



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.

The proposal seeks to subdivide the existing homesite which is located in the southwest corner of the property. The applicant proposes a relatively small subdivision that will only include the existing dwelling and a detached garage. The proposed subdivision leaves other agricultural structures with the remainder parcel for farm use and shows consideration for the remnant parcel and its future agricultural viability. Such site planning is consistent with ALC and City staff recommendations to minimize the impact associated with undertaking a homesite severance.

If approved, the subdivision will reduce the current 8.55 ha parcel by ~0.38 ha (0.93 ac) to approximately 8.17 ha and allow for the development of a new dwelling and associated residential uses on the remainder.

Based on existing policy and on the nature of the subdivision (i.e. relatively small and ideally located on the parcel), Land Use Management staff support this application.

#### 4.0 Proposal

##### 4.1 Background

The applicant's proposal is said to be based on estate planning as the owner (George Terada) is now 81 years old. The application does not identify a purchaser for the remainder; however, the applicant (George's daughter) notes that her family may.

The subject property has been owned by Mr. Terada since 1964 and in the family since 1938 when it was purchased by George's father. The tenure of ownership predates the Agricultural Land Reserve (1972) and therefore qualifies for subdivision consideration as a homesite severance.

##### 4.2 Site Context

The subject property is located on the east side of Latta Road in the Rutland Sector of the City. The subject property is in a rural/agricultural area, surrounded by agricultural land on three sides and a golf course (Tower Ranch) to the east.

##### Parcel Summary:

Parcel Size: 8.55 ha (21.13 ac)  
 Elevation: 509 - 550 masl

##### 4.3 Zoning of Adjacent Properties

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

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	A1 - Agriculture 1	Agriculture
East	CD6 - Comprehensive Residential Golf Resort	Golf Course (Tower Ranch)
South	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1	Residential

Map 1 - Subject Property - 1400 Latta Road



Map 2 - Proposed Homesite Severance



4.4 Subdivision criteria for the A1 and RR2 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.		
Section 12.2.5 (a) Minimum Lot Width	36.0 metres	
Section 12.2.5 (b) Minimum Lot Depth	30.0 metres	
Section 12.2.5 (a) Minimum Lot Area	1.0 hectare	0.38 hectare

5.0 Policy and Regulation

5.1 Kelowna 2030 Official Community Plan (OCP)

Objective 5.33 Protect and enhance local agriculture<sup>2</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>3</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>4</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>5</sup>.*

<sup>2</sup> City of Kelowna Official Community Plan - Chapter 5 - Development Process; pp. 5.33 & 5.34.

<sup>3</sup> City of Kelowna Agriculture Plan (1998); p. 130.

<sup>4</sup> City of Kelowna Agriculture Plan (1998); p. 131.

<sup>5</sup> City of Kelowna Agriculture Plan (1998); p. 85.

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

*Persons making use of this policy should understand clearly that<sup>6</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".*

*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.

<sup>6</sup> Agricultural Land Commission - Policy #11 - Homesite Severance on ALR Lands ([http://www.alc.gov.bc.ca/legislation/policies/Pot11-03\\_homesite-severance.htm](http://www.alc.gov.bc.ca/legislation/policies/Pot11-03_homesite-severance.htm))

**7.0 Application Chronology**

Date of Application Received: March 16, 2012

Agricultural Advisory Committee: April 12, 2012

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting on March 8, 2012 and the following recommendations were passed:

THAT the Agricultural Advisory Committee support Agricultural Land Reserve Application No. A12-0003 for 1400 Latta Road, by D. Terada, to obtain approval from the Agricultural Land Commission pursuant to Section 21(2) of the *Agricultural Land Commission Act* for a Homesite Severance.

The Agricultural Advisory Committee supported the application and noted that this homesite severance is a good example of a homesite severance. The location and size of the severance will have the least possible impact on the agricultural viability of the remainder parcel.

