



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

December 15, 2005

Reply to the attention of Brandy Ridout

Fred and Dorothy Tomlin  
3842 Hwy. 97  
Oliver, BC V0H 1T0

Dear Mr. and Mrs. Tomlin:

Re: **Application #V-36264**  
**PID: 011-266-261**  
**Lot 17, District Lot 2450S, Similkameen Division Yale District, Plan 1729,**  
**EXCEPT Plan 18887**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide one (1) lot of approximately 0.9 ha from the 2.2 ha subject property in accordance with its *Homesite Severance Policy* (copy attached). The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on December 6, 2005. The meeting and site visit were informative and the Commission appreciated the opportunity to discuss their main concern with the application, namely the size of the proposed homesite lot. Although the Commission does not generally approve homesite lots of this size, it recognized the unique problems associated with the existence of a stream on the property and as such, approved your application subject to:

- the subdivision being in substantial compliance with the attached sketch
- the construction of a fence along the western boundary of the homesite lot (see attached sketch)
- that the homesite lot not be sold for five (5) years except in the case of estate settlements. The Commission requires your commitment in this regard, which can be done by signing below and returning to our office a copy of the letter, prior to approving deposit of the subdivision plan.
- that you obtain Commission approval for changes that might be deemed necessary by other approval agencies (i.e. an increase in the size of the homesite lot or a change in its location).
- compliance 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. The Commission suggests you contact the Regional District of Okanagan-Similkameen at your earliest convenience.

The decision noted above is recorded as Resolution #656/2005.

If you wish to proceed on this basis please undertake the following steps:

1. Commence approval procedures of other agencies that must approve the subdivision.
2. Have a surveyor prepare the subdivision plan.
3. Obtain a recent State of Title Certificate for the property.
4. Prepare a "Transfer of an Estate in Fee Simple" document indicating the transfer of the remainder of the property from you to the purchaser.
5. Prior to approaching the Registrar of Land Titles to register the subdivision please submit the following to this office:
  - a) two (2) paper prints of the plan of subdivision
  - b) the State of Title Certificate
  - c) a copy of the "Transfer of an Estate in Fee Simple" document
  - d) your signed commitment that the homesite lot will not be sold for five (5) years except in the case of estate settlements.

When all the required documentation has been received the Commission will authorize the Registrar of Land Titles to accept the application for deposit of the subdivision plan.

Please quote your application number in any future correspondence.

Yours truly

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

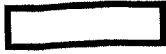
cc: Regional District of Okanagan-Similkameen - C 05-05230.000

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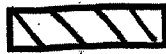
**Provincial Agricultural Land Commission**

