



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

July 20, 2006

Reply to the attention of Simone Rivers

Rob Tupper
Monashee Surveying
2904 - 31st Avenue
Vernon, B.C. V1T 2G4

Dear Mr. Tupper:

Re: Application #ZZ-36630
(See appendix 1)

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude 33.5 ha (consisting of portions of the properties described in Appendix 1), to create 4 new parcels entirely within the ALR and to provide access, by way of legal road dedication, to the proposed new parcels. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on July 12, 2006. The Commission found the meeting and site visit informative. In particular, it was useful to view the site as well as to speak to you about your proposal.

The Commission writes to advise that it approved your application subject to:

- The submission of a plan of subdivision showing the new lots to be created. Lot 1, Lot 2, Lot 3 and Lot 5 (as shown on the attached plan) will be entirely within the ALR and the other lots (Lot 4 and Lots 6-14) will be entirely outside the ALR.
- The subdivision plan being in substantial compliance with the attached plan.
- 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 Village of Ashcroft at your earliest convenience.

The decision noted above is recorded as Resolution #375/2006.

The Commission will confirm the exclusion of the property when you have provided evidence that the conditions of approval have been met.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Village of Ashcroft
SBR/lv/Encl./36630d1

Appendix 1

Legal Description of ALR Properties:

1. PID: 012-998-931

All that part South West ¼ Section 34, lying to the South of the Left Bank of the Thompson River which is not contained within the limits of District Lot 1, Group 4, Kamloops Division Yale (formerly Yale Lytton) District as shown upon said Plan of survey of said Township, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District, Except Plan A778

2. PID: 012-998-796

All that part South East ¼ Section 34, which lies to the South of said District Lot 1, Kamloops Division Yale (formerly Yale Lytton) District and District Lot 424, Kamloops Division Yale District as shown on Plan of Survey of said Township signed at Ottawa on 18 of February 1902, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District

3. PID: 012-997-625

Legal Subdivision 3, Section 35, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District

4. PID: 012-997-633

Legal Subdivision 4, Section 35, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District

5. PID: 012-997-714

All that part Legal Subdivision 5 which is not within the limits of District Lot 424, Kamloops Division Yale District, as shown on Plan of survey of the North East ¼ of said Township dated at Ottawa on 21 of January, 1913

6. PID: 012-997-749

All that part Legal Subdivision 6, Section 35, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District, which is not within the limits of District Lot 424, Kamloops Division Yale District as shown on Plan of survey of the North East ¼ of said Township dated at Ottawa on 21 of January, 1913, Except part on Plan A778

7. PID: 012-998-648

District Lot 1, Group 4, Kamloops Division of Yale (Formerly Yale Lytton) District, Except Plans A241 and A778

8. PID: 012-998-958

All that part North West ¼, Section 34, which lies between the left bank of the Thompson River and the North West Boundary of District Lot 1 Group 4, Kamloops Division of Yale (Formerly Yale Lytton) District, as shown upon said Plan of survey of the said Township, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District, Except 1) Plans A241 and H12381, 2) Parcel A on Plan M89

9. PID: 012-998-966

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10. PID: 012-997-820

All that part Legal Subdivision 11, which lies to the East of the Eastern Limits of District Lot 424 Kamloops Division of Yale District and South of the left bank of the Thompson River Section 35, Township 20, Range 24, West of the 6th Meridian, Kamloops Division Yale District, Except Plans A778, A241 and 16812

