



*application to the Land Commission would be considered. The policy is applicable to land where the principal residence of the applicant has been owner-occupied since December 21, 1972.*

The City's Agriculture Plan recommends that the City continue to support the concept of homesite severance, consistent with ALC Policy #11 (see Section 5.3 below), which allows farmers to retire or sell the property while retaining the homesite. This limited subdivision opportunity (available only to owner-occupants who have held the land since December 21, 1972) is intended to make the balance of the property available for a new owner to enter the farm business or an existing operation to expand.

ALC policies state that consideration of any homesite severance should be reviewed in the context of the overall agricultural integrity of the parcel, where the size and configuration will, in the Commission's opinion, constitute a viable agricultural remainder. It is with the above considerations with respect to viable agricultural remainder in mind that City staff have pursued revisions to the applicant's original submission.

The original submission depicted a 0.5 ha homesite severance request (~69m wide x 74m deep). As the existing parcel is a modest 3.64 ha size, the proposed severance would result in an approximate 14% reduction to 3.14 ha, a size which is undersized for most viable agricultural pursuits.

Following discussions with City staff, the applicant agreed to reconsider the proposed parcel size. A revised plan has been submitted (see attached) and which depicts an approximate 20% reduction from the original 0.5 ha request to 0.4 ha (~66m wide x 62.5m deep). A preferred scenario would result in a further parcel area reduction with a number of buildings and structures (e.g. farm equipment storage, homestead barn, paddock) located on the homesite remaining with the remnant parcel. A second septic field connected to a garage and containing a three piece washroom facility which was used by seasonal farm workers<sup>2</sup> (i.e. pickers) would also remain with the remnant parcel.

While this approach maximizes the agricultural viability and is desirable from a land use perspective, the proximity of the buildings and structures would result in non-conforming structures with respect to zoning bylaw development regulations and the need to issue variances to legitimize the locations following subdivision.

Given the close proximity of the home and accessory structures and the creation of a non-conformance, staff recommend support for the revised sketch plan (0.4 ha homesite severance) subject to decommissioning of the shower in the accessory building prior to subdivision.

#### 4.0 Proposal

##### 4.1 Background

The subject property is located on the east side of Teasdale Road in the Belgo/Black Mountain Sector of the City. The subject property is in a rural/agricultural area and is located at the top of an escarpment which slopes down to Hollywood Road South and Mission Creek to the west.

As noted above, the applicant is requesting permission from the ALC for a "*Subdivision of agricultural land reserve*" under Section 21(2) of the ALC Act. The applicants are seeking a two lot subdivision for the purpose of a Homesite Severance for estate planning purposes.

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<sup>2</sup> Personal Communication with Jackie Yates, July 27, 2011.

**Parcel Summary:**

Parcel Size: 3.64 ha (9.00 ac)  
 Elevation: 466 - 472 masl

**4.2 Zoning of Adjacent Properties**

The subject property is located east of Teasdale Road. The surrounding properties are zoned as follows:

Direction	Zoning Designation	Land Use
North	A1 - Agriculture 1	Agriculture
East	A1 - Agriculture 1	Agriculture
South	A1 - Agriculture 1	Agriculture
West	RR2 - Rural Residential RU6 - Two Dwelling Housing	Residential

**4.3 Subject Property - 1687 Teasdale Road**



**4.4 Subdivision criteria for the A1 zone include the following:**

CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Section 11.1.5 (a) - Minimum Lot Width	40.0 metres	Exceeds 40 metres
Section 11.1.5 (b) - Minimum Lot Area	2 hectares	Exceeds 2 hectares
Section 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.		

## 5.0 Current Development Policies

### 5.1 Kelowna 2030 Official Community Plan (OCP)

Objective 5.33 Protect and enhance local agriculture<sup>3</sup>.