**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

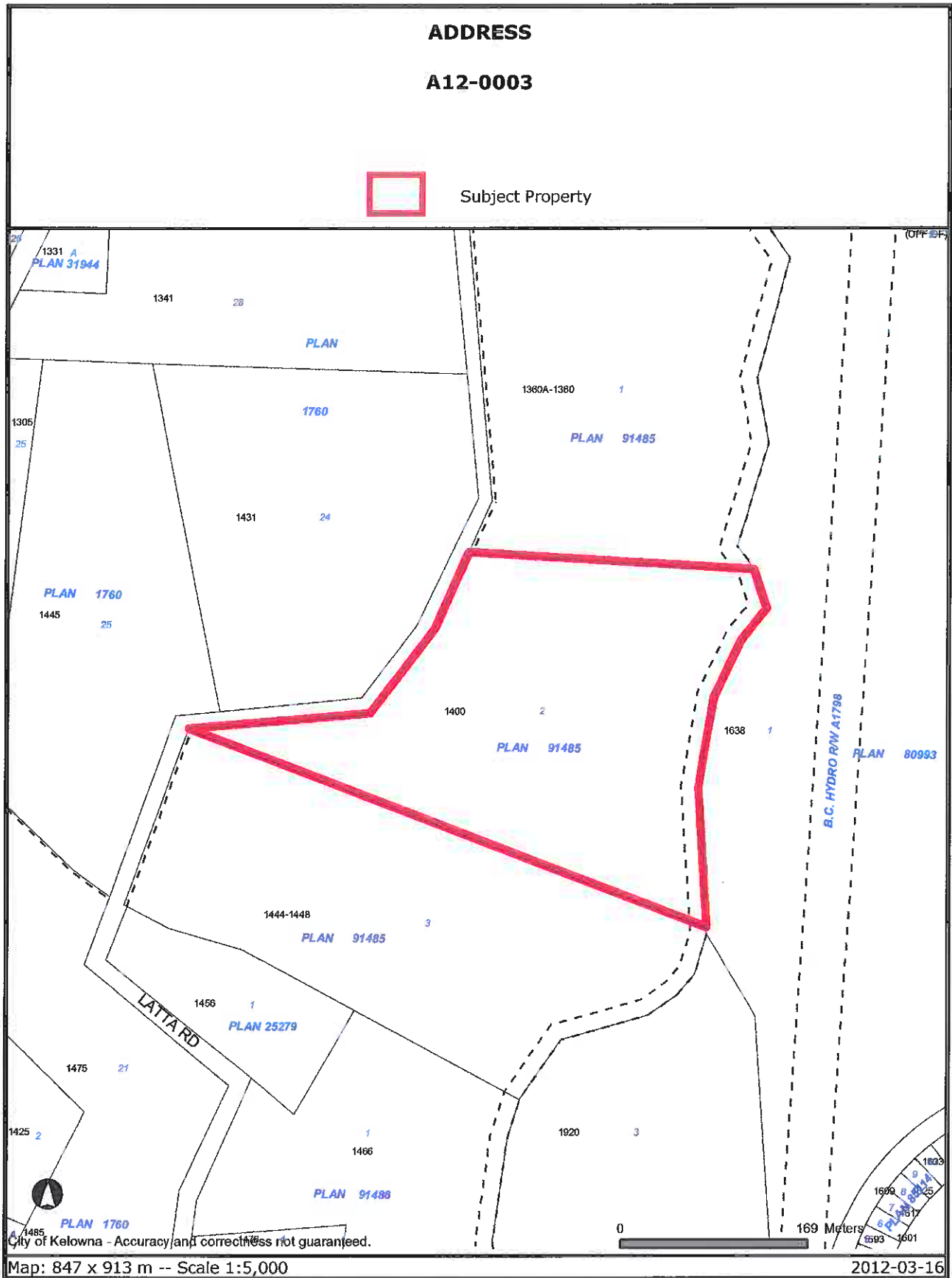
Soil Classification Map

