *Agricultural Land Commission Act*.
OWNERS: Victor Errol Sladen **APPLICANT:** Tom Smithwick, Q.C.
AT: 1801 Saucier Road
EXISTING ZONE: A1 Agriculture 1 Zone
REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

The applicant advised that the property is currently used to grow cherries and that there is a ranch-style single family dwelling and two storage buildings located on the property.

Parcel Size: 5.40 ha. (13.33 ac.)
Elevation: Approx. 479 m to 493 m GSC

Zoning of Adjacent Property

North	A1 – Agriculture 1 – Grapes and Apples
East	A1 – Agriculture 1 – Organic Berries
South	A1 – Agriculture 1 – Pasture and horses
West	A1 – Agriculture 1 - Nursery

5.0 SITE MAP:

Subject Property: 1801 Saucier Road



BCLI Land Capability for Agriculture (1: 20,000)

The subject parcel is identified on the BC Land Capability for Agriculture Map as having an unimproved rating of 7:5A 3:4A and an improved rating of 5:*3 3:*2A) indicating the following:

Unimproved:

70% 5A: "Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adopted crops" and "Soil Moisture Deficiency – Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation"; and

30% 4A: "Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Improved:

50% 3: "Land in this class has limitations that require moderately intensive management practices for moderately restrict the range of crops, or both.

30% 2A "Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both" and "Soil Moisture Deficiency – Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation".

Soil Classification (1: 20,000)

The subject property is identified on the BC Soil Capability for Agriculture Map as having a rating of 7PE and 3TC indicating the following:

70% PE: "Paradise – Land: Nearly level to very steeply sloping fluvioglacial deposits; Texture: 26 to 60 cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand; Drainage: rapid; and Classification: Eluviated Eutric Brunisol".

30% TC: "Trout Creek – Land: Nearly level to extremely sloping fluvioglacial deposits; Texture: 60 to 100 cm of sandy loam or loamy sand over gravelly loamy sand; Drainage: Well to rapid; and Classification: Eluviated Eutric Brunisol".

6.0 POLICY AND REGULATION

6.1 City of Kelowna Strategic Plan

A primary goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

6.2 Kelowna 2020 – Official Community Plan

Discourages the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.

7.3 City of Kelowna Agriculture Plan

The Plan states: "The City of Kelowna should continue to support the concept of home site severance consistent with the Land Commission Policy #025/78 (now Policy #11), to allow farmers to retire or sell the property and retain the homesite, and thereby make the balance of the property available for others to expand or enter the farm business.

7.0 WORKS AND UTILITIES COMMENTS

Works and Utilities has no comments at this point in time with regard to the servicing of this proposed development, however, a comprehensive report will be provided at the time of the subdivision application if and when the Agricultural Land Commission agrees to the proposed

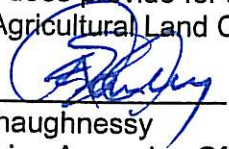
development. It should be noted that the right of way width of Stewart Road West Road does not meet current standards and some frontage dedication may be triggered by a subdivision in accordance with current Bylaws and policies.

8.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

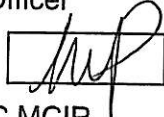
The applicant seeks permission to subdivide a .55 ha. lot in lieu of a homesite severance lot from the 5.40 ha. parent property. The applicant's intent is to subdivide off their existing home from the remainder of the property so that they can continue living in their house and sell the balance of the acreage.

While the OCP and Agricultural Plan do not support applications for subdivision of land within the ALR, there is statement in the Agricultural Plan that supports homesite severance applications where the ALC policies and regulations can be satisfied. The ALC policies cannot be satisfied by the proposed subdivision. However, given that the property has been within the family and farmed by the applicant since 1953 the applicant has requested special consideration of this subdivision application in lieu of the Agricultural Land Commission's Homesite Severance Policy.

The minimum 2.0 hectare lot size requirement of the A1 Agriculture zone will not be achieved by the proposed subdivision. Nor will the 1.0 ha. minimum lot size stipulated by Section 1.8.3 and Section 12.2.5 (c) of the RR2 be satisfied. However, Section 6.16.1 Minimum Lot Size – Septic Disposal System does provide for an exception to these minimum lot sizes where approval has been granted by the Agricultural Land Commission.


R. G. Shaughnessy
Subdivision Approving Officer

Approved for inclusion



Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

RGS/cg

ATTACHMENTS

- Photographs submitted by the Applicant (2)
- Photographs (#1 - 8) of the property taken by Staff on February 1, 2007 (4 pages)
- ALC Application by Land Owner (3 pages including letter from Tom Smithwick, Q.C.)
- Proposed Subdivision Plan
- Land uses and ownership of surrounding properties (submitted by the applicant)
- Excerpts from Zoning Bylaw 8000 (7 pages)
- ALC Policy #11 Homesite Severance on ALR Lands (2 pages)
- Location Map
- ALR Map
- Future Land Use Map
- Generalized Zoning Map
- Orthophoto (1: 9,796)
- Orthophoto (1: 3,347) with 1 m Contours
- Contour Map (1 m Contours)
- Slope Map
- Land Capability Map
- Soil Classification Map

PHOTOGRAPHS SUBMITTED BY THE APPLICANT



Aerial view of the existing homesite.



Cherry Orchard on the subject property.

PHOTOGRAPHS – FEBRUARY 1, 2007



Looking south across the northwest corner of the subject property to Steward Rd West.



Looking south across the subject property to the southern boundary of the property.



Looking east along Saucier Road and the northern boundary of the subject property.



Looking east along the northern boundary of the property and Saucier Road.



Looking north from the northwest corner of the subject property at the surrounding orchards.



Looking west from the intersection of Saucier Road and Steward Rd W to surrounding orchards.



Looking east from the western boundary of the property at Stewart Rd W.



Looking north from the southwest corner of the property.

Porter Ramsay Lawyers

Robert S. Porter, Q.C.
Dennis K. Boon
David M. Frechette *
Timothy T. Brown

D. James Ramsay *
Tom Smithwick, Q.C. *
Mark A. Koochin *
* denotes personal law corporation

File No: 64817-1-44
Via: Hand Delivery

March 16, 2007

City of Kelowna
1435 Water St
Kelowna BC V1Y 1J4

Attention: Corine Gain
Planning & Development Officer II

RECEIVED

MAR 19 2007

CITY OF KELOWNA
PLANNING DEPT.

Dear Madam:

Re: Application for Subdivision in the Agricultural Land Reserve
Legal Description: Lot 225 Section 32 Township 29 ODYD Plan 1247
Municipal Address: 1801 Saucier Rd , Kelowna BC V1W 3C4
Registered Owner: Victor Errol Sladen **Your file : A06-0029**

With reference to your letter of February 2, 2007, we enclose two historical searches of the property. Please note that the dates on the land title documents show that Cecil E. Sladen purchased the property on November 12, 1953 and transferred the property to his wife, Gwendolyn Sladen on June 20, 1975. These dates are different from those provided to us and subsequently inserted into the Application.

We further confirm that we have been advised by Brenda Bachmann of MacDonald Realtors that she has a party very interested in purchasing the property once the home has been severed from the acreage. No contract can be written up until it is known that Sladen has something to sell.

We trust the enclosed is sufficient to finalize processing the above-noted application. If you require anything further from the undersigned, please do not hesitate to contact this office.

Yours very truly,
Porter Ramsay

Per:


Tom Smithwick, Q.C.