*Policy .1 Protect Agricultural Land. Retain the agricultural land base by supporting the ALR and by protecting agricultural lands from development, except as otherwise noted in the City of Kelowna Agricultural Plan. Ensure that the primary use of agricultural land is agriculture, regardless of parcel size.*

*Policy .8 Subdivision. Maximize potential for the use of farmland by not allowing the subdivision of agricultural land into smaller parcels (with the exception of Homesite Severances approved by the ALC) except where significant positive benefits to agriculture can be demonstrated.*

*Policy .9 Housing in Agricultural Areas. Discourage residential development (both expansions and new developments) in areas isolated within agricultural environments (both ALR and non-ALR).*

### 5.2 City of Kelowna Agriculture Plan

ALR Application Criteria<sup>4</sup>

*Exclusion, subdivision, or non-farm use of ALR lands will generally not be supported. General non-support for ALR applications is in the interest of protecting farmland through retention of larger parcels, protection of the land base from impacts of urban encroachment, reducing land speculation and the cost of entering the farm business, and encouraging increased farm capitalization.*

Urban - Rural/Agricultural Boundary Policies<sup>5</sup>

*Parcel Size (Agricultural Land) - Discourage the subdivision of agricultural land into smaller parcels, except where positive benefits to agriculture can be demonstrated.*

*Homesite Severance - Continue to support the concept of homesite severance, consistent with Agricultural Land Commission Policy #025/78 [11]<sup>6</sup>.*

### 5.3 Agricultural Land Commission Policy #11- Homesite Severance on ALR Lands

*Persons making use of this policy should understand clearly that<sup>7</sup>:*

- 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;*
- c. a prime concern of the Commission will always be to ensure that the "remainder" will constitute a suitable agricultural parcel.*

*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".*

<sup>3</sup> City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

<sup>4</sup> City of Kelowna Agriculture Plan (1998); p. 130.

<sup>5</sup> City of Kelowna Agriculture Plan (1998); p. 131.

<sup>6</sup> City of Kelowna Agriculture Plan (1998); p. 85.

<sup>7</sup> Agricultural Land Commission - Policy #11 - Homesite Severance on ALR Lands ([http://www.alc.gov.bc.ca/legislation/policies/Pol11-03\\_homesite-severance.htm](http://www.alc.gov.bc.ca/legislation/policies/Pol11-03_homesite-severance.htm))

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.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

A comprehensive report will be provided at the time of development or subdivision application upon Agricultural Land Commission agreement of the subdivision.

### 6.2 Subdivision Approvals

The proposed homesite lot has two septic fields (one for the principal dwelling and one for the accessory building) which is not typical. Further, the homesite severance should only contain the area occupied by the house and personal garden, with the paddock, farm equipment storage, gas tank, and homestead barn left with the remainder parcel.

### 6.3 Policy & Planning

Policy & Planning recommends support for the proposed homesite severance. However, the homesite severance should only include the residential dwelling, septic disposal field and personal garden with all other buildings and structures remaining with the remnant parcel.

## 7.0 Application Chronology

Date of Application Received: June 3, 2011

Agricultural Advisory Committee: August 11, 2011

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on August 11, 2011 and the following recommendations were passed:

THAT the Agricultural Advisory Committee support Application No. A11-0007 for 1687 Teasdale Road, by Jackie Yates (Barney and Kirby Kitaura.), to obtain approval from the Agricultural Land Commission (ALC) for a "Subdivision of Agricultural Land Reserve" under Section 21(2) of the Agricultural Land Commission Act to allow a homesite severance.

No anecdotal comment was provided by the AAC.

Report prepared by:

  
Greg Sauer, Environment & Land Use Planner

Reviewed by:



T. Cashin, Manager, Environment & Land Use

Approved for Inclusion



S. Gambacort, Director, Land Use Management

**Attachments:**

Subject Property Map

ALR Map

Soil Classification Map

Subject Property Soil Classification Description

BCLI Land Capability Map

Subject Property BCLI Land Capability Description

Application by Landowner including Letter of Intent & Sketch Plan Showing Proposed Home Site Severance