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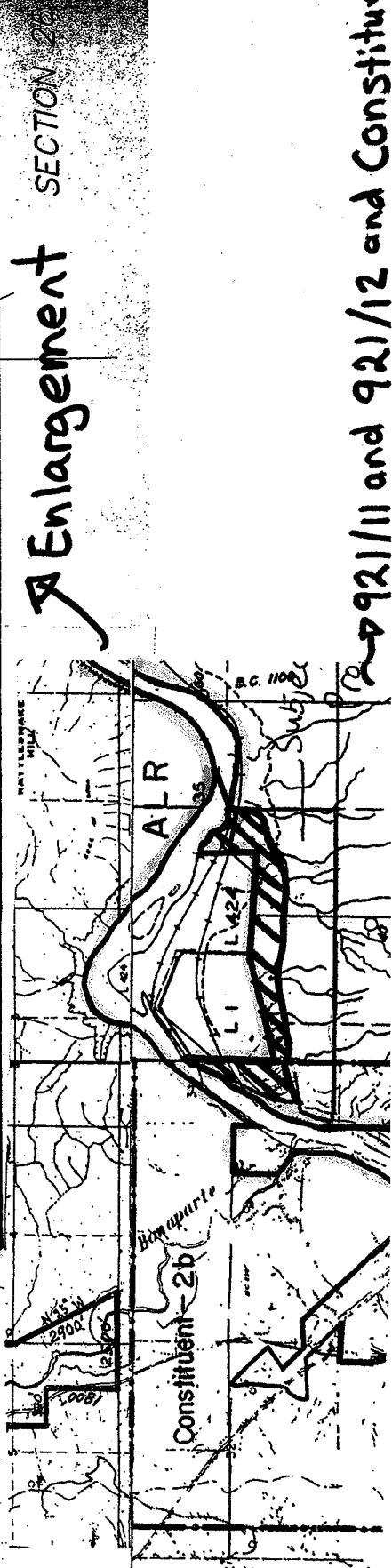
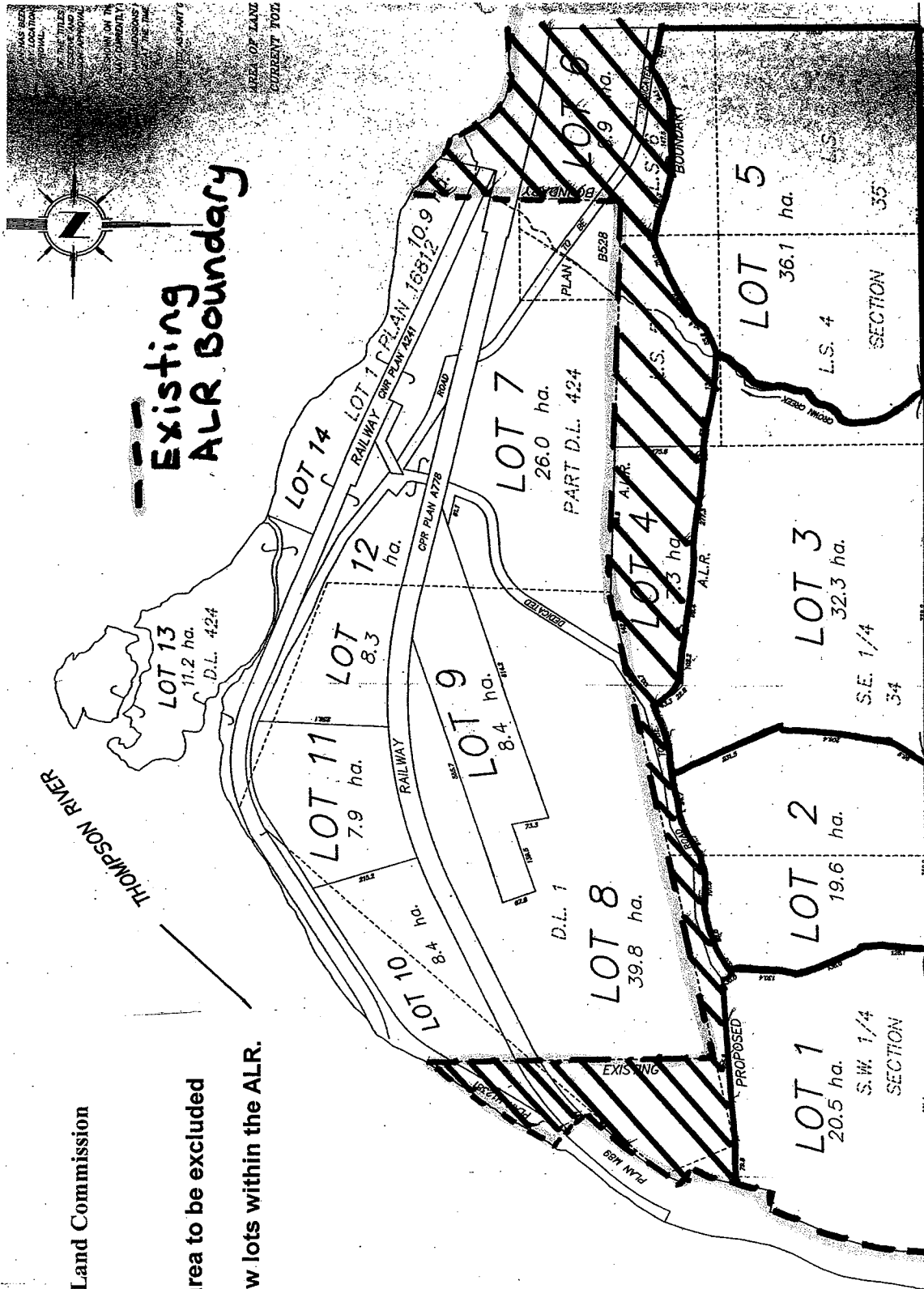
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Provincial Agricultural Land Commission
 Application: ZZ-36630
 Resolution #375/2006