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

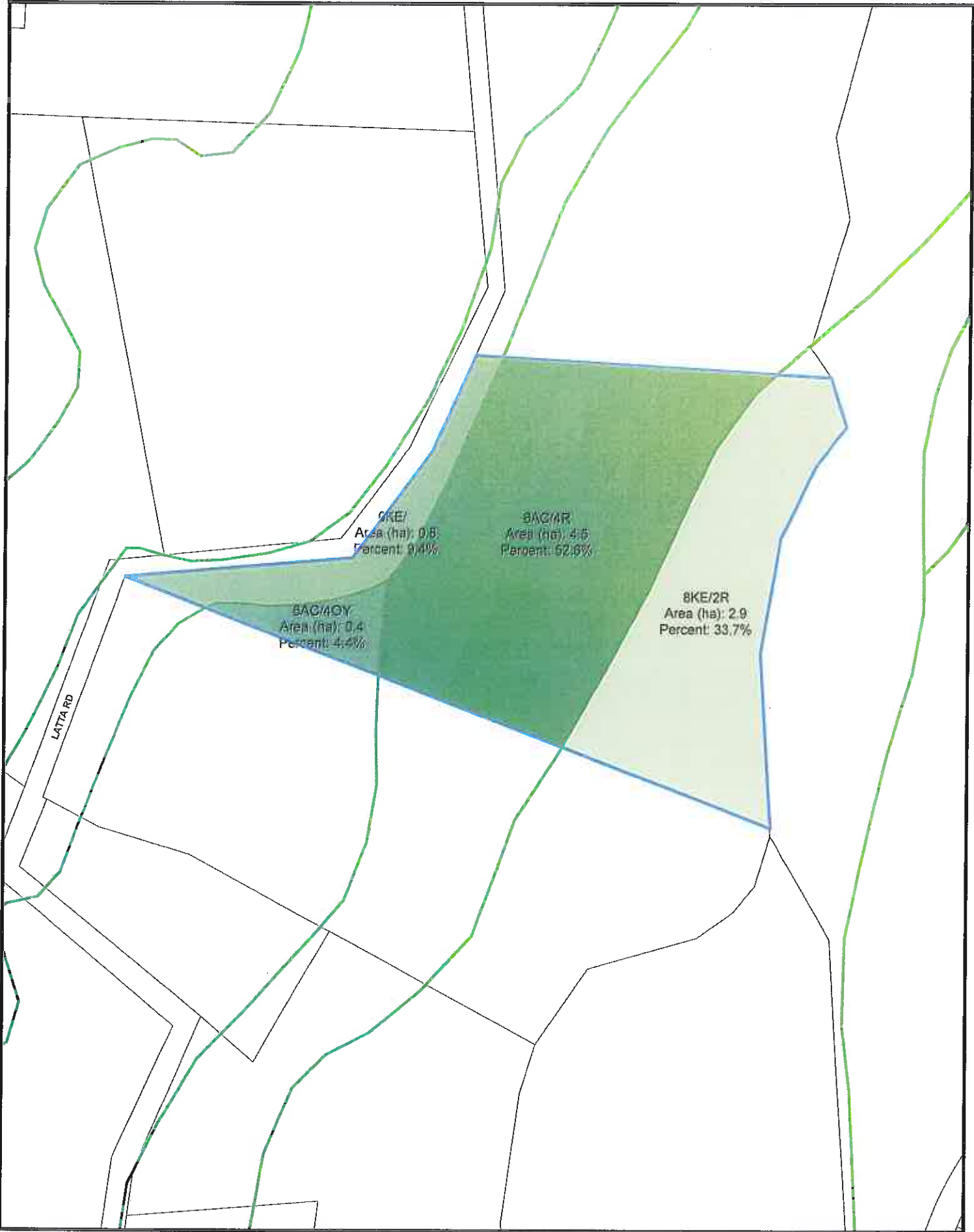


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.