Revised Sketch Plan Showing Proposed Home Site Severance



Land Capability = Brown/ Soil Class = Green



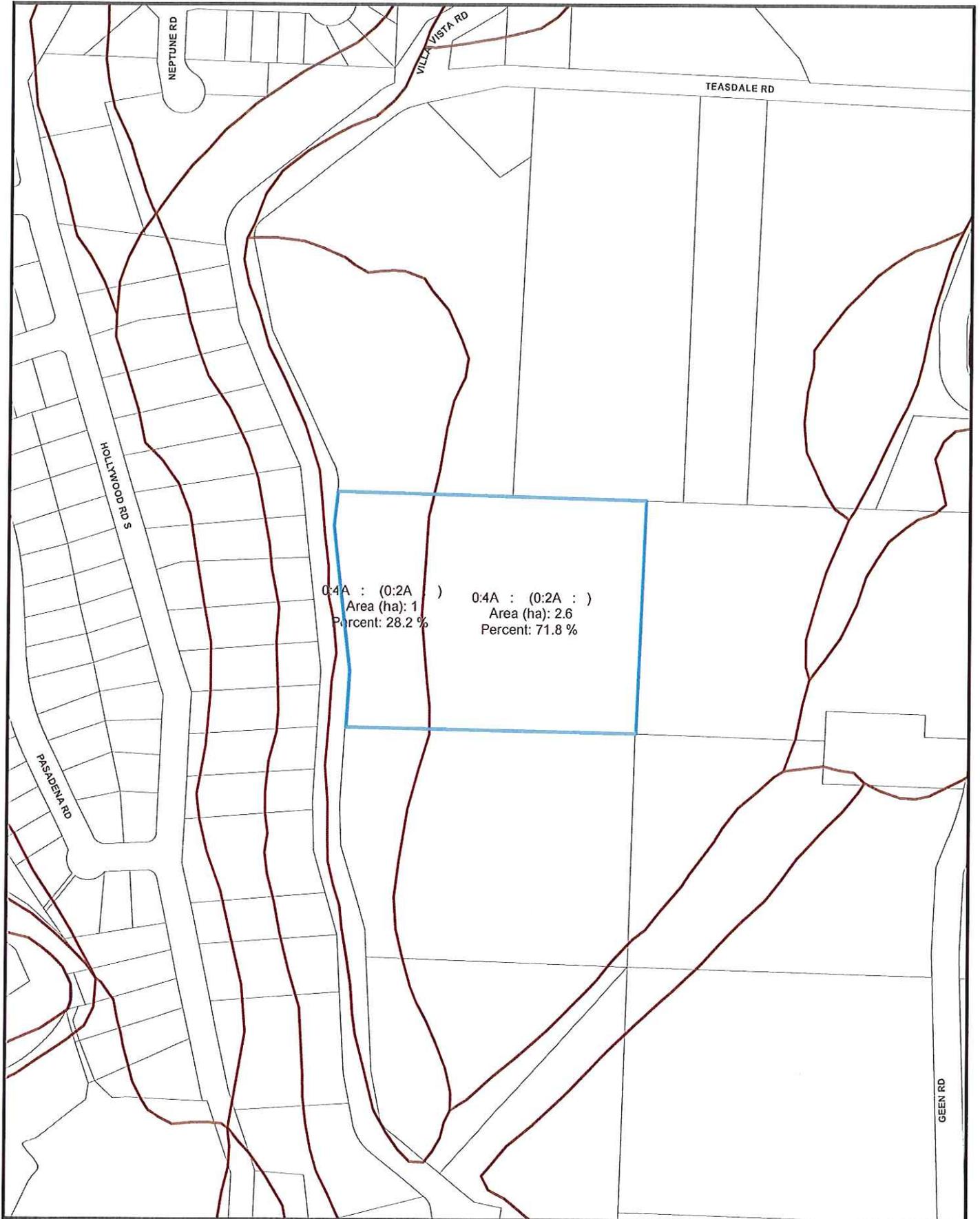
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## Soil Classification

The soil classification for the subject property is broken into two sections with soil types as defined below.

