



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

March 13, 2006

Reply to the attention of Brandy Ridout
ALC File #V-36284

Nelson Tilbury and Sandra Bratus
2007 Hwy.3A RR #1, S. 80, C.22
Keremeos, BC V0X 1N0

Dear Mr. Tilbury and Ms. Bratus:

Re: Application to subdivide in the Agriculture Land Reserve

Please find attached the Minutes of Resolution #683/2005 outlining the Commission's decision as it relates to the above noted application.

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Okanagan-Similkameen - G-05-03960.000

BR/lv

Enclosure: Minutes
Skech Plan

36284d1

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
Brandy Ridout Staff
Martin Collins Staff

ABSENT: Sid Sidhu Commissioner

For Consideration

Application # V – 36284

Applicant(s) Nelson Tilbury/Sandra Bratus

Proposal To subdivide an 8.9 ha lot from the 21 ha property. The 8.9 ha would contain the benchland, hillside and applicants' home. The 12 ha remnant is valley bottom in pasture.

Legal PID: 015-207-153

District Lot 2989, Similkameen Division Yale District, Except Plans H12 and KAP54959

Location 2007 Highway 3A, 10 km north of Keremeos on the south side of the highway

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
- Nelson Tilbury, applicant

Mr. Tilbury confirmed that he had received the staff report dated November 8, 2005 and did not identify any errors.

Commission Discussion

The Commission noted that the property consists of steep hillside (with a cleared homesite), a bench area (with paddocks), and flat bottomland. It also noted that while the steep hillside is less suitable for agriculture as it is limited by topography, the bottomland has prime agricultural ratings. The Commission discussed the applicants' proposal and determined that keeping the paddocks with the farm unit, rather than including them with the homesite lot, would be a benefit for agriculture.

The Commission's main concern was that the existing driveway would be an obstacle to farming the remainder and could result in future subdivision pressure. As such, it would require that a panhandle be located along the northern boundary of the remainder.

In addition, in order to minimize the impact of the subdivision on the prime bottomland, the Commission would require that a covenant be placed on the remainder to restrict the number of dwellings to one and the location to the site of the existing farmhouse.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner McCoubrey

THAT the staff report be received

AND THAT the application to subdivide an 8.9 ha lot from the 21 ha property be refused as proposed

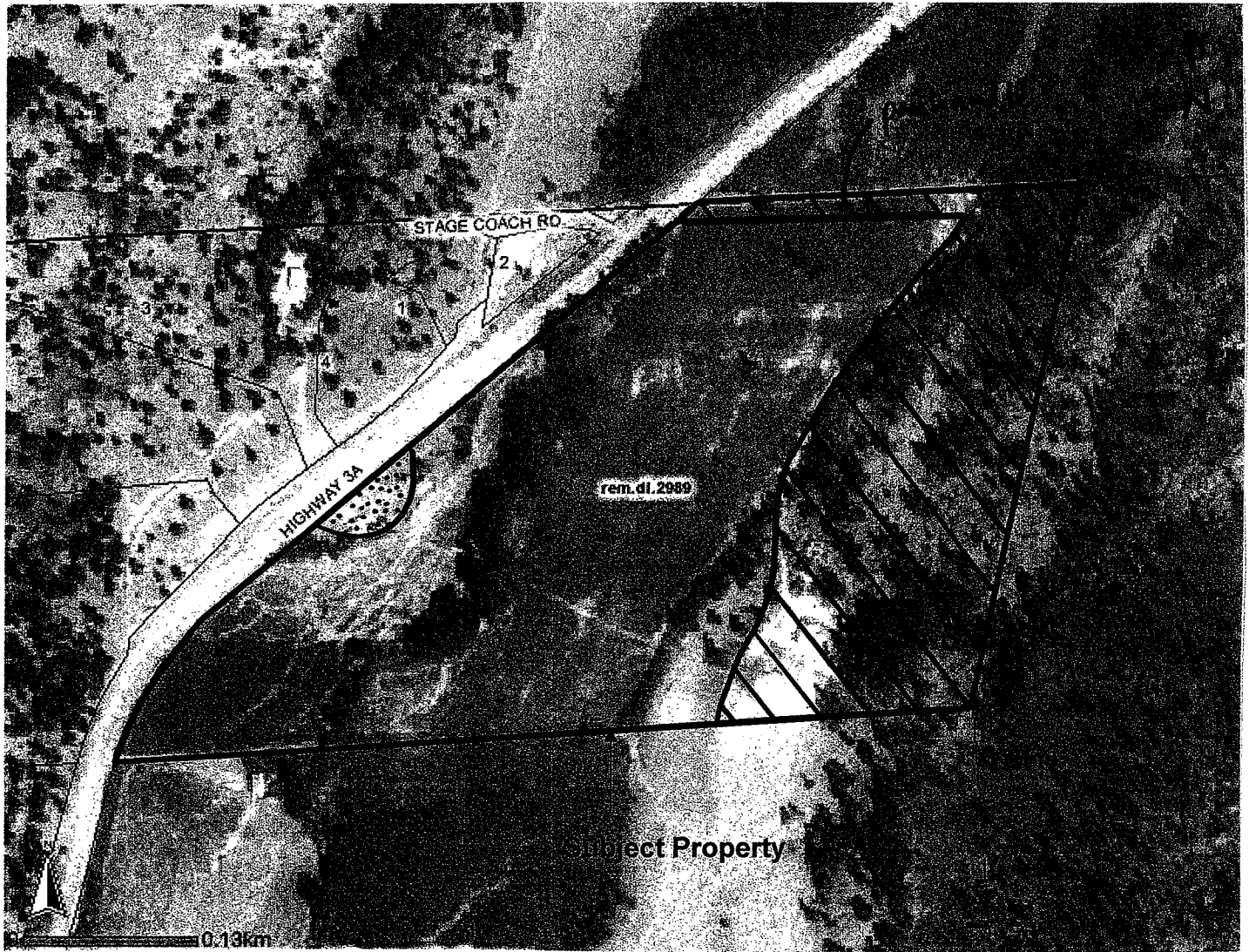
AND THAT the Commission would approve a smaller subdivision that encompassed only the applicants' home and steep hillside and left the benchland and existing paddocks with the farm unit

