



July 27, 2020

File: 0280-30
Local Government File: C2020.010-ZONE

Cory Labreque, Planner II
Regional District Okanagan Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9
Via E-mail: planning@rdos.bc.ca

Re: Bylaw 2452.23 and 2453.38 File: C2020.010-ZONE

Dear Cory Labreque,

Thank you for providing B.C. Ministry of Agriculture staff the opportunity to comment on the proposed rezoning of 500 Secrest Hill Road to accommodate a commercial campground. As noted in the application materials, the Ministry of Agriculture is providing approximately \$200,000 in grants for improvements to washroom, shower and laundry facilities in order to ensure that seasonal farm workers have access to safe and hygienic housing while working on local farms.

Ministry staff are supportive of zoning that will accommodate the campground and these improved facilities; however, we concur with the Agricultural Land Commission request in their Resolution #348/2020 that the site remain designated and zoned primarily for agriculture and that the property retain its Agricultural OCP designation and Agriculture Two (AG2) zone with a site specific text amendment to accommodate the campground use and associated facilities or a Temporary Use Permit, rather than rezoning as proposed to a Commercial Tourism (CT) zone. We also support the condition in Resolution #348/2020 for construction of a fence or similar barrier along the west and south boundaries of the proposed campground area to delineate the campground from the remainder of the property and to prevent expansion of the campground into the adjacent ALR land.

If you have any questions, please contact me directly at Alison.Fox@gov.bc.ca or 778-666-0566.

Sincerely,

Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture
Alison.Fox@gov.bc.ca
(778) 666-0566

Christina Forbes, P.Ag.
Regional Agrologist
BC Ministry of Agriculture
Christina.Forbes@gov.bc.ca
(250) 309-2478

Email copy: Sara Huber, Regional Planner, Agricultural Land Commission
Mike Bandy, Land Use Planner, Agricultural Land Commission



Interior Health
Every person matters

July 23, 2020

Cory Labrecque, Planner
Regional District of Okanagan-Similkameen
101 Martin Street,
Penticton, British Columbia V2A 5J9
planning@rdos.bc.ca

Dear Cory Labrecque:

Re: C2020.010-ZONE
500 Secret Hill Road
Legal: Block A, Plan KAP1729, District Lot 2450S, SDYD & a portion of surrounding Crown land.

Thank you for the opportunity to comment on the above named proposal. It is my understanding the applicant is seeking an amendment of Electoral Area 'C' OCP land use designation from Agriculture (AG) to Commercial Tourist (CT) and a rezoning of the property from Agriculture Two (AG2) to Campground Commercial (CT2) in order to formalize a campground for migrant farm laborers.

From the health community development perspective Interior Health supports this proposal because it will reduce the demand for housing within the community.

The Environmental Assessment Team has no objections to the proposal provided that shower, bathroom, and other sanitary facilities are connected to an appropriate sewerage system per the BC Sewerage System Regulation (Pursuant to the BC Public Health Act). Pit Privies, also known as outhouses, are not a legal means of sewerage disposal in BC. If you have questions regarding your existing system and its performance and/or compliance with today's standards, please contact an Authorized Person under the regulation (Registered Onsite Wastewater Practitioner or Engineer) or the Environmental Assessment Team via HBE@interiorhealth.ca.

Sincerely,

Tanya Osborne, BAHS
Healthy Communities
Population Health

Marion Masson, CIPHI(c)
Specialist Environmental Health Officer
Environmental Management

Bus: 250-469-7070 x12287
tanya.osborne@interiorhealth.ca
www.interiorhealth.ca

Population Health
505 Doyle Avenue
Kelowna, BC V1Y 0C5

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: August 4, 2020 4:09 PM
To: Planning
Cc: Lauri Feindell
Subject: RE: Bylaw Referral (C2020.010-ZONE)

Hello RDOS Planners! Happy August! ☺

Thank you for your referral C2020.010-Zone to allow a commercial campground ("Loose Bay") as a non-farm use on and around the parcel located at 500 Secrest Hill Road (Block A, Plan KAP1729, District Lot 2450S, SDYD) to proceed to the Agricultural Land Commission;

And

Zoning Bylaw No. 2453, 2008, be initiated in order to formalise the use of an approximately 5.5 ha area, including the property at 500 Secrest Hill Road (Block A, Plan KAP1729, District Lot 2450S, SDYD), as a "campground".

Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the area of land listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded within or in close proximity to the property.

Archaeological potential modelling for the area does not indicate a high potential for previously unidentified archaeological sites to be found on the subject property. The area has moderate potential, but not enough to warrant archaeological investigation.

Archaeology Branch Advice

The Archaeology Branch does not identify a need for archaeological study or Provincial heritage permit(s) at the time of this referral.

Please notify all individuals (e.g., owners, developers, equipment operators) involved in land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- Archaeological study and Provincial heritage permit(s) are not required in the absence of an archaeological site.
- There is always a possibility for previously unidentified archaeological sites to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.

Questions?