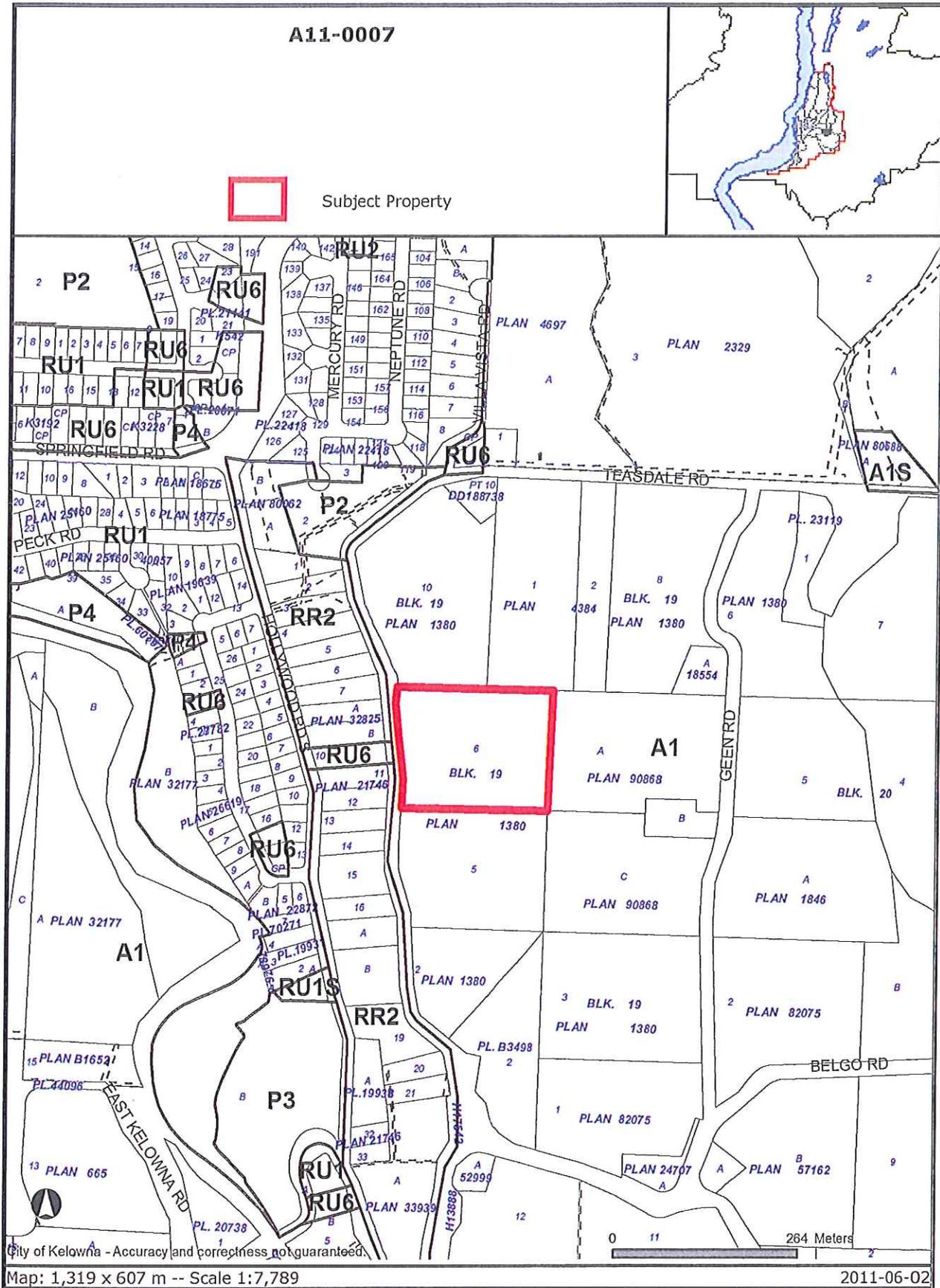
Portion of Site / %	Soil Type	Description
Western (28% of site) 100%	OY - Oyama	<u>Land:</u> very gently to extremely sloping fluvioglacial deposits. <u>Texture:</u> 100cm or more of sandy loam or loamy sand grading to sand. <u>Drainage:</u> rapid. <u>Classification:</u> Orthic Dark Brown.
Eastern (72% of site) 60%	OY - Oyama	<u>Land:</u> very gently to extremely sloping fluvioglacial deposits. <u>Texture:</u> 100cm or more of sandy loam or loamy sand grading to sand. <u>Drainage:</u> rapid. <u>Classification:</u> Orthic Dark Brown.
40%	DH - Dartmouth	<u>Land:</u> nearly level to very steeply sloping fluvioglacial deposits. <u>Texture:</u> 25 to 60 cm of sandy loam or loam over gravelly sandy loam or gravelly loamy sand. <u>Drainage:</u> well to rapid. <u>Classification:</u> Orthic Dark Brown.

