

Lauri Feindell

Subject: FW: Bylaw Referral X2019.019-ZONE

From: Hedderson, Lisa <Lisa.Hedderson@dfo-mpo.gc.ca>

Sent: December 11, 2019 4:18 PM

To: Lauri Feindell <lfeindell@rdos.bc.ca>

Subject: RE: Bylaw Referral X2019.019-ZONE

Dear Lauri Feindell,

At this time, the Fish and Fish Habitat Protection Program will not be participating in the Bylaw Referral for the Regional District of Okanagan-Similkameen Project No. X2019.019-ZONE. The role of the DFO's Fish and Fish Habitat Protection Program (FFHPP) is to protect and conserve fish and fish habitat in support of Canada's coastal and inland fisheries resources, and to make regulatory decisions under the fisheries protection provisions of the *Fisheries Act*. The FFHPP is specifically responsible for reviewing projects for which a s.35(2) Fisheries Act Authorization is required.

If you feel that the project proposes works, undertakings or activities that may result in harm to fish or fish habitat, DFO's Projects Near Water website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) includes information for proponents on how to comply with the Fisheries Act, request a DFO review of a project, and request a Fisheries Act authorization.

If you have any further questions about DFO's regulatory process or need general information, contact DFO's Fish and Fish Habitat Protection Program toll free: 1-866-845-6776 or email: ReferralsPacific.XPAC@dfo-mpo.gc.ca.

Lisa Hedderson

Biologist
Fish and Fish Habitat Protection Program
Ecosystem Management Branch
Fisheries and Oceans Canada / Government of Canada

Biologiste
Programme de protection du poisson et de son habitat
Direction des ecosystems
Pêches et Océans Canada / Gouvernement du Canada



Lauri Feindell

Subject: FW: Bylaw Referral X2019.019-ZONE

From: Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>

Sent: December 11, 2019 2:37 PM

To: Lauri Feindell <lfeindell@rdos.bc.ca>

Subject: RE: Bylaw Referral X2019.019-ZONE

Hello,

The Ministry of Agriculture supports these changes in line with the new Riparian Area Regulations and has no additional comments.

Christina

Christina Forbes BSc, P.Ag | Regional Agrologist | Kelowna

p: 250-861-7201 | c: 250-309-2478

Email: Christina.Forbes@gov.bc.ca

Generic Email: AgriServiceBC@gov.bc.ca



Interior Health

Every person matters

December 9, 2019

Christopher Garrish
Regional District of Okanagan-Similkameen
101 Martin St
Penticton, BC V2A 5J9
<mailto:planning@rdos.bc.ca>

Dear Christopher Garrish:

**RE: File #: X2019.019-ZONE
Our interests are unaffected**

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to hbe@interiorhealth.ca with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

Mike Adams, CPHI(C)
Team Leader, Healthy Communities
Interior Health Authority





December 19, 2019

File: 2019096
Your File: X2019.019 ZONE

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

Attention: Christopher Garrish, Planning Manager

Re: Textual amendments to OCP Bylaws to be consistent with RAPR

The Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations & Rural Development has reviewed the above noted referral.

Comments:

- Will Electoral Areas “B” and “G” be included?
- We do not recommend removing the requirement for monitoring reports. While these are not covered under the RAPR, cannot the RD require them as part of the WDP process?
- We do not recommend removing the option to require security or bond for landscaping and/or remediation works. This is one of the only tools with which you can compel landowners to do restorative works.
- 18.3.7 Expedited Development Permit
 - .2 -this is not compliant with RAPR.
 - .3 -can you define “reasonable floor area”
 - .6 -duplicates .5? should stipulate that for removal, should be a designated danger tree as in .5
- **Please see other comments in orange in draft Bylaw 2876, 2019**



It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the *Water Sustainability Act* and the *Wildlife Act*. The undersigned may be reached at Jamie.Leathem@gov.bc.ca or 250-490-8294 if you have further questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jamie Leathem". The signature is fluid and cursive, with the first name "Jamie" being more prominent than the last name "Leathem".