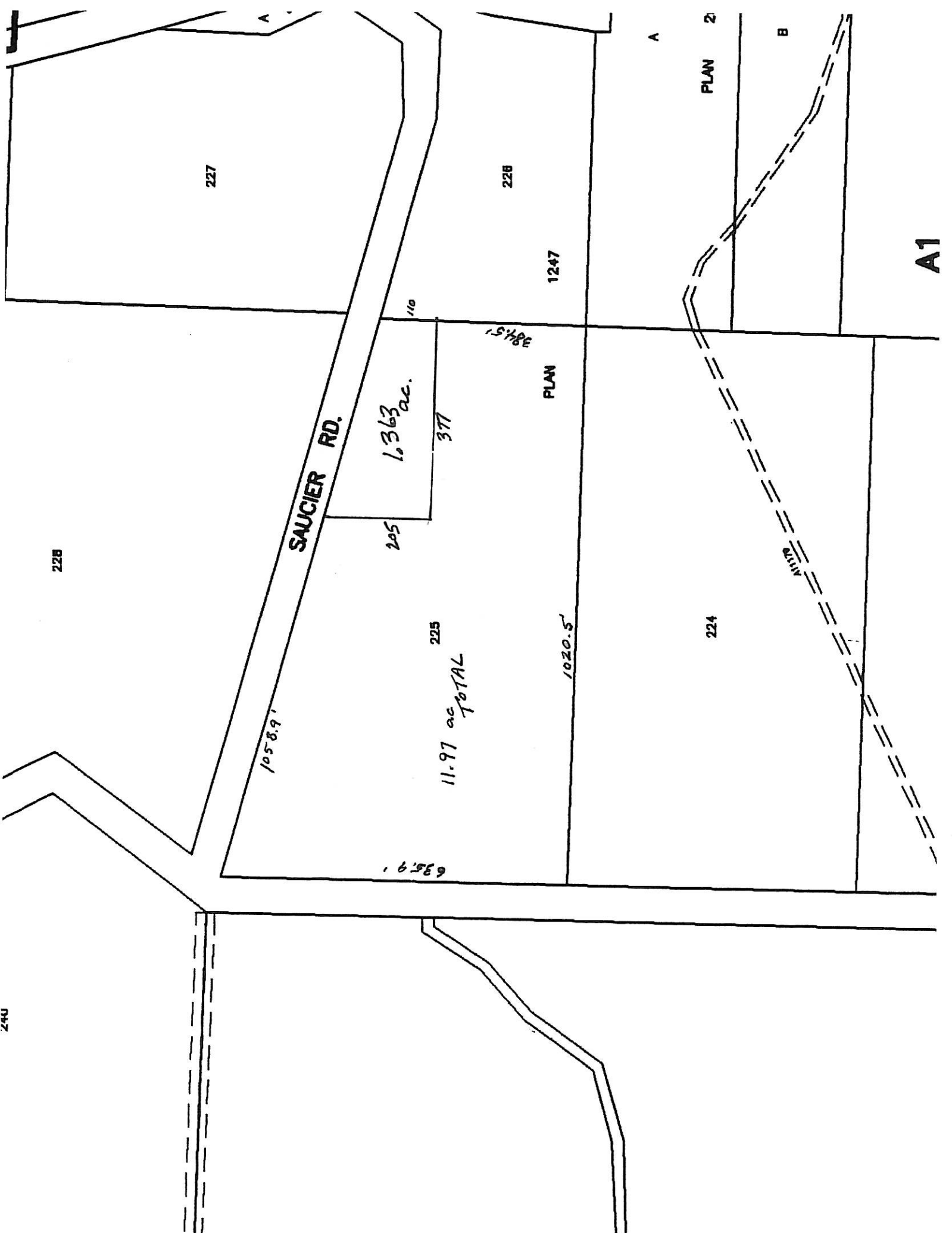
/srr
Enclosures

/L City of Kel 02

Phone: (250) 763-7646
Facsimile: (250) 762-9960

www.porterramsay.com
email: tsmithwick@porterramsay.com

#200-1465 Ellis Street, Kelowna, British Columbia V1Y 2A3



228

227

SAUCIER RD.

1.363 ac.

205

225

11.97 ac TOTAL

226

1247

PLAN

1020.5'

PLAN

224

A1111

B

A1



Legal Composite Map

No. **29-32**

Index

25-4	25-5	25-6
27-28	27-29	27-30
27-31	27-32	27-33

Legend

ZONING



Development Permit Area



Land Use Contract

Aviation Corridor



LOWER CASE ROAD NAMES
INDICATE PRIVATE ROADS

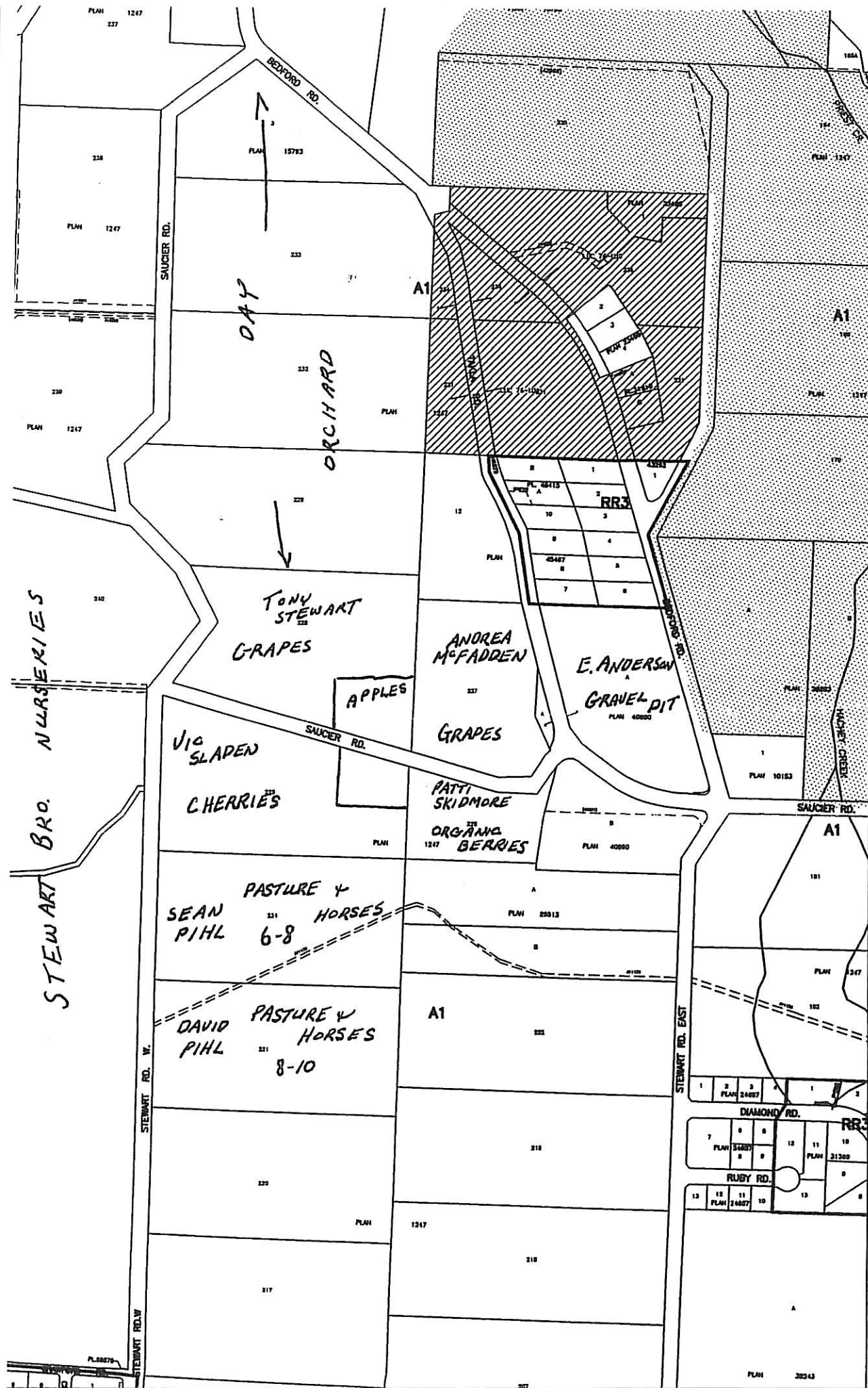
Scale (metres)

0 25 50 100 150

Scale 1:5000

Revision 2021-12-04

This document is for general information only. The City of Kelowna does not guarantee its accuracy. Concerned persons should not rely on this document and should verify all information shown.



Section 11 – Agricultural Zones

BL8404 amended the following Title:

11.1 A1 – Agriculture 1

A1s – Agriculture 1 with Secondary Suite

BL8760 replaced the Purpose.

BL9120 replaced the Purpose as follows:

11.1.1 Purpose

The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5

11.1.2 Principal Uses

The principal uses in this zone are:

- (a) agriculture
- (b) animal clinics, major where in existence prior to July 1st, 1998
- (c) aquaculture
- (d) greenhouses and plant nurseries

BL8760 added paragraph (e) and renumbered the subsequent paragraphs:

- (e) intensive agriculture

BL9120 deleted paragraphs (f) mobile homes and (g) single detached housing and added (g) single dwelling housing and renumbered the subsequent paragraphs:

- (g) single dwelling housing
- (f) utility services, minor impact

11.1.3 Secondary Uses

The secondary uses in this zone are:

- (a) agricultural dwellings, additional
- (b) agri-tourist accommodation
- (c) animal clinics, major
- (d) animal clinics, minor
- (e) bed and breakfast homes
- (f) care centres, intermediate

BL8760 added "forestry" and renumbered the subsequent sections:

- (g) forestry

BL8654 deleted paragraph (g) and renumbered the subsequent sections

- (h) group homes, minor
- (i) home based businesses, major
- (j) home based businesses, minor
- (k) home based businesses, rural
- (l) kennels and stables
- (m) wineries and cideries

BL8881 added second kitchen.