Land Capability = Brown/ Soil Class = Green

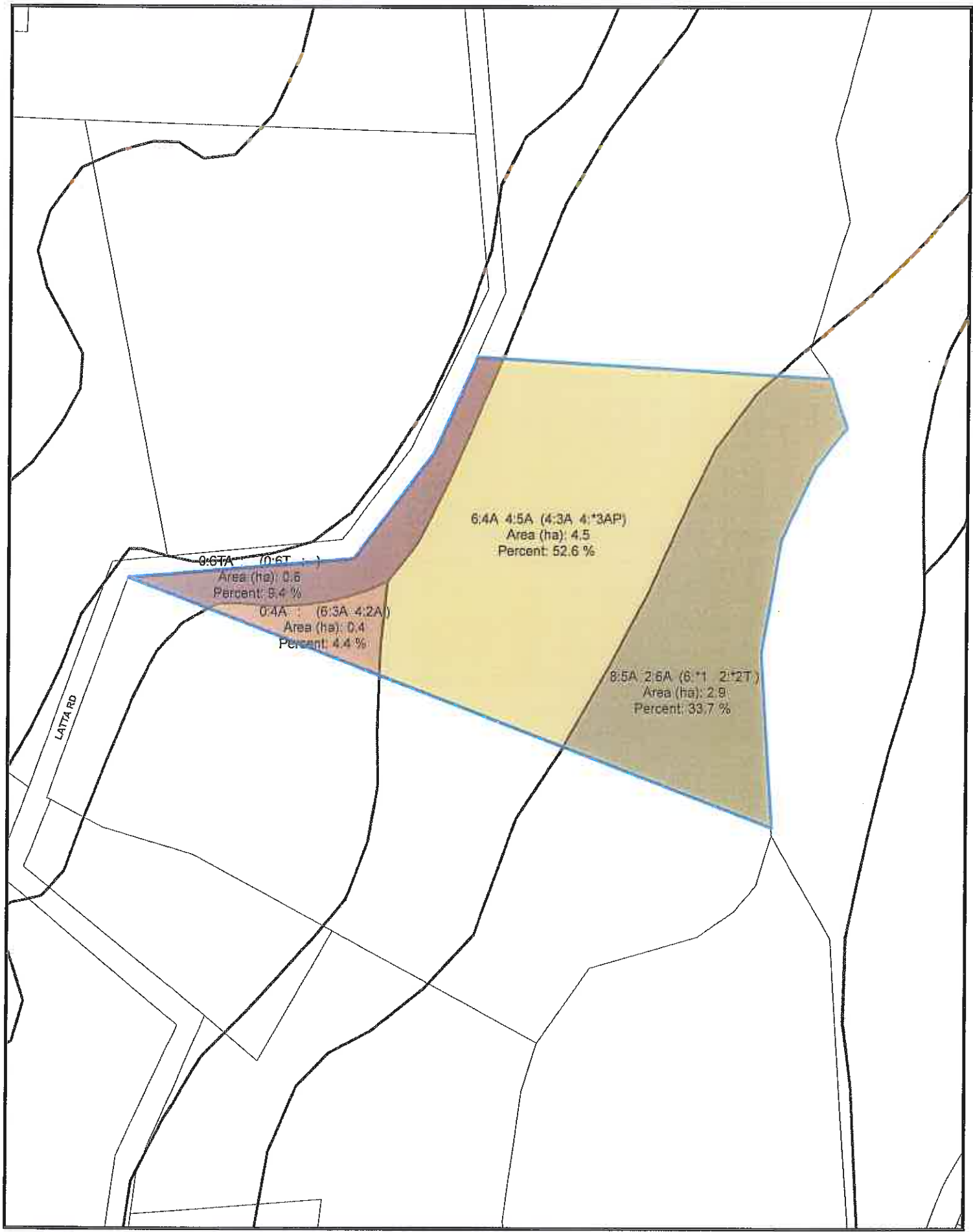


## Soil Classification

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 (9.4% of site) 100%	KE - Kendall	<p><u>Land:</u> nearly level and very gently sloping organic deposits over fluvial deposits.  <u>Texture:</u> 40 to 160cm of partially decomposed (mesic) organic material over loamy sand or sand.  <u>Drainage:</u> very poor, fluctuating ground water-table, subject to flooding.  <u>Classification:</u> Teric Mesic Humisol.</p>
South western (4.4% of site) 60%	AC - Acland Creek	<p><u>Land:</u> gently and moderately sloping fluvioglacial deposits.  <u>Texture:</u> 60 to 100 cm of sandy loam or loam over very gravelly loamy sand or very gravelly sand.  <u>Drainage:</u> well.  <u>Classification:</u> Orthic Dark Brown.</p>
40%	OY - Oyama	<p><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.</p>
Central (52.6% of site) 60%	AC - Acland Creek	<p><u>Land:</u> gently and moderately sloping fluvioglacial deposits.  <u>Texture:</u> 60 to 100 cm of sandy loam or loam over very gravelly loamy sand or very gravelly sand.  <u>Drainage:</u> well.  <u>Classification:</u> Orthic Dark Brown.</p>
40%	R - Rutland	<p><u>Land:</u> very gently to strongly sloping fluvioglacial deposits.  <u>Texture:</u> 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand.  <u>Drainage:</u> rapid.  <u>Classification:</u> Orthic Dark Brown.</p>
Eastern (33.7% of site) 80%	KE - Kendall	<p><u>Land:</u> nearly level and very gently sloping organic deposits over fluvial deposits.  <u>Texture:</u> 40 to 160cm of partially decomposed (mesic) organic material over loamy sand or sand.  <u>Drainage:</u> very poor, fluctuating ground water-table, subject to flooding.  <u>Classification:</u> Teric Mesic Humisol.</p>
20%	R - Rutland	<p><u>Land:</u> very gently to strongly sloping fluvioglacial deposits.  <u>Texture:</u> 10 to 25cm of sandy loam or loamy sand over gravelly loamy sand or very gravelly sand.  <u>Drainage:</u> rapid.  <u>Classification:</u> Orthic Dark Brown.</p>

Land Capability = Brown/ Soil Class = Green



**BCLI Land Capability**

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
Western (9.4% of site)	<p><b>100% Class 6.</b> Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 lands can be improved by draining, diking and/or irrigation.</p> <p>Soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity of crops, and/or increases the potential for water erosion.</p> <p>Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation.</p>	<p><b>100% Class 6.</b> Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 lands can be improved by draining, diking and/or irrigation.</p> <p>Soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity of crops, and/or increases the potential for water erosion.</p>
