



Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on October 25, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

- Application: 52805
Applicant: George Terada
Agent: C. Darlene Terada
Proposal: To subdivide the subject 8.56 ha (21.15 acre) property into two parcels; a Homesite lot of approximately 0.37 ha (0.9 acre) and a remainder lot of 8.2 ha (20.2 acre) under the ALC Homesite Severance Policy (HSP). Access to the remainder farm property would be via an easement registered against the proposed homesite lot.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*).
- Legal: Lot 2, Section 31, Township 27 and of Section 36, Township 26, ODYD, Plan KAP91485
Location: 1400 Latta Road, Kelowna, BC
Background: The applicant has owned and continuously lived on the subject property since July 1965 and is therefore eligible for consideration under the HSP. The proposed homesite would contain the owner’s existing home and garage located on 1400 Latta Road. The 8.2 ha parcel remainder would comprise the existing workshop, farm buildings and orchard.
- Attachment:
- Letter of Intent from C. Darlene Terada
 - May 7, 2012 Council Resolution in support
 - April 12, 2012 AAC Resolution in support
 - City of Kelowna Report dated May 1, 2012
 - Certificate of Indefeasible Title certifying George Terada as the owner of the subject property since March 28, 1967.
 - Copy of Land Title Search conducted at the Kamloops LTO dated November 17, 2010 showing George Terada as the owner of the subject property.

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27th, 2011 the Commission delegated decision-making to the CEO by Resolution #016N/2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following application may be decided by the CEO.

Criterion 12

Subdivision applications that are consistent with the provisions and intent of the Commission’s *Homesite Severance Policy*.



DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 12 of Resolution #016N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- compliance with the Homesite Severance Policy
- Construction of a fence and the planting of vegetative buffering along the eastern boundary of the homesite parcel. Please submit plans for a trespass proof fence and buffer vegetation to the ALC for review and approval. Minimum fencing requirements are attached.
- the subdivision must be completed within three (3) years from the date of this decision.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

RESOLUTION # 89/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

A handwritten signature in black ink, appearing to read 'Richard Bullock', is written over a light grey rectangular background.

Richard Bullock, Chief Executive Officer



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 29, 2012

Reply to the attention of Ron Wallace
ALC File: 52805

C. Darlene Terada
1400 Latta Road
Kelowna, BC
V1P 1B4

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #89/2012 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'K. B. Underhill', is written over a faint, circular official stamp.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan/Homesite Severance Policy

cc: City of Kelowna (A12-0003)