BL9120 replaced paragraph (n) as follows:

- (n) second kitchen (A1 only)

BL8404 added the following line:

- (o) secondary suite (A1s only)

BL9120 added subsection 11.1.4 Buildings and Structures Permitted and renumbered the subsequent paragraphs as follows:

11.1.4 Buildings and Structures Permitted

- (a) one **single detached house** (which may contain a **secondary suite** in the A1s zone);
- (b) one **mobile home**;
- (c) permitted **accessory buildings** or **structures** (which may contain a **secondary suite** in the A1s zone).

11.1.5 Subdivision Regulations

- (a) The minimum **lot width** is 40.0 m.

BL8862 replaced paragraph (b) as follows:



- (b) The minimum **lot area** is 4.0 ha except the minimum **lot area** is 2.0 ha when located within the **Agricultural Land Reserve**. That Lot B, Section 34, Township 29, ODYD, Plan KAP66973 be exempted from the minimum lot area requirements of this zone for a period of 3 years, effective July 30, 2002

11.1.6 Development Regulations

- (a) The maximum **site coverage** is 10% for residential **development**, and it is 35% for **agricultural structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- (b) The maximum **height** is the lesser of 9.5 m or 2½ **storeys**, except it is 13.0 m for accessory **buildings** and 16.0 m for **agricultural structures**.
- (c) The minimum **front yard** is 6.0 m.
- (d) The minimum **side yard** is 3.0 m, except it is 4.0 m from a **flanking street**.
- (e) The minimum **rear yard** is 10.0 m, except it is 3.0 m for accessory **buildings**.

BL8760 replaced paragraph (f)

- (f) Notwithstanding subsections 11.1.6(c) to (e), **confined livestock areas** and/or **buildings** housing more than 4 animals, or used for the processing of animal products or for **agricultural and garden stands**, shall not be located any closer than 15.0 m from any **lot line**, except where the **lot line** borders a **residential zone**, in which case the area, building or stand shall not be located any closer than 30.0 m from the **lot line**.

11.1.7 Other Regulations**BL8367 and BL8760 both replaced paragraph (a):**

- (a) Notwithstanding subsection 11.1.4(b), when a **home based business, rural** involves the cutting and wrapping of wild game or any meat, the **lot** must have a minimum **lot area** greater than 0.33 ha.
- (b) Single wide **mobile homes** shall not be located on **lots** smaller than 2.0 ha. and double wide **mobile homes** shall not be located on **lots** smaller than 0.8 ha.
- (c) Major animal clinics or **kennels and stables** shall not be located on parcels less than 2.0 ha.

BL8654 replaced paragraphs (d) and (e) with paragraphs (d) (e) and (f) and renumbered the subsequent paragraphs:

- (d) **Agricultural and garden stands** selling only produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0 m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of agricultural and garden sales for produce produced off-site or off-farm products shall be the lesser of one-third of the total floor area of the agricultural and garden sales stand or 100.0 m².
- (e) For **lots** not located within the **Agricultural Land Reserve**, **agri-tourist accommodation** shall not be located on **lots** smaller than 5.0 hectares in size and shall not exceed 10 **bedrooms**, campsites or recreational vehicle pads.

- (f) For lots located within the **Agricultural Land Reserve**, **agri-tourist accommodation** shall not be located on lots smaller than 2.0 hectares in size and shall not exceed 10% **site coverage**. Notwithstanding this section, the provision of **agri-tourist accommodation** must be in compliance with the provisions of the **Agricultural Land Reserve Act** or specific approval from the **Land Reserve Commission**.

BL8404 added paragraphs (g) and (h):

BL8760 replaced paragraph (g):

- (g) In addition to the regulations listed above, other regulations may apply, including, but not limited to, other sections of this Zoning Bylaw, and any applicable regulations or requirements of the **Land Reserve Commission**.
- (h) An "s" notation shown on Schedule "A" as part of the identified **zone** classification indicates that a **secondary use** in the form of a **secondary suite** is permitted on the properties so designated, subject to meeting the conditions of **use** of the **zone**. An "s" zoning classification on a property shall be established by rezoning the subject property to the "s" version of parent **zone**.
- (i) A **secondary suite**, in accordance with Section 9.5, may only be located within a single detached **dwelling** or an accessory **building** to a single detached **dwelling** which is no closer than 5.0 m to the principal **building**.

BL8760 added paragraph (j) as follows:

- (j) **Intensive Agriculture** uses shall be located only within those areas designated for Intensive Agricultural Use in accordance with Schedule "A" attached to this Bylaw.

BL8881 added paragraph (k) as follows:


- (k) A **second kitchen** may only be located in **single detached housing**. A **second kitchen**, when permitted, is to be used by the occupants of **single detached housing** only to accommodate one **household**. The section of the building containing the **second kitchen** must be freely and fully accessible from the remainder of the **dwelling** without any intervening doors equipped with a locking device of any kind. In order to clarify the restrictions of use of the **second kitchen** to members of the **household**, the owner of the property will be required to sign an affidavit form clearly outlining all **second kitchen** regulations prior to the issuance of an occupancy permit for the **second kitchen**.

BL9003 added paragraph (l) as follows:

- (l) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agricultural 1 with Secondary Suite zone provided it is not in the **Agricultural Land Reserve**.

- 1.8.2 A principal or **secondary use** is permitted on a **lot** less than the minimum **lot** size in that **zone**, provided that the **lot** was created before adoption of this Bylaw and the **development** otherwise complies with all the regulations of this Bylaw.

BL8367 added sub-section 1.8.3 as follows:

-  1.8.3 Where a **lot** is created with Agricultural Land Commission approval for severance of a home-site or a **lot** to be used in lieu, then the regulations of the RR2 **zone** will apply.

BL8743 added sub-section 1.8.4 as follows:

- 1.8.4 A **lot** having less than the required minimum **lot** size in a **zone** may be rezoned to add the "s" notation to the **zone** classification to permit a **secondary suite** as a **secondary use**, provided the **lot** was created before adoption of City of Kelowna Zoning Bylaw No. 8000 and the **development** otherwise complies with all regulations of the Zoning Bylaw.

1.9 Applications in Process

- 1.9.1 A completed application for a **building permit** which is received prior to the effective date of this Bylaw shall be processed in accordance with the **City** of Kelowna Zoning Bylaw (1976) No. 4500, as amended. Such applications shall be approved or rejected within 12 months of this Bylaw coming into effect and, if rejected, any future **development** must comply with this Bylaw.

1.10 General Interpretation

- 1.10.1 Any enactments referred to herein are a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the **Council** of the **City** of Kelowna, as amended, revised, consolidated or replace from time to time.
- 1.10.2 The headings given to sections, paragraphs, and sub-sections in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.
- 1.10.3 The Schedules attached to this bylaw form part of this bylaw.

BL8760 Added the following section:

1.11 Review of Agriculture Zone

- 1.11.1 The City of Kelowna will initiate a review of the Agriculture zone, and related regulations, in conjunction with the Ministry of Agriculture, Food and Fisheries by no later than December 31, 2003.

BL9120 replaced the title as follows:

12.2 RR2 – Rural Residential 2 RR2s – Rural Residential with Secondary Suite

12.2.1 Purpose

The purpose is to provide a **zone** for country residential **development**, and complementary **uses**, on medium sized **lots** in areas of high natural amenity and limited **urban services**.