 ±33 ha area to be excluded

 Four new lots within the ALR.



921/11 and 921/12 and Constituent 2b

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on July 12, 2006 at Ashcroft Village Hall, Ashcroft, B.C.

PRESENT: Grant Huffman Chair
 Holly Campbell Commissioner
 Frank Read Commissioner

STAFF: Simone Rivers, Land Use Planner
 Martin Collins, Regional Planner

For Consideration

Simone Rivers presented the staff report dated June 26, 2006 regarding application #ZZ-36630. Mr. Rob Tubber, agent for the applicant, confirmed that he received the staff report and did not identify any errors.

Site Inspection

A site inspection was conducted on July 12, 2006. Those in attendance were:

- Commissioners Huffman, Read, Campbell
- Agricultural Land Commission Staff: Simone River, Land Use Planner and Martin Collins, Regional Planner
- Agent for the Applicant: Rob Tupper
- Representative of the Applicant: Maz Mizukami, Vice President, CrescentView Investments Ltd.

The Commission met the applicants on site and drove through part of the site. The applicants pointed out the proposed ALR boundary as well as explained the history of the site and rationale behind the proposal. The agent mentioned that as a result of discussion with Commission staff prior to this application, it had been determined that a mapping error had been made and that part of the proposed exclusion was to rectify this error.

The site inspection lasted from 9:00 a.m. to 9:45 a.m.

Commission Discussion

The Commission noted that the part of the property outside the ALR had the best agricultural capability. It was thought that this area was left out of the ALR as the Village of Ashcroft had intended the area to be used for industry. The Commission concurred that a mapping error had been made in the past and therefore would allow the exclusion of this area as proposed. It also concurred with the applicants proposal to exclude other areas as proposed.

IT WAS

MOVED BY: Commissioner Huffman
SECONDED BY: Commissioner Campbell

THAT the staff report be received and the application to exclude 33.5 ha, to create 4 new parcels entirely within the ALR and to provide access, by way of legal road dedication, to the proposed new parcels be allowed as proposed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # ZZ – 36630 – 0
Applicant: 611216 BC Ltd., Inc. No. 611216
Agent: Monashee Surveying - Geomatics

DATE RECEIVED: April 21, 2006

DATE PREPARED: June 26, 2006

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: This application consists of several parts

1. To amend (by way of exclusion) the ALR boundary within the subject properties (total exclusion of 33.5 ha)
2. To adjust the boundaries and consolidate to create 4 new parcels entirely within the ALR.
3. To provide necessary and reasonable access, by way of legal road dedication, to the proposed new parcels.

This application is made pursuant to section 21(2) and 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant owns 13 titles within the Village of Ashcroft 10 of which are partially or entirely within the ALR.

In describing the rationale for the proposal, the agent states that "*The legal survey descriptions of the lands are historic, with 12 of the 13 titles being based on the original township (or District lot) surveys dating back over 100 years. Only one title is based on a recent (1966) subdivision plan.*

Due to the configuration of the parcels, many of the parcels do not have any legal road access, and the current parcel boundaries do not conform to any current or proposed land use. And in fact, the current configuration has been identified as a major impediment to any developed of the agricultural, industrial or recreational potential of the property and the region as a whole."