Application #V-36264-0

Resolution #656/2005



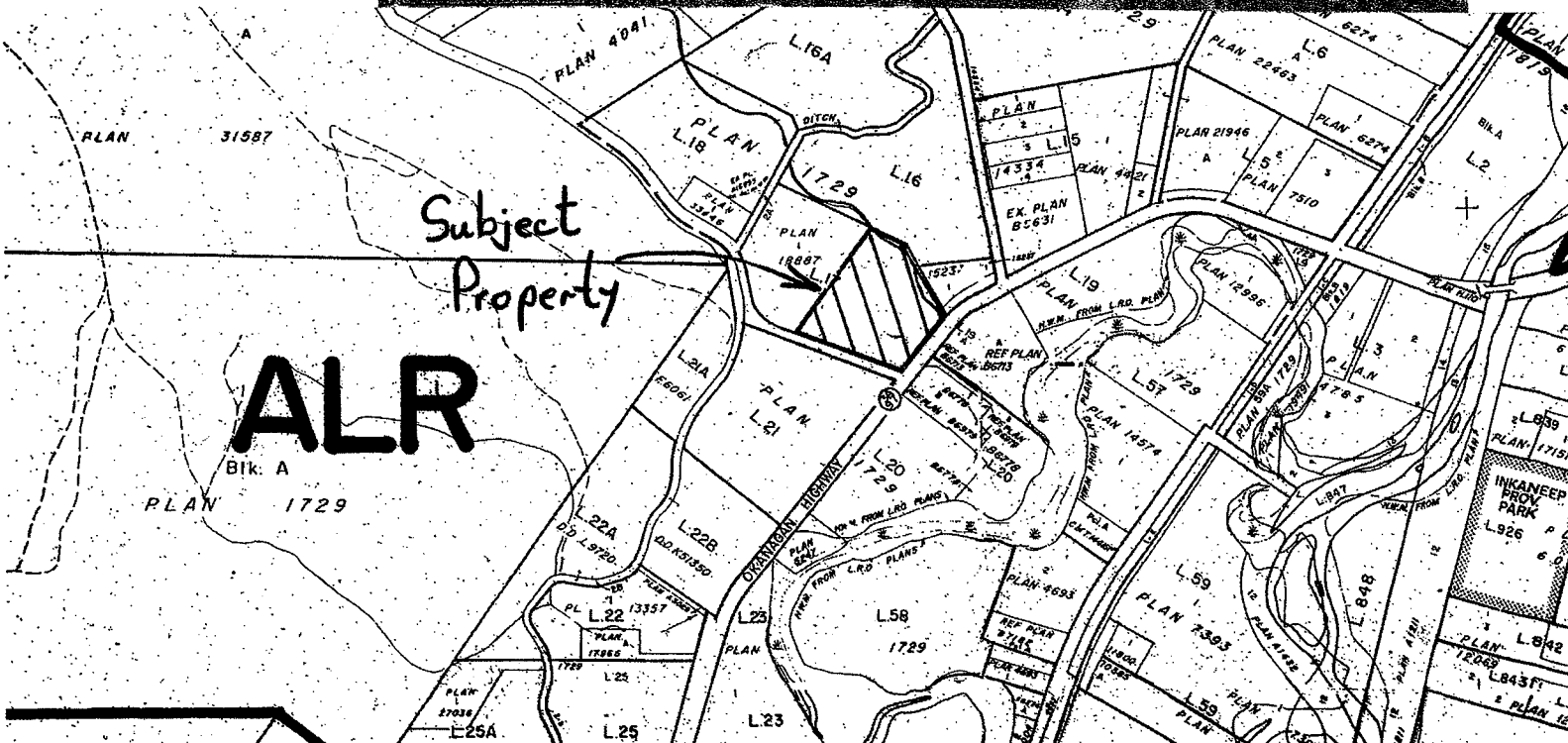
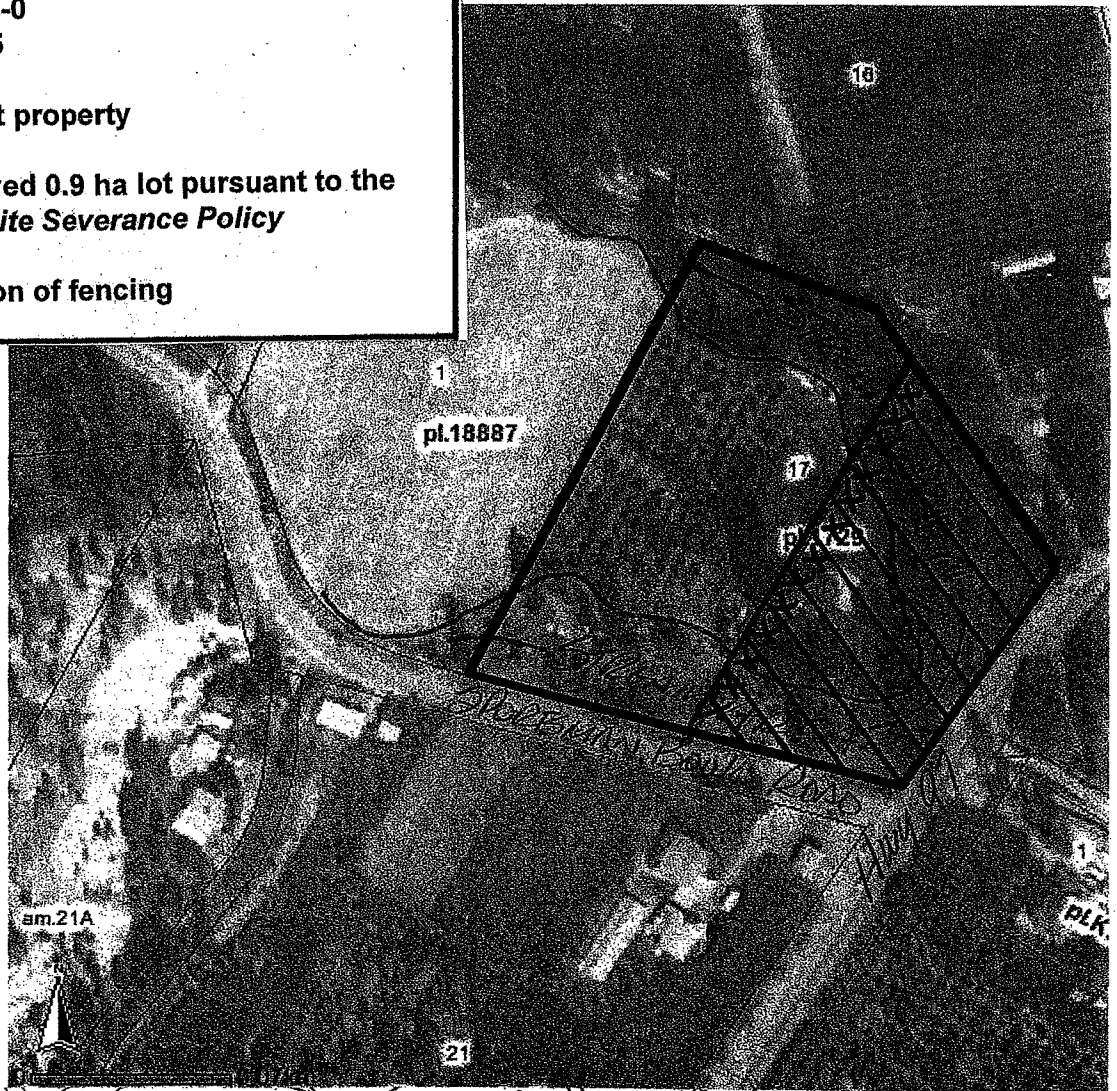
Subject property