12.2.2 Principal Uses

The **principal uses** in this **zone** are:

- (a) **greenhouses and plant nurseries**
- BL9120 amended paragraph (b) as follows:
 - (b) **single dwelling housing**

12.2.3 Secondary Uses

The **secondary uses** in this **zone** are:

- (a) **bed and breakfast homes**
- (b) **care centres, intermediate**
- BL8654 deleted paragraph (c) and renumbered the subsequent paragraphs:
 - (c) **group homes, minor**
 - (d) **home based businesses, major**
 - (e) **home based businesses, minor**
 - (f) **home based businesses, rural**
- BL8881 added second kitchen
- BL9120 amended second kitchen as follows:
 - (g) **second kitchen (RR2 only)**
- BL9120 added the following:
 - (h) **secondary suite (RR2s only)**

BL9120 added paragraph 12.2.4 Buildings and Structures Permitted and renumbered the subsequent paragraphs as follows:

12.2.4 Buildings and Structures Permitted

- (a) **one single detached house** (which may contain a **secondary suite** in the RR2s zone);
- (b) **permitted accessory buildings or structures** (which may contain a **secondary suite** in the RR2s zone).

12.2.5 Subdivision Regulations

- (a) The minimum **lot width** is 36.0 m.
- (b) The minimum **lot depth** is 30.0 m.

BL8571 replaced Paragraph (c):

- (c) The minimum **lot area** is 1.0 Ha unless a connection to the community sanitary sewer system, in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw, has been installed. If a connection to a community sanitary sewer system in accordance with the requirements of the City of Kelowna's Subdivision, Development & Servicing Bylaw, has been installed, the minimum **lot area** is 4000 m².

6.12 Rooftop Screening

- 6.12.1 Rooftop, mechanical, and electrical equipment in **zones** other than **agricultural zones** shall be screened from view from a public roadway or **adjacent** property at grade.

6.13 Utility Cabinets

- 6.13.1 Minor utility cabinets for the provision of telephone, power, cable television or other utility services, when located outside a statutory right-of-way, shall comply with the following:

- (a) a cabinet less than 1.8 m in **height** with no horizontal dimension exceeding 1.0 m need not comply with any **yard** requirements in any **zone**;
- (b) a cabinet less than 1.8 m in **height** with a horizontal dimension between 1.0 m and 2.0 m must be set back at least 1.0 m from a **lot line**; and
- (c) a cabinet greater than 1.8 m in **height** or with a horizontal dimension exceeding 2.0 m shall comply with the setbacks for accessory **structures** in that **zone**.

BL9120 deleted "6.14 Stream Protection Leave Strips" and replaced as follows:

6.14 Riparian Management Area (RMA) Setbacks

BL9120 replaced paragraph 6.14.1 as follows:

- 6.14.1 In all **zones** where **Riparian Management Area** setbacks are required along **watercourses**, as specified by Official Community Plan Bylaw No. 7600, the specified setback distance shall be measured from the **top-of-bank**, or from the **natural boundary** where the **top-of-bank** is not clearly defined. The specified setback distance shall be measured to the nearest part of the building or structure including roofs, eaves, and any over-hanging components or cantilevered portions of a building.

BL9120 replaced paragraph 6.14.2 as follows:

- 6.14.2 No **alteration of land** shall be permitted within a **Riparian Management Area** without an authorized Development Permit.

BL9120 and BL9530 replaced paragraph 6.14.3 as follows:

- 6.14.3 When new **lots** are created abutting a **watercourse** where a **Riparian Management Area** setback is required, the land within the **RMA** may be used for calculating the minimum **lot** area and for the determination of permitted **density** and **lot coverage**.

BL9120 replaced paragraph 6.14.4 and BL9530 deleted paragraph 6.14.1 in its entirety.

BL8367 added a new Section 6.15:

6.15 Storage of Materials

- 6.15.1 No storage of materials shall be permitted in any **front yard**.

BL8571 added a new Section 6.16:

6.16 Minimum Lot Size – Septic Disposal System

- 6.16.1 For any rural residential, residential, industrial, commercial, institutional or comprehensive land use, no **lots** shall be created that are less than 1.0 Ha in area unless they are serviced by a community sanitary sewer system. The only exception to this provision are subdivisions approved by the Provincial Agricultural Land Reserve Commission for a homesite severance or a **subdivision** in lieu of a homesite severance, or an institutional **lot** for utility services or park or open space where there will be no requirement for sewage disposal.




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Burnaby, British Columbia, Canada

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 Agricultural Land Commission Act	<div style="text-align: right;">Policy #11 March 2003</div> <div style="text-align: center;">HOMESITE SEVERANCE ON ALR LANDS</div>
<i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i>	

The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

An application under Section 21 (2) of the *Agricultural Land Commission Act* is required.

Persons making use of this policy should understand clearly that:

- a. no one has an automatic right to a "homesite severance";
- b. the Commission shall be the final arbiter as to whether a particular "homesite severance" meets good land use criteria; (see #4 below)
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel. (see #5 below).

Without limiting the generality of the foregoing, the following guidelines apply to "homesite severance" applications.

1. A once only severance may be permitted where the applicant submits documentary evidence that he or she has continuously owned and occupied the property as his or her principal place of residence since 21 December 1972.
2. Where an applicant for a "homesite severance" has had a previous subdivision application approved by the Commission resulting in the creation of a separate parcel, the Commission may consider the previous approval as having fulfilled the objectives of the Homesite Severance Policy and may deny any further consideration under the Homesite Severance Policy.
3. An application for a "homesite severance" will be considered only where the applicant submits documentary evidence showing a legitimate intention to sell the remainder of the property upon the approval of the "homesite severance" application. [An interim agreement for sale, a prospective buyer's written statement of intent to purchase, a real estate listing, or some other written evidence of pending real estate transaction would be acceptable as documentation.]

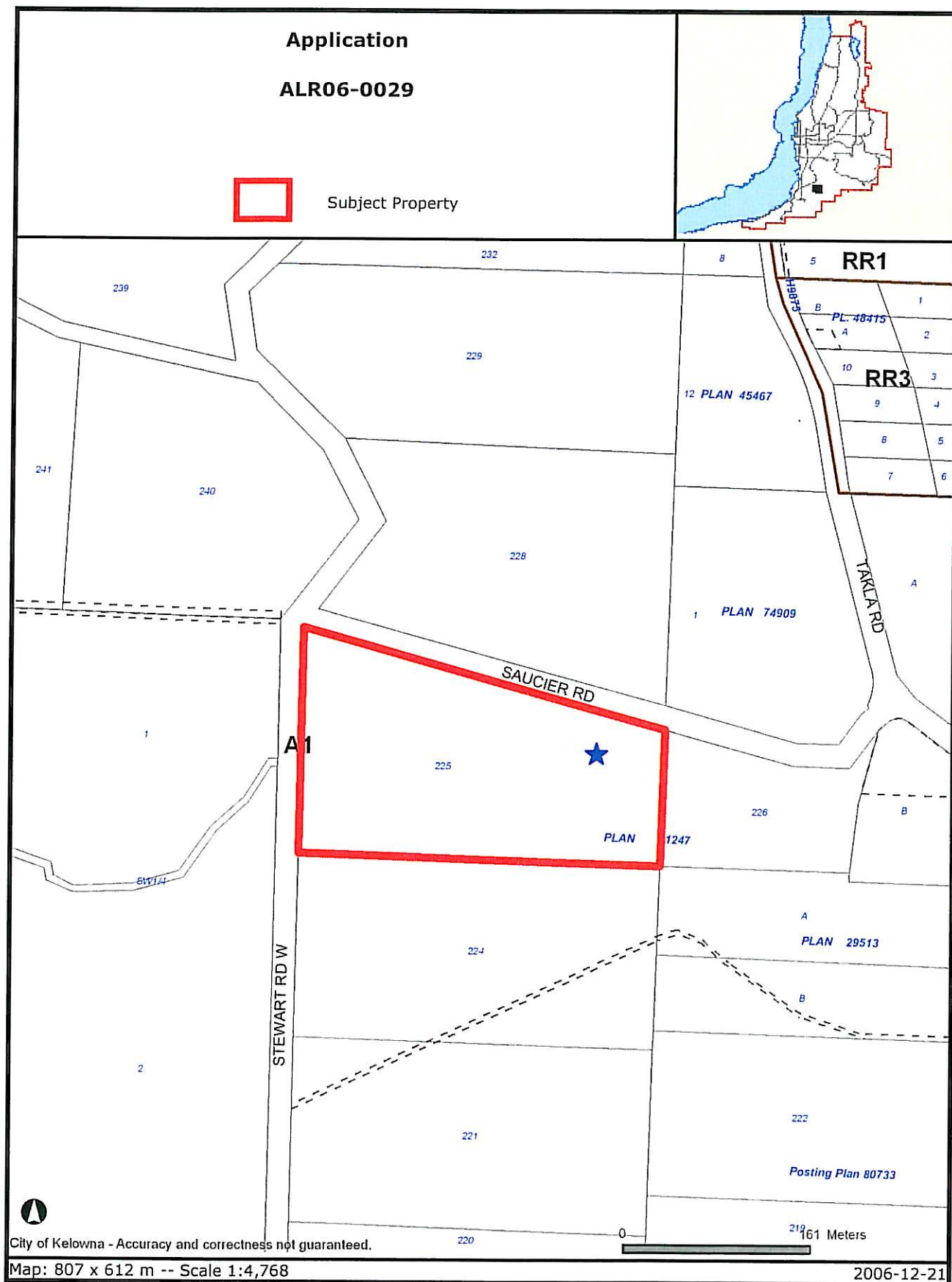
In considering the application, the Commission may make its approval subject to sale of the remainder within a specified period of time.