Jamie Leathem, M.Sc.
Ecosystems Biologist
For the Referral Committee

JL/jl

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2876, 2019

**A Bylaw to amend the Electoral Areas "A", "C", "D", "E", "F", "G", "H" and "I"
Official Community Plan Bylaws**

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Watercourse Development Permit Area Update Amendment Bylaw No. 2876, 2019."

Electoral Area "A"

2. The "Regional District of Okanagan-Similkameen, Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008" is amended by:
 - i) replacing Section 18.3 (Watercourse Development Permit (WDP) Area) under Section 18.0 (Development Permit Areas) in its entirety with the following:

18.3 Watercourse Development Permit (WDP) Area

18.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

18.3.2 Area

Lands designated as Watercourse Development Permit Area are: ...as defined in RAPR

.1 shown as Watercourse Development Permit Area on Schedule 'D'; or

.2 within 30.0 metres of a stream; (as defined in the RAPR); or

.3 within 30.0 metres of a ravine that is less than 60.0 metres wide.

Or 10m from top of ravine bank if ravine is less than 60.0 m wide (as per Figure 1-2 (p. 6) of RAPR Technical Assessment Manual)

18.3.3 Justification



Without Prejudice to Aboriginal Title and Rights

Date: January 6, 2020

To: Lauri Feindell
Phone: 250-490-4107
Email: lfeindell@rdos.bc.ca

Summary: Bylaw No. 2876

Referral ID: Project No. Z2019.019-ZONE

Dear Lauri,

Further to your referral, we thank you for referring this matter to us.

This project falls within the traditional territory of the Upper Similkameen Indian Band.

Our referrals department has now had the referral package provided by you.

opportunity to review the

Our review indicates that this site will NOT Reconnaissance (PFR) to determine if a impact assessment is required, as the archaeological potential and there are no and as you will not be disturbing any

require Preliminary Field more rigorous archaeology area is not of high recorded sites within the vicinity ground.

This information is communicated in good claim title to the un-ceded lands and By this First Nations have made it not discharged the governments of British fiduciary obligations as the title to the land Recent court decisions such as the proven aboriginal title exists on the land and accommodation of Aboriginal Title and resources must be taken into been undertaken without prejudice to Rights.

faith however First Nations still resources of British Columbia. abundantly clear that they have Columbia or Canada from their and resources is not yet settled. Tsilqot'in land claim have now and that adequate consultation Rights in the land and consideration. This review has these Aboriginal Title and

Koby West
Referrals Administrator
Upper Similkameen Indian Band
Natural Resources Department

Box 220, Hedley, BC V0X 1K0
161 Snaza'ist Drive
Phone: (250) 292-8733 Fax: (250) 292-8753

BL 2876
WDP UPDATE (.019)



RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2876

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: Abdell J. Dalla

Signed By: Cheek J. Nalla

Agency: KANEEN PROMOTION DISTRICT

Title: General Administrator

Date: December 18, 2019





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

December 30, 2019

Reply to the attention of Sara Huber
ALC Planning Review: 46702
Local Government File: X2019.019-ZONE

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

Delivered Electronically

Re: Regional District of Okanagan Similkameen Electoral Area “A”, “C”, “D”, “E”, “F”, “H” and “I” Official Community Plan Amendment Bylaw Nos. 2876 and Development Procedures Amendment Bylaw No. 2500.14, 2019

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen Electoral Area “A”, “C”, “D”, “E”, “F”, “H”, and “I” Official Community Plan (OCP) Amendment Bylaw Nos. 2876 (the “OCP Amendment Bylaw”) and Development Procedures Amendment Bylaw No. 2500.14, 2019 (the “Development Procedures Amendment Bylaw”), collectively referred to as the “Bylaws” for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaws are 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 OCP Amendment Bylaw is intended to establish consistency between the Watercourse Development Permit Area (WDPA) designation of the OCPs and the recently implemented provincial Riparian Area Protection Regulation (RAPR). The WDPA is used to minimize the impact of commercial, industrial, or residential development on the natural environment, and generally only applies to areas and activities on privately held lands outside of the ALR.

Specifically, the OCP Amendment Bylaw proposes to:

- Require a