Loose Bay

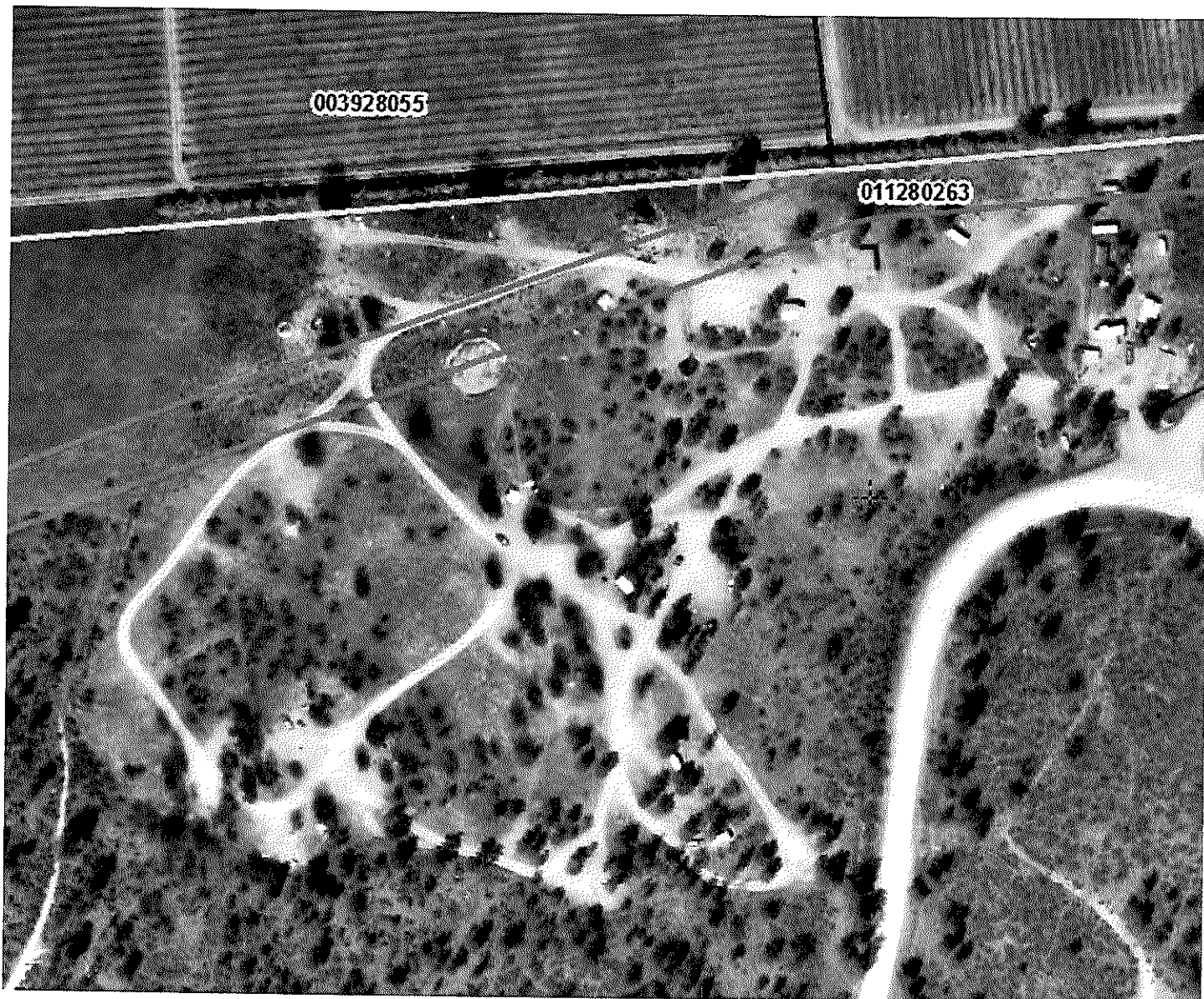
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

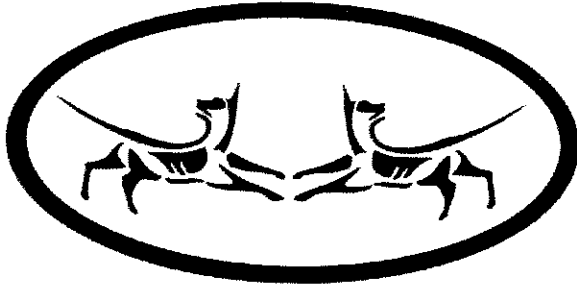
Please let me know if you have any questions regarding this information.

Kind regards,

Diana



Diana Cooper
Archaeologist/Archaeological Site Inventory Information & Data Administrator



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

Bylaw Referral - D2017.069-ZONE

FN Consultation ID:

L-200723-D2017069-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan-Similkameen

Date Received:

Friday, July 31, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

July 31, 2020

Attention: Planning RDOS

File Number: D2017.069-ZONE

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

If the proposed activity requires a more in-depth review, PIB will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

Invoice Number: L-200723-D2017069-ZONE

SubTotal Tax Total

Referral Processing \$ 500.00 \$ 0.00 \$ 500.00

Total \$ 500.00 \$ 0.00 \$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. re: P.C.132

If you require further information or clarification, please do not hesitate to contact me.

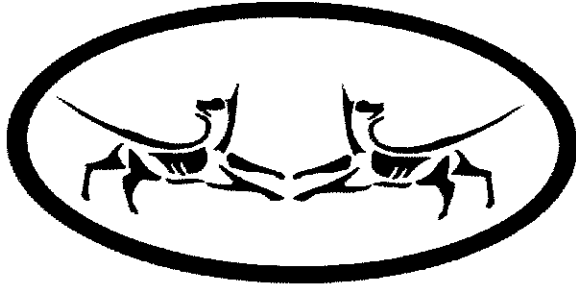
limlmt,

Maryssa Bonneau

Referrals Administrator

P: 250-492-0411

Referrals@pib.ca



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
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Date Received:

Friday, July 31, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

July 31, 2020

Attention: Planning RDOS

File number: D2017.069-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was sent on July 23, 2020.

This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, the Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

Most recently, the Supreme Court of Canada in the *Tsilquot'in* case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economically from those uses.

Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

limləmt,

Maryssa Bonneau

Referrals Administrator

P: 250-492-0411

Referrals@pib.ca

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2452.23 & 2453.38

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Signature: P. S. Subramanian

Agency: SD 53

Date: 21-7-20

Signed By: SUGRA PALTAPPA

Title: SECRETARY TREASURER