A Certificate of Order authorizing the deposit of the subdivision plan will be issued to the Registrar of Land Titles only when a "transfer of estate in fee simple" or an "agreement for sale" is being registered concurrently.

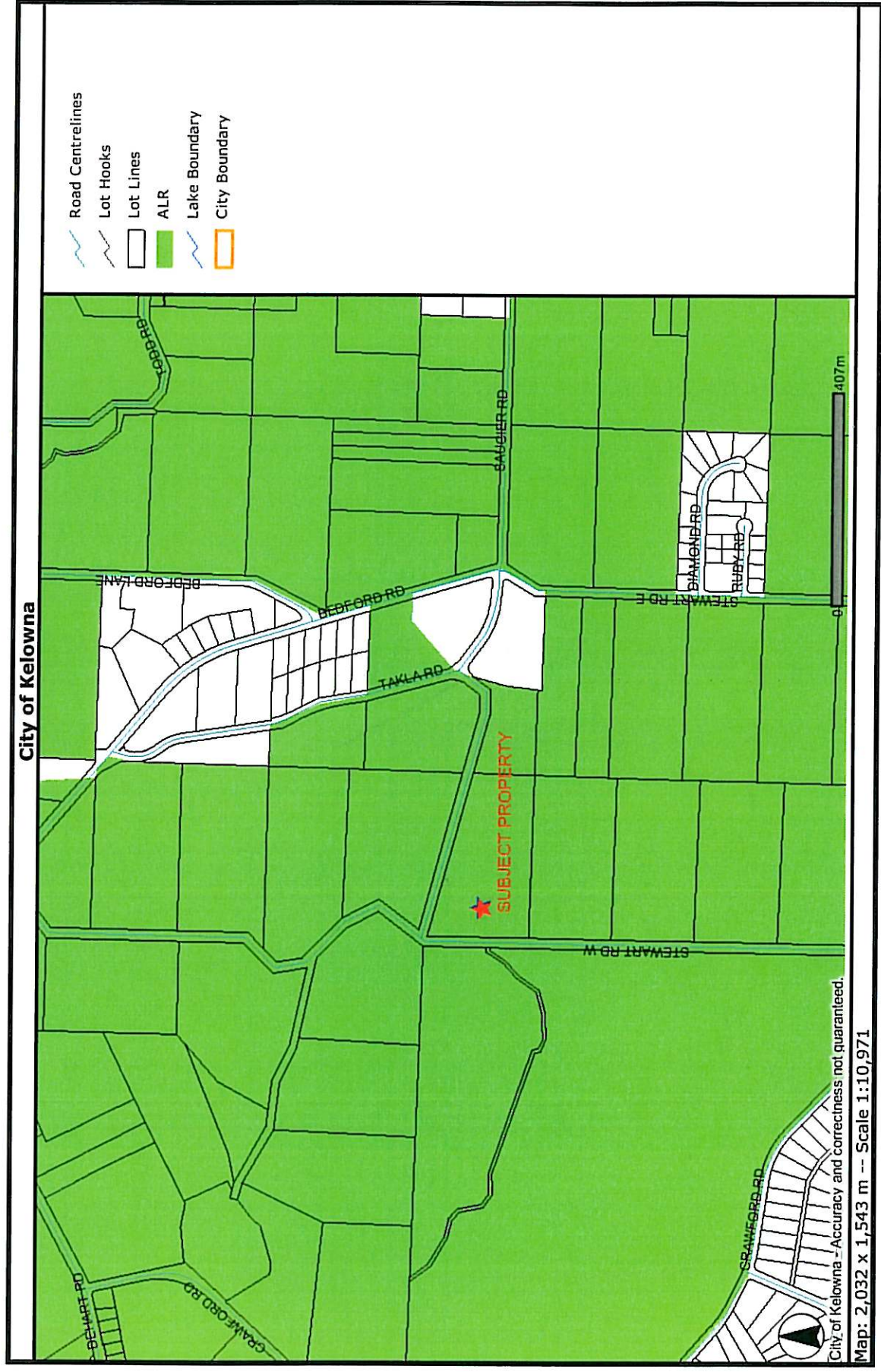
4. There will be cases where the Commission considers that good land use criteria rule out any subdivision of the land because subdivision would compromise the agricultural integrity of the area, and the Commission must therefore exercise its discretion to refuse the "homesite severance".

Where the Commission decides to allow a "homesite severance", there are two options:

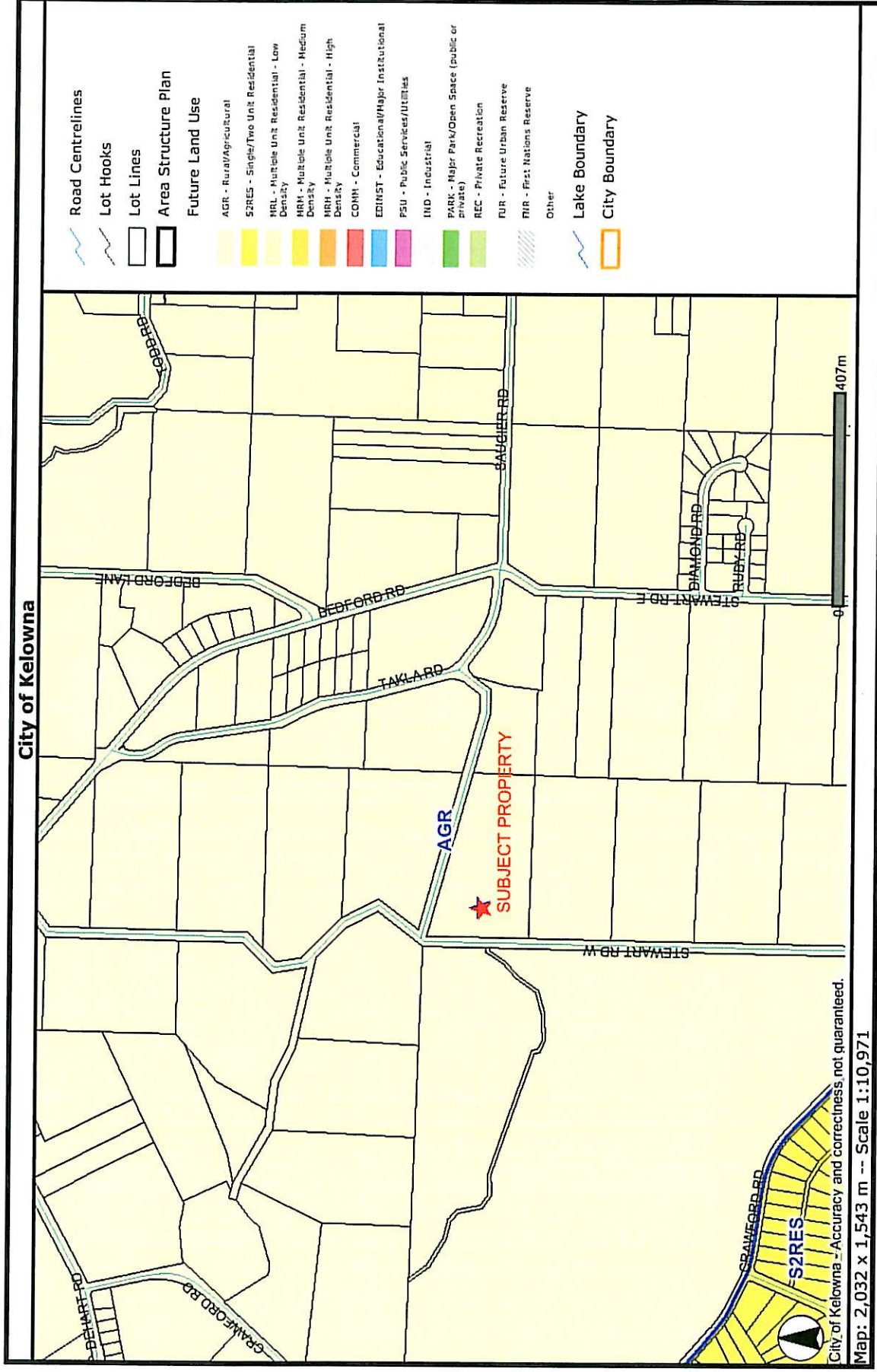
- a. the existing homesite may be created as a separate parcel where it is of a minimum size compatible with the character of the property (plus a reasonable area, where required, for legal access purposes); or
 - b. where the location of the existing homesite is such that the creation of a parcel encompassing the homesite would, in the Commission's opinion, create potential difficulty for the agricultural operation or management of the "remainder", the Commission may, as it deems appropriate, approve the creation of a parcel elsewhere on the subject property.
5. The remainder of the subject property after severance of the homesite must be of a size and configuration that will, in the Commission's opinion, constitute a suitable agricultural parcel. Where, in the Commission's opinion, the "remainder" is of an unacceptable size or configuration from an agricultural perspective, there are three options:
 - a. the Commission may deny the "homesite severance";
 - b. the Commission may require that the "remainder" be consolidated with an adjacent parcel; or
 - c. the Commission may require the registration of a covenant against the title of the "remainder" and such a covenant may prohibit the construction of dwellings.
 6. A condition of every "homesite severance" approved by the Commission shall be an order stipulating that the homesite is not to be resold for five years except in the case of estate settlements. Prior to the issuance of a Certificate of Order authorizing deposit of the subdivision plan, the owner shall file with the Commission a written undertaking or standard notarized contractual commitment to this effect.
 7. Where a "homesite severance" application has been approved by the Commission, local governments and approving officers are encouraged to handle the application in the same manner as an application under Section 946 of the *Local Government Act* insofar as compliance with local bylaws is concerned.