Therefore, this application is being made with the following goals in mind

1. to create legal access to proposed parcels by way of formal road dedication on the subdivision plan
2. to create new parcel boundaries which conform to natural features (ravines, major slopes or terraces) as much as possible.
3. to create new parcels boundaries which allow for more economic development, growth consistent with the goals of the Village of Ashcroft
4. to consolidated titles within the ALR to create larger parcels suitable for agricultural development.

To work towards meeting these goals the applicant has applied to exclude, subdivide and adjust the boundaries of the properties so that there are 14 new properties of which 4 will be within the ALR. The proposed lots within the ALR would be 20.5 ha, 19.6 ha, 32.3 ha, and 36.1 ha.

Currently 142 ha of the subject area is within the ALR. After the proposed exclusion of 33.5 ha the ALR area would be 108.5 ha.

In their submission the applicant made the following comments about the agricultural potential of these proposed parcels.

"The 2001 Soil Management report concludes that the upper lands of the Ashcroft site are moderately suited for grape production, and ranks the soil, based on Agriculture Canada (1984) criteria, ranks the site as an over Class 2. The report states that other class 2 soils sites have been established as wineries, notably Sumac Ridge in the Okanagan valley near Summerland.

In 2003, the University of British Columbia (viticulture/plan genomics) indicated in correspondence with CrescentView an interest in continuing with investigations of the Ashcroft Site for agricultural research. This correspondence is included as an indication of CrescentView's belief that agricultural potential could be realized on this site.

Providing legal road access to this agricultural land, a key component to this application will open up the possibilities of other farming and agriculture being available."

The applicant has included a copy of several reports that were completed in preparing the application including a soil suitability study on the potential of the subject property for use as a vineyard and the feasibility of growing grapes in Ashcroft.

Before they started the application process, the applicants had asked Commission staff to determine where the ALR boundary was. The properties are located at the edge of two mapsheets. One of these is a 1:10,000 constituent map and the other a 1:50,000 base map. As the ALR boundary appeared to follow the edge of the map rather than the parcel boundaries, it was determined that a mapping error may have been made.

Local Government:

The Corporation of the Village of Ashcroft



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Purchase Date:

February, 2005

Location of Properties:

1000 Evans Road, Ashcroft

Area of ALR Portion of the Subject Properties:

142.0 ha

ALR Area Proposed for Exclusion:

33.5 ha

Present use of the Property:

Vacant, explosives storage and abandoned buildings

Surrounding Land Uses:

WEST: Railway, Road and Thompson River (non-ALR)
SOUTH: Vacant (Crown land) (ALR)
EAST: Vacant (Crown land) (ALR)
NORTH: Vacant (railway) (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92/11 & I/14
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Village of Ashcroft Official Community Plan Bylaw No. 737 (2005)

Zoning Bylaw and Designation:

Village of Ashcroft Zoning Bylaw No. 738 (2005) designates the non-ALR properties as M2 (Industrial 2) zone and the ALR portions as A1 (Agriculture 1 Zone).

PREVIOUS APPLICATIONS:

Application #32444-0

Applicant: Ministry of Energy and Mines
Decision Date: January 28, 1999
Proposal: To remove 820,000 m³ of bedrock up to a maximum depth of 40 m.
Decision: The Commission approved the request to extract approximately 820,000 m³ of bedrock materials and use a portion of the property as a slag dump and related services and infrastructure in principle subject to the receipt of further information and verification that the lessee has signed the necessary documentation.

Application #32444-1

Applicant: Ministry of Energy and Mines
Decision Date: April 19, 1999
Decision: The Commission approved the quarry development subject to conditions.

Application #32444-2

Applicant: Ministry of Energy and Mines
Decision Date: March 21, 2000
Decision: The Commission agreed to relax its previously stated requirements for irrigating crested wheatgrass areas subject to the additional mitigation and compensation measures presented in Talisman's report dated the 3rd of March 2000.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Village of Ashcroft Council: Council forwarded the application with a resolution of support.

STAFF COMMENTS:

Agricultural Capability: The ALR properties under application have varied agricultural capability ranging from Class 5 to Class 7, with a portion of the western properties being improvable to Class 2.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses: T - Topography, E - Erosion, M – Soil Moisture Deficiency and P - Stoniness.

Staff recommend a site visit to discuss the applicant's plans, view the site and evaluate the impact on agriculture of the proposal.

END OF REPORT

Signature



Date

July 4, 2006