South western (4.4% of site)	<p><b>100% Class 4.</b> 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 by low soil water holding capacity or insufficient precipitation.</p>	<p><b>60% Class 3.</b> Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or 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><b>40% Class 2.</b> 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>

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
<p>Central (52.6% of site)</p>	<p><b>60% Class 4.</b> 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 by low soil water holding capacity or insufficient precipitation.</p> <p><b>40% Class 5.</b> Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated filed crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions.</p> <p>Crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p>	<p><b>40% Class 3.</b> Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or 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><b>40% Class 3.</b> Land in this Class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both. The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or 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>Soils are limited by the presence of coarse fragments which significantly hinder tillage, planting and/or harvesting.</p>
<p>Eastern (33.7% of site)</p>	<p><b>80% Class 5.</b> Land in this Class has limitations which restricts its capability to producing perennial forage crops or other specially adapted crops. Land in Class 5 is generally limited to the production of perennial forage crops or other specially adapted crops. Productivity of these suited crops may be high. Class 5 lands can be cultivated and some may be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated filed crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be</p>	<p><b>60% Class 3.</b> Land in this Class has no or only very slight limitations that restrict its use for the production of common agricultural crops. Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of filed crops.</p>

Portion of Site	Land Capability Rating, Unimproved	Land Capability Rating, Improved
	<p>expected under average conditions.</p> <p>Crops are adversely affected by droughtiness caused low soil water holding capacity or insufficient precipitation.</p> <p><b>20% Class 6.</b> Land in this Class is non-arable but capable of producing native and/or uncultivated perennial forage crops. Land in Class 6 provides sustained natural grazing for domestic livestock and is not arable in its present condition. Land is placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 land s can be improved by draining, diking and/or irrigation.</p> <p>Crops are adversely affected by droughtiness caused by low soil water holding capacity or insufficient precipitation.</p>	<p><b>20% Class 2.</b> 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>Soils are limited by steepness or pattern of slopes which hinders the use of farm machinery, decreases uniformity of growth and maturity or crops, and/or increases the potential for water erosion.</p>