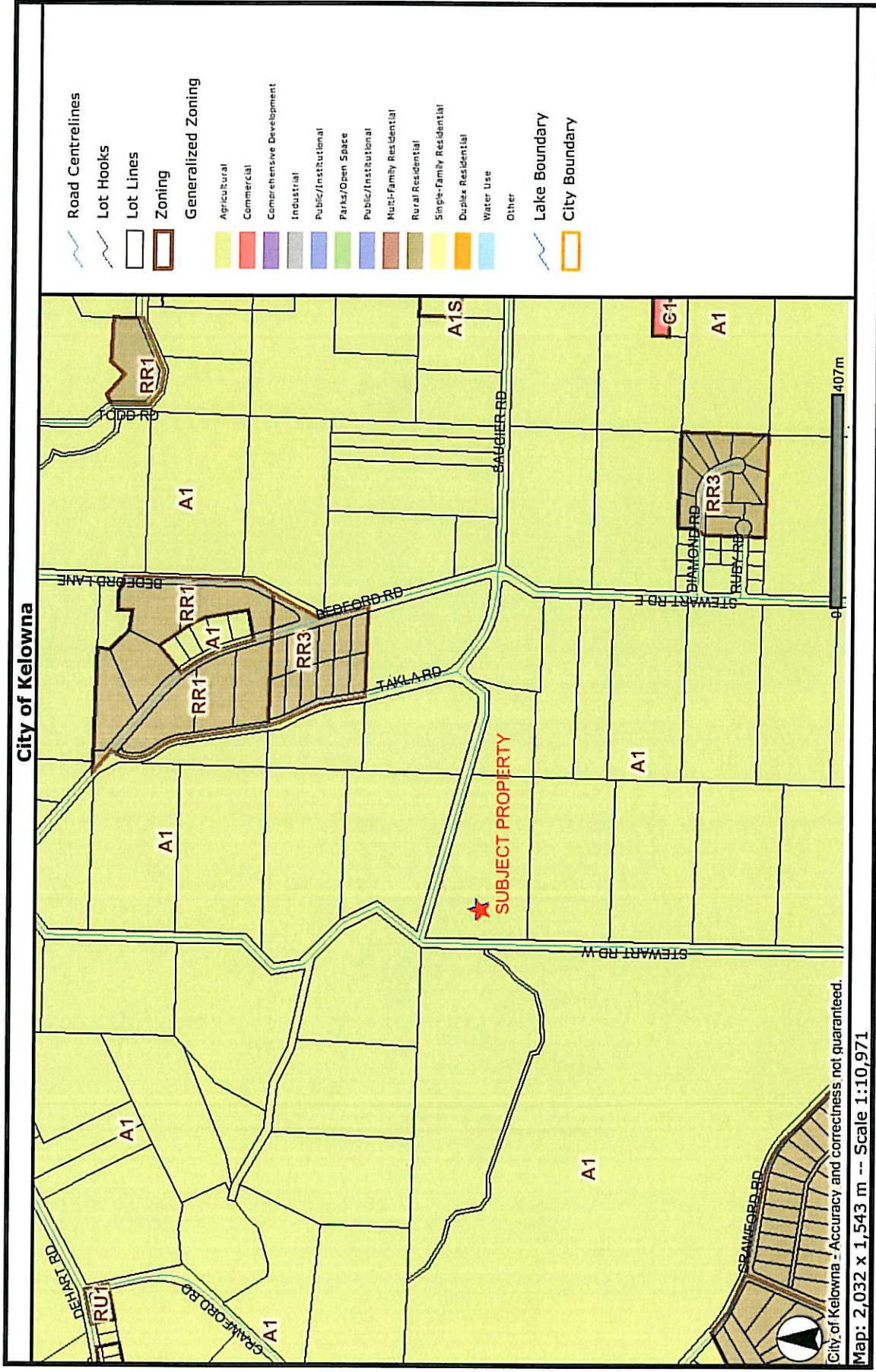
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