Land Capability = Brown/ Soil Class = Green

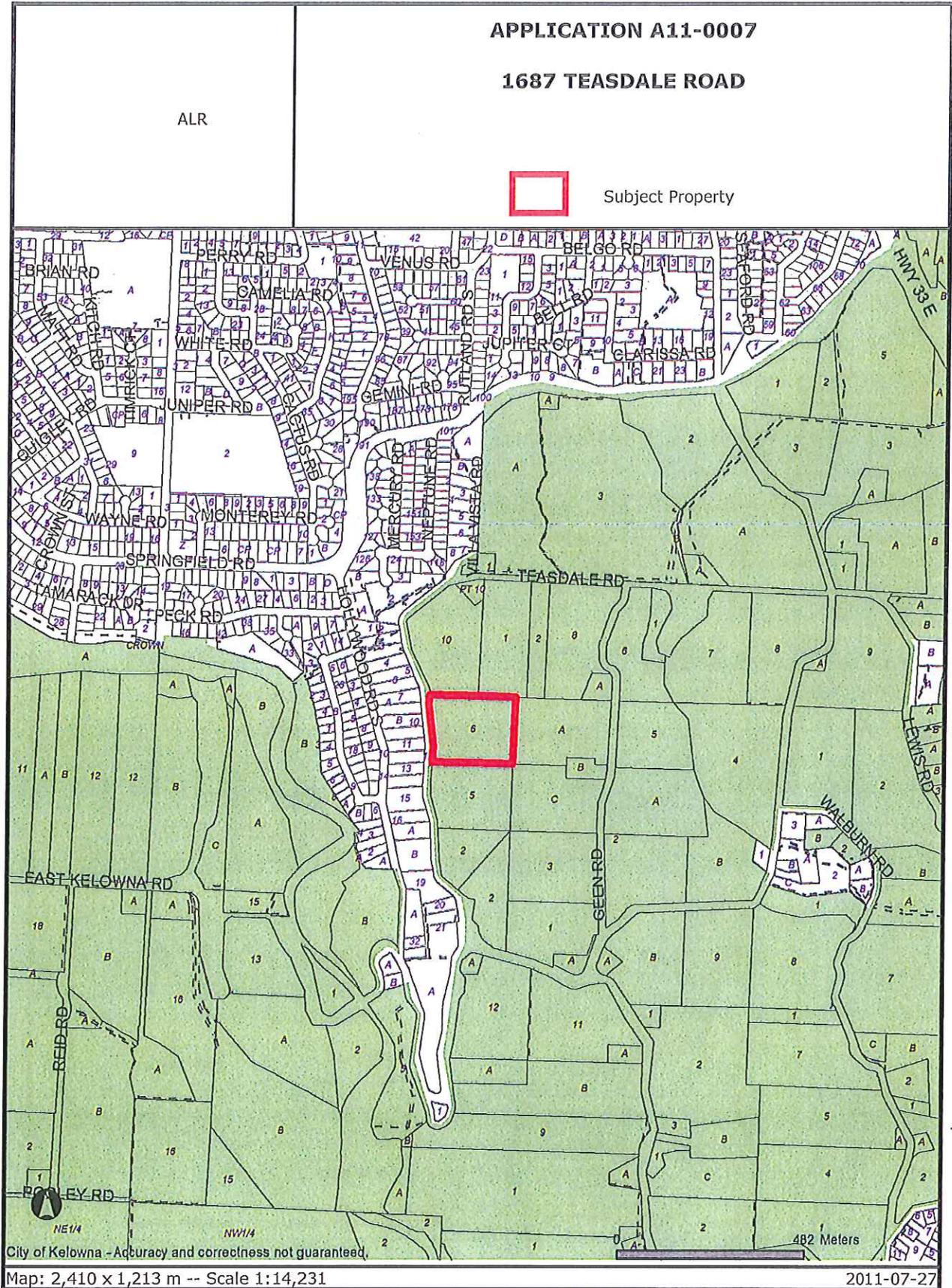


## BCLI Land Capability

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, With Improvements
Entire 100%	<p>100% Class 4. Land in this Class has limitations that require special management practices or severely restrict the range of crops, or both. Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting, and methods of soil conservation.</p> <p>Crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>	<p>100% Class 2. Land in this Class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both. Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.</p> <p>Crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>



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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Letter of Intent

May 27, 2011

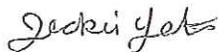
Barney Kitaura has been the owner and has maintained his principal residence on his orchard located at 1687 Teasdale road Kelowna, BC since November or 1965. His nephew Kirby Kitaura was placed on title with Barney for inheritance purposes June of 2000. Kirby is the current farmer of the Teasdale road.

The purpose of this application is to apply for a homesite severance of 1687 Teasdale road, Kelowna BC for Barney Kitaura.

See Sketch Plan attached.

Thank you for consideration of this application,

Sincerely,

A handwritten signature in cursive script that reads "Jackie Yates".