**C. DARLENE TERADA**

Agent for George Terada

Phone: 250.808.8790

1400 Latta Road, Kelowna, BC V1P 1B4

RomaniukFamily@shaw.ca

**LETTER OF INTENT**

Re: 1400 Latta Road legally described as: Lot 2, Section 31, Twp 27, ODYD, Plan KAP91485  
Homesite Severance on ALR Lands under Agricultural Land Commission Policy #025/78[11]  
Subdivision pursuant to Section 21(2) of the Agricultural Land Commission Act  
Registered owner: George Terada (the "Owner")

The Owner is requesting permission to subdivide the above-noted 8.55910 ha (21.15 ac) property into two parcels, approximately 0.377ha (0.93ac) and 8.18ha (20.22ac) in size and that Municipal Council forward this application to the Agricultural Land Commission.

The subdivision is specifically a Homesite Severance request as per Policy #11 – Homesite Severance on ALR Lands which allows farmers to retire while retaining the homesite. This limited subdivision opportunity, which is 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. The property was purchased by the Owner's father in the Fall of 1938. The Owner has worked and lived on the Property since then and took over sole ownership in July, 1965. (See Schedule "A" attached hereto).

The proposed homesite severance application is for the Owner's existing home and garage located on 1400 Latta Road so that the owner may retire on the homesite and for estate planning purposes. The Owner is 81 years of age. The 8.18ha (20.22ac) parcel remainder would comprise the existing workshop, farm buildings and orchard which can be made available for a new owner to enter the farm business. The Owner will grant road access from the home site to the orchard once the subdivision has been approved.

I attach hereto as Schedule "B" a sketch plan of the Property indicating the proposed Lot A which will comprise the Owner's residence and garage.

Thank you for your attention to this matter.

Yours truly,

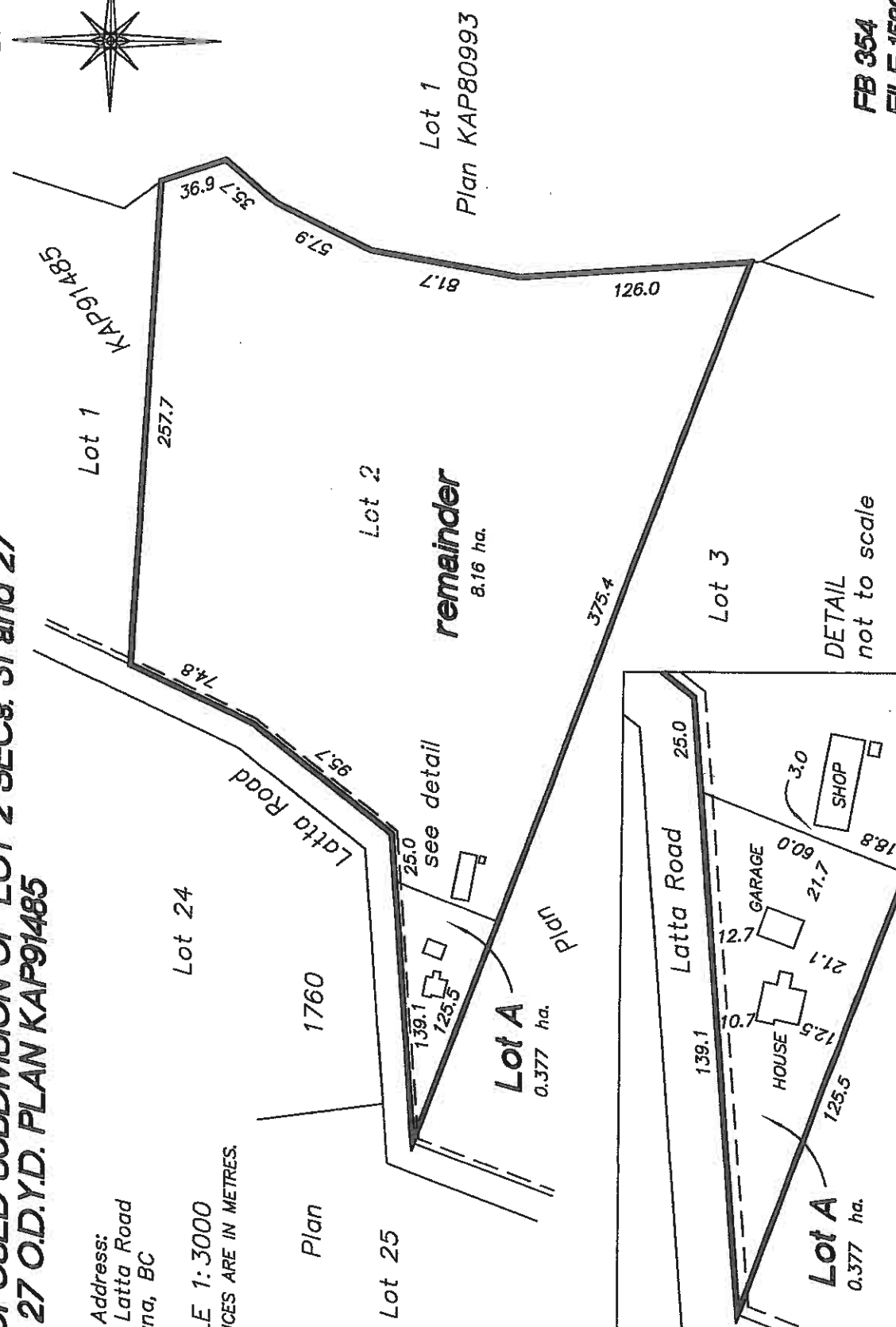
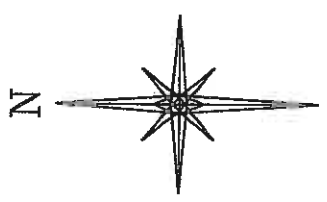