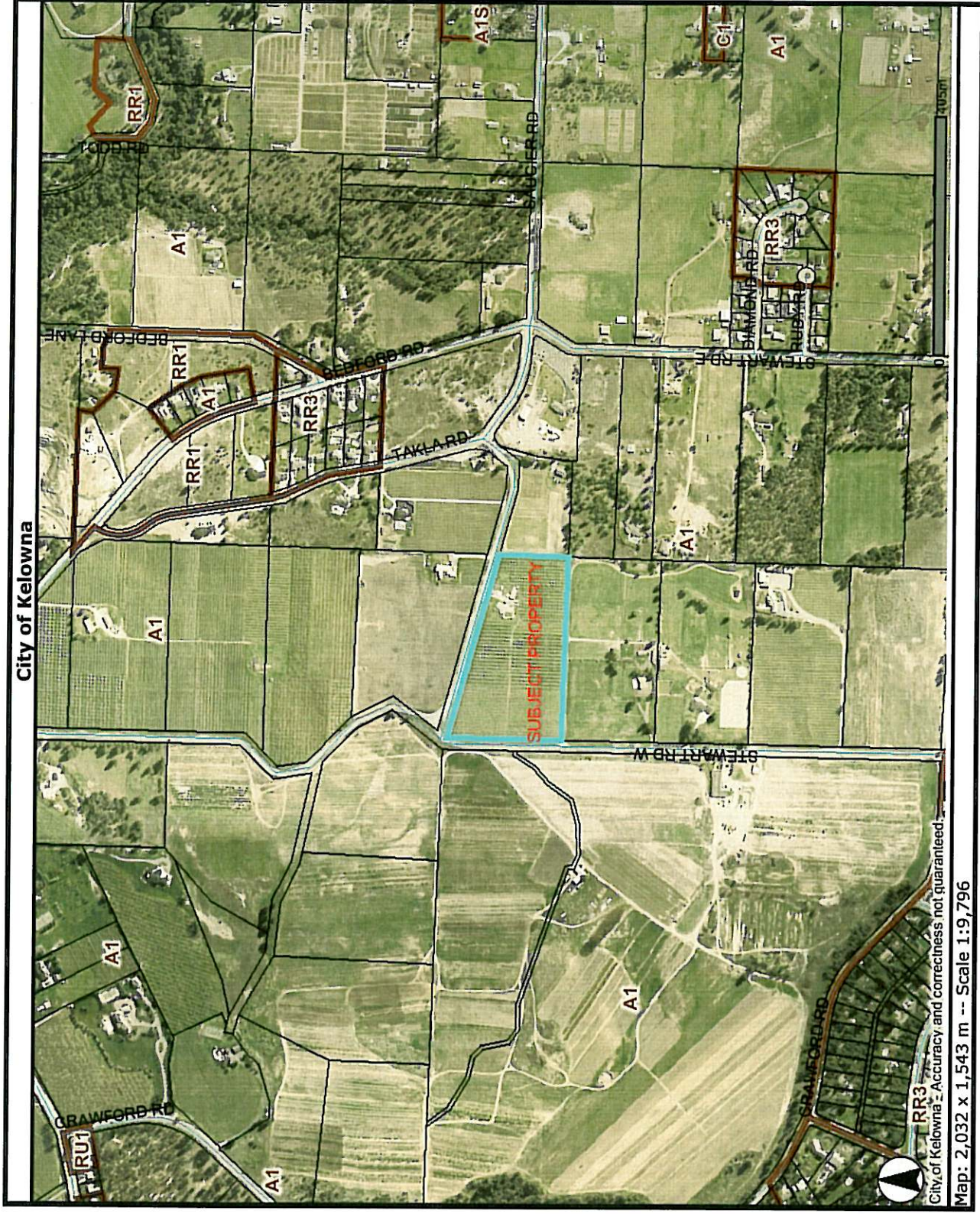
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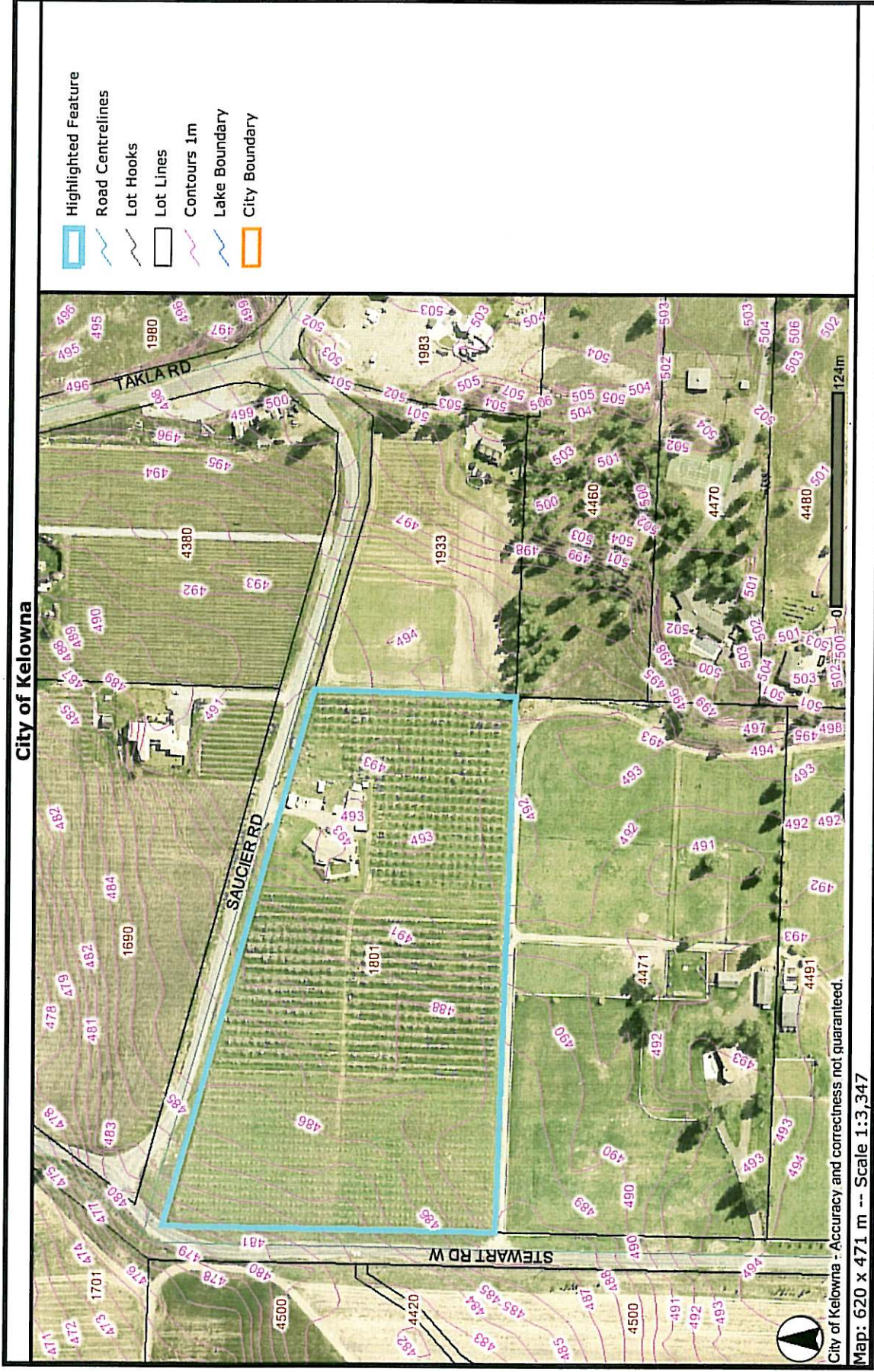
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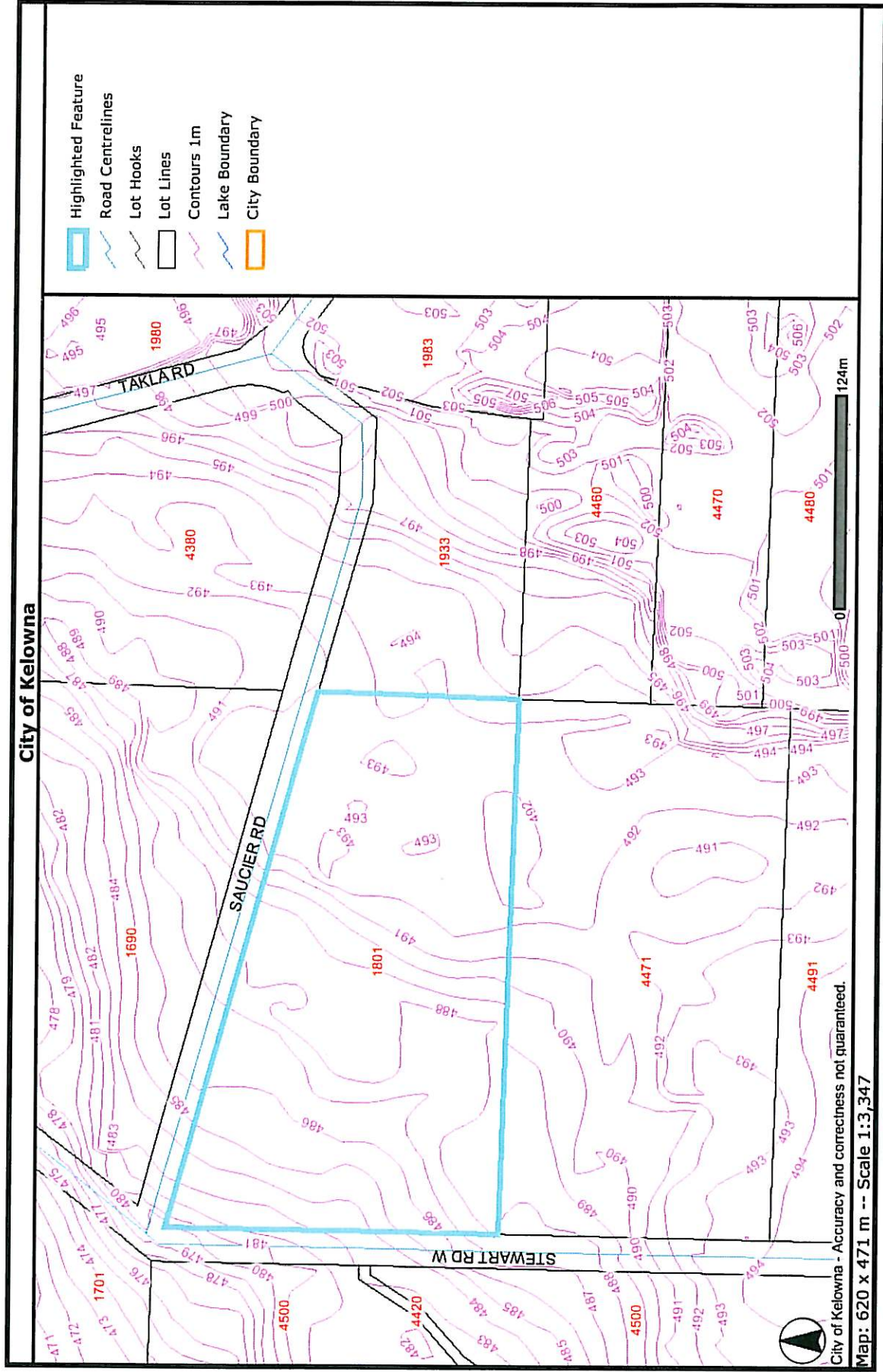
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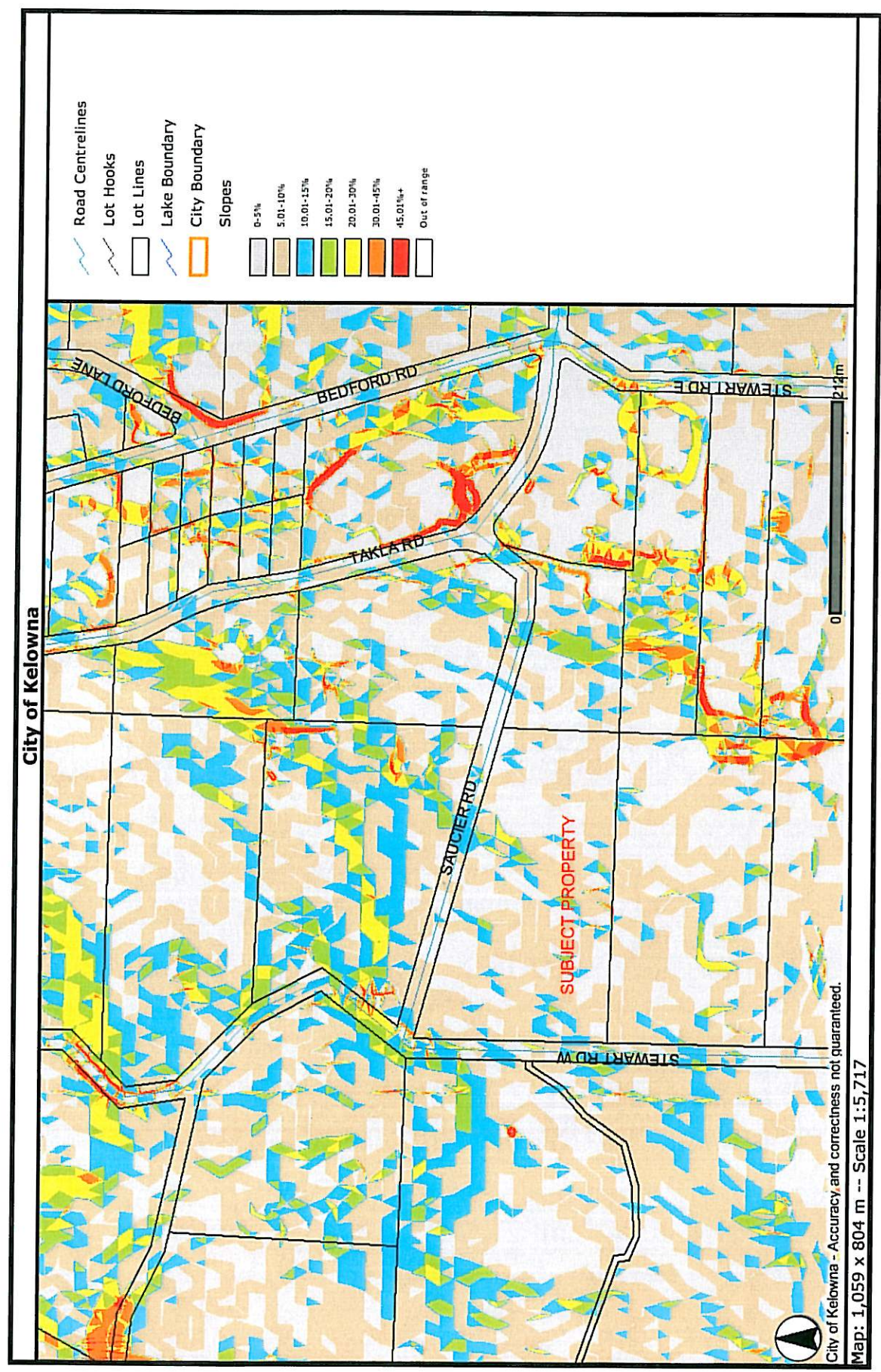