Approved 0.9 ha lot pursuant to the  
*Homesite Severance Policy*



Location of fencing



**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on December 8, 2005 at 8090 Highway 97, Lake Country, BC.**

**PRESENT:** Sue Irvine Chair  
Sharon McCoubrey Commissioner

**ABSENT:** Sid Sidhu Commissioner

**STAFF:** Brandy Ridout, Regional Research Officer  
Martin Collins, Planner

**For Consideration**

Brandy Ridout presented the September 28, 2005 staff report regarding application #V-36264-0.

**Site Inspection**

A site inspection was conducted on December 6, 2005. Those in attendance were:

- Sue Irvine & Sharon McCoubrey, Commissioners
- Brandy Ridout and Martin Collins, Agricultural Land Commission staff
- Fred & Dorothy Tomlin, applicants
- Dennis Tomlin, applicants' son

**Commission Discussion**

Although the Commission does not generally approve homesite lots of this size, it recognized the unique problems associated with the existence of a stream on the eastern portion of the property. The issue of size was brought up during the site visit and alternate solutions were discussed. However, the Commission felt that the proposed lot separated the arable area from the non-arable homesite and as such was acceptable.

**IT WAS**

**MOVED BY:** Commissioner Irvine

**SECONDED BY:** Commissioner McCoubrey

THAT the staff report be received

AND THAT the application to subdivide the 0.9 ha homesite from the 2.2 ha parcel be approved subject to the construction of a fence along the western boundary of the new lot

AND FINALLY THAT this approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # V – 36264 – 0**  
**Applicant: Fred and Dorothy Tomlin**

**DATE PREPARED:** September 28, 2005

**TO:** Chair and Commissioners – Okanagan Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 0.9 ha homesite from the 2.2 ha parcel. The applicants have owned the property since 1942.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

Access to the homesite parcel would be from Highway 97, with access to the remainder lot to be from Sportsman Bowl Road to the south.

**Local Government:**

Regional District of Okanagan-Similkameen

**Legal Description of Property:**

PID: 011-266-261

Lot 17, District Lot 2450S, Similkameen Division of Yale District, Plan 1729, Except Plan 18887

**Purchase Date:**

1942 (note: the title provided with the application only shows ownership from 1978)

**Location of Property:**

38412 Highway 97, north of the Town of Oliver

**Size of Property:**

2.2 ha (The entire property is in the ALR).

**Present use of the Property:**

Fruit farm, house, garage and farm shed.

**Surrounding Land Uses:**

**WEST:** Orchard (ALR)  
**SOUTH:** Sportsman Bowl Road (ALR)  
**EAST:** Highway 97 (ALR)  
**NORTH:** Orchard (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E.023  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Oliver Rural Official Community Plan Bylaw No. 2122, 2002 designates the parcel as 'Rural'

**Zoning Bylaw and Designation:**

Electoral Area 'C' Zoning Bylaw No. 2123, 2002 designates the parcel as "Agricultural One Zone" (AG1)  
Minimum lot size: 4 ha  
There is a provision in this bylaw for small lots created under the homesite severance policy.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Government Staff:** As outlined in the Oliver Rural Official Community Plan, the Regional Board will consider applications to subdivide parcels smaller than 4 ha within the ALR, subject to approval of the Commission. Planning Services also recognizes the minimum parcel size must also meet requirements under the Ministry of Health regulations for septic disposal fields. If the Commission approves this homesite severance the size of the remainder would not meet the minimum parcel size requirement and an application to the Ministry of Transportation for a lot consolidation or amendment to the Zoning Bylaw would be required.

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**END OF REPORT**

**Signature**

**Date**