C. Darlene Terada (agent for George Terada)

**PROPOSED SUBDIVISION OF LOT 2 SECS. 31 and 27  
TP. 27 O.D.Y.D. PLAN KAP91485**

Civic Address:  
1400 Latta Road  
Kelowna, BC

SCALE 1:3000  
DISTANCES ARE IN METRES.



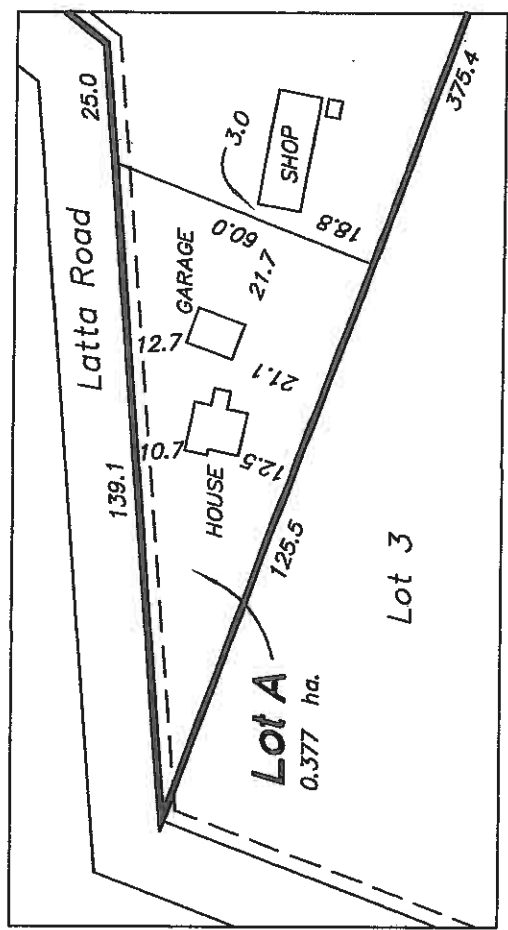
Lot 1  
Plan KAP80993

Lot 2  
**remainder**  
8.16 ha.

Lot 3

DETAIL  
not to scale

Lot A  
0.377 ha.



Lot A  
0.377 ha.

Lot 3

FB 354  
FILE 15839  
January 17, 2012

D.A. Goddard Land Surveying Inc.  
103-1358 St. Paul Street, Kelowna  
Phone (250) 763-3733



