

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: December 30, 2019 10:44 AM
To: Planning
Cc: Lauri Feindell
Subject: RE: Bylaw Referral (H2019.026-ZONE) - UPDATED FORM

Hello RDOS Planners,

Thank you for your archaeological information request regarding a proposed zoning amendment relating to 256 Copper Mountain Road, PID 007990341, LOT A DISTRICT LOT 1822 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 17187 EXCEPT PLAN H17425. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your information request.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property, as indicated by the brown colour over everything shown in the second screenshot below. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) 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

- There is high potential for previously unidentified archaeological deposits 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.



- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories.

Questions?

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,





The entire area within which this property is located has high potential to contain unknown/unrecorded archaeological deposits.



Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.

Kind regards,

Diana

Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
3rd Floor, 2975 Jutland Road, Victoria, BC V8T 5J9 / PO Box 9816 STN Prov Govt, Victoria, BC V8W 9W3
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: www.gov.bc.ca/archaeology

From: Lauri Feindell <lfeindell@rdos.bc.ca>
Sent: December 23, 2019 10:40 AM



January 8, 2020

File No: H2019.026-ZONE

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

Re: Bylaw Referral – File No. H2019-026.ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the proposed site-specific Zoning Bylaw No. 2498 amendment for 256 Copper Mountain Road, Princeton. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- Ministry staff recognize the long history of non-farm use on this ALR parcel. The shift in use from “garage, service” to “salvage operation” however may prompt an ALC non-farm use application as per ALC Act s.23(1). Ministry staff encourage the RDOS to confirm this with the ALC.
- Ministry staff also recognize the isolated nature of the parcel from other ALR land. As with other ALR parcels, however, the ALR is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are restricted. The use of this property for salvage operations will have a long-term negative impact on any agricultural viability of the parcel.

If you have any questions, please contact me directly at christina.forbes@gov.bc.ca or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist
B.C. Ministry of Agriculture – Kelowna
Office: (250) 861-7201
E-mail: christina.forbes@gov.bc.ca
Email copy: Sara Huber, ALC Regional Planner, Sara.Huber@gov.bc.ca



cc-Applicant

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: January 22, 2020 2:56 PM
To: Planning
Subject: Copper Mountain Rd, 256 RDOS (H2019.026-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Copper Mountain Road and Old Copper Mountain Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

Steve Danielson, AACI, SR/WA

Contract Land Agent | Property Services | FortisBC Inc.

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

FBCLands@fortisbc.com



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Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

January 3, 2020

Reply to the attention of Sara Huber
ALC Issue: 51665
Local Government File: H2019.026

Lauri Feindell
Administrative Assistant, Regional District of Okanagan Similkameen
lfeindell@rdos.bc.ca

Delivered Electronically

Re: Regional District of Okanagan Similkameen Electoral Area “H” Zoning Amendment Bylaw No. 2498.20

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area “H” Zoning Amendment Bylaw No. 2498.20 (the “Bylaw”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the “General Regulation”), the Agricultural Land Reserve Use Regulation (the “Use Regulation”), and any decisions of the ALC.

The Bylaw proposes to amend the zoning of the property identified as 256 Copper Mountain Road, Princeton; PID: 007-990-341 (the “Property”) from Industrial (Light) One (I1) to Industrial (Heavy) Two (I2) in order to formalize the existing salvage operation. The I2 zone permits as principal uses, manufacturing, indoor cannabis production, salvage operations, sewage treatment plants, etc.

According to BC Assessment, the Property description is listed as “Garage, Service (Obsolete)”, which was established in 1960, prior to the establishment of the ALR in 1972. Section 23(2) of the ALCA states that the restrictions on the use of agricultural land do not apply to land lawfully used for a non-farm use, established and carried on continuously for at least 6 months immediately before December 21, 1972, unless and until, the use is changed (other than to farm use), is prohibited by enactment, or permission is withdrawn or expires.

ALC staff further recognizes that the Property is an isolated node within the ALR that has remained despite a previous exclusion application which removed almost all of the surrounding lands from the ALR (Application 1597; Resolution #1135/1993). The landowner should be encouraged to submit an application for exclusion of this Property from the ALR .

For these reasons, ALC staff has no objection to the proposed Bylaw.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.



cc-Application
Riechert

This response 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.

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of Bylaw No. 2498.20

CC: Ministry of Agriculture – Attention: Chris Zabek

51665m1



Your File #: H2019.026-
Zone (Reichert)
Bylaw 2498.20
eDAS File #: 2020-00645
Date: February 5, 2020

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Zoning Amendment Bylaw 2498.20 for:
Lot A, District Lot 1822, SDYD, Plan KAP17187 except Plan H17425
256 Copper Mountain Road, Princeton, BC**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Rob Bitte at (250) 490-8200.

Yours truly,

Rob Bitte
Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231



CC APPLICATION