Jackie Yates

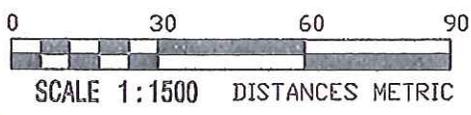
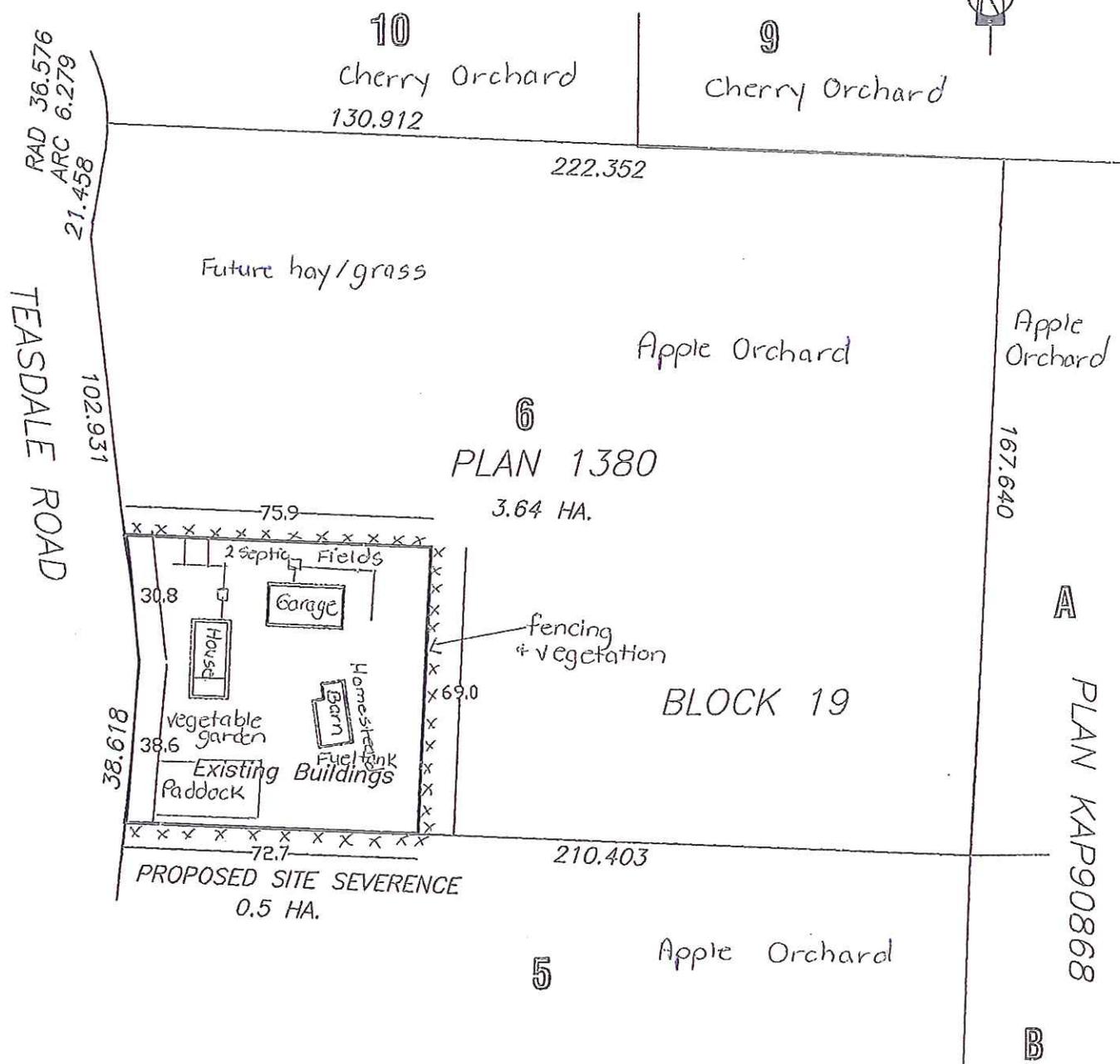
Agent for Barney Kitaura and Kirby Kitaura.