AND THAT this approval is subject to:

- The subdivision being in substantial compliance with the attached sketch,
- A 10-metre wide panhandle being located along the northern boundary of the remainder, and
- The registration of a covenant against the title of the remainder restricting the number of dwellings to one and the location to the site of the existing farmhouse.

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

CARRIED



Provincial Agricultural Land Commission
Application #V-36284
Resolution #683/2005

 Area approved for subdivision in the ALR

 Covenant area



Staff Report
Application # V – 36284
Applicant: Nelson Tilbury/Sandra Bratus
Location: Highway #3A, 10 Km north of Keremeos

DATE RECEIVED: September 29, 2005

DATE PREPARED: November 8, 2005

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide an 8.9 ha lot from the 21 ha property. The 8.9 ha would contain the benchland, hillside and applicant's home. The 12 ha remnant is valley bottomland in pasture.

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

BACKGROUND INFORMATION:

Two previous applications have been considered on the property.

Local Government:

Regional District of Okanagan-Similkameen

Legal Description of Property:

PID: 015-207-153

District Lot 2989, Similkameen Division Yale District, EXCEPT Plans H12 and KAP54959

Purchase Date:

January 1989

Location of Property:

2007 Highway 3A, 10 km north of Keremeos on the south side of the highway

Size of Property:

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

Present use of the Property:

Forested hillside, pasture with a home and outbuildings

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Highway 3A and small lot subdivision outside the ALR
SOUTH: Pasture/hayland and forested mountainside
EAST: Forested, crown owned hillside - not in the ALR
NORTH: Indian Reserves 12 and 12A

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E.031
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

No OCP exists in this area

Zoning Bylaw and Designation:

No zoning exists in this area

PREVIOUS APPLICATIONS:

Application #16783-0

Applicant: Colin Thompson
Decision Date: September 13, 1983
Proposal: To subdivide along the ALR boundary creating an 8 ha parcel outside the ALR and a 21 ha parcel within the ALR.
Decision: Allowed - subject to the registration of a covenant restricting the use of an old Railway R/W as a cattle trail through the non-ALR portion of the property.

Application #16783-1

Applicant: Tilbury
Decision Date: March 2, 1995
Proposal: To relax the original decision to register a covenant against the old R/W restricting its use to as a cattle corridor on the grounds that it was no longer used for that purpose.
Decision: Allowed - on the grounds that the R/W was no longer used for driving cattle.

Application #32624-0

Applicant: Sandra Bratus
Decision Date: April 20, 1999
Proposal: To grant approval to the existing horse boarding component of the operation, and to construct a second dwelling on the property.
Decision: Allowed both requests subject to removal of the single-wide mobile home.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The application was forwarded without comment as per Regional District Policy.

STAFF COMMENTS:

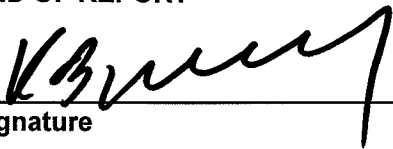
Staff suggests that the Commission consider the following:

- Soil capability mapping does not suggest that the bench area is uncultivable, or that it offers no agricultural benefit to the lower pasture area.
- The Commission originally approved the second home on the property for farm help. The subdivision of the applicant's home on the bench might result in additional homes being constructed on the lowland portion of the property (for farm help).
- A substantial portion of the property (about 4 ha) appears to be uncultivable hillside.
- The applicant's claim that the pastureland portion of the property is large enough to support a farm operation.

Staff strongly recommends a site visit to ascertain the value of the bench and hillside to the lowland portion of the property, and what negative, or positive, impacts might result from subdivision.

END OF REPORT

Signature



Date

November 16, 2005