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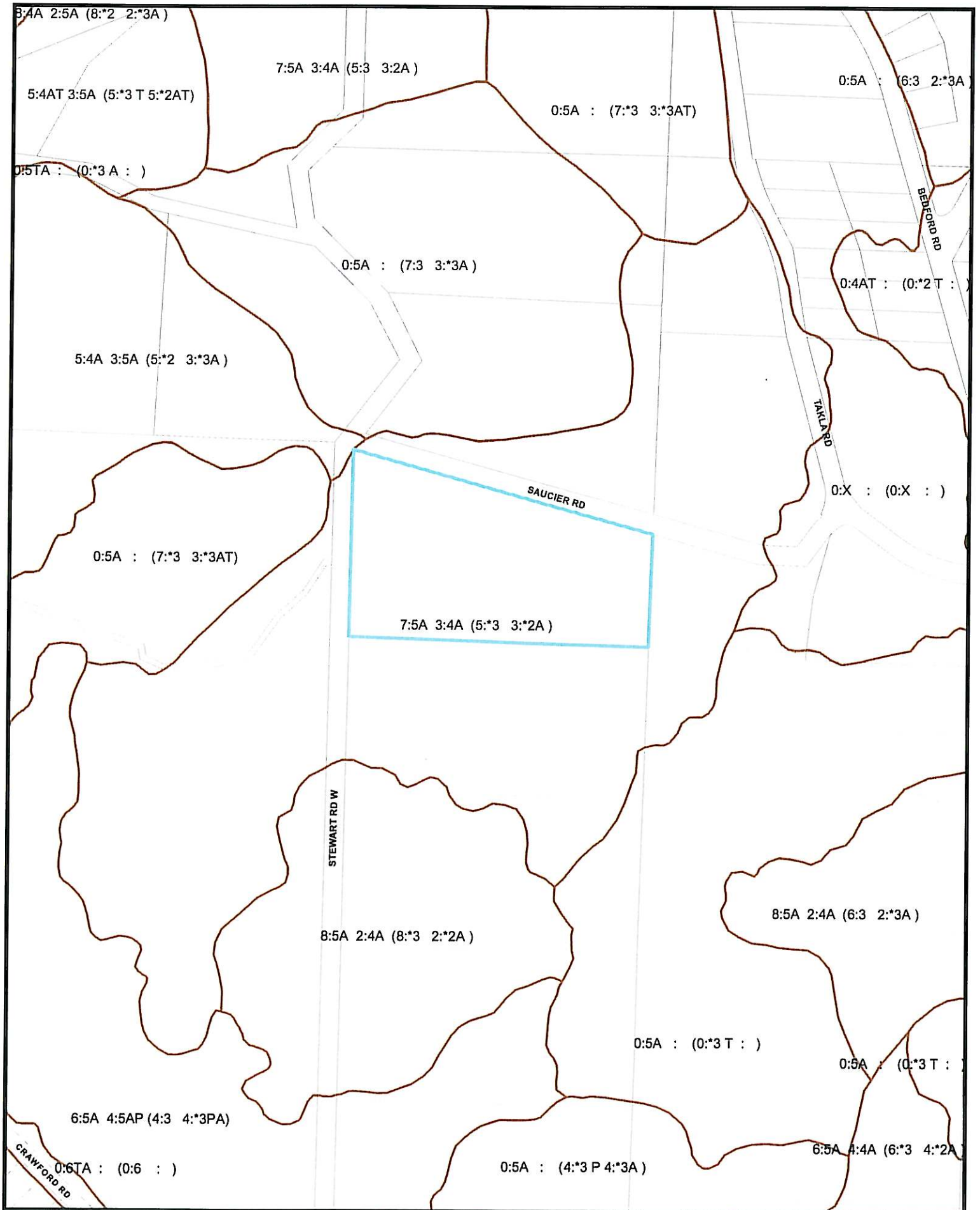


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Land Capability = Brown/ Soil Class = Green



1:5,000

Land Capability = Brown/ Soil Class = Green