**SKETCH PLAN SHOWING PROPOSED HOME SITE SEVERENCE  
 LOT 6, BLOCK 19, SECTION 14, TOWNSHIP 26, PLAN 1380  
 OSOYOOS DIVISION, YALE DISTRICT,  
 BRITISH COLUMBIA  
 P.I.D. 011-611-731**

**CIVIC ADDRESS**

# 1687 TEASDALE ROAD  
 WEST KELOWNA, B.C.

**SUPERCEDED**



Ponderoka Consulting  
 4661 Stewart Road East  
 Kelowna, B.C. V1W 4C1  
 Ph. & Fx. 764-2656 File ~~552~~

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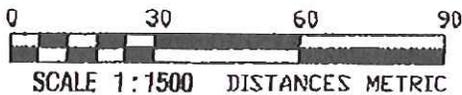
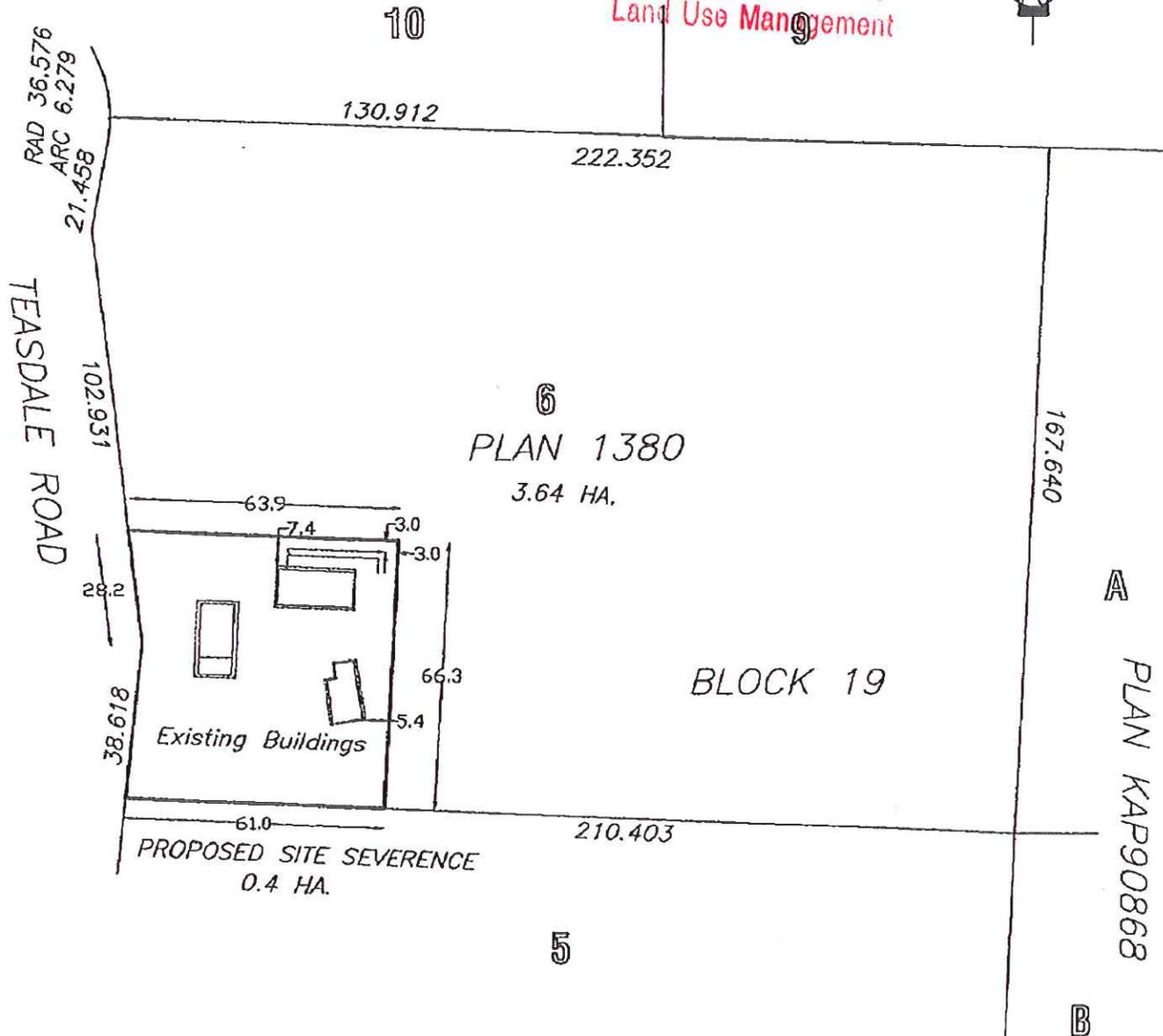
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**REVISED PLANS**

**AUG 31 2011**

**CITY OF KELOWNA  
 Land Use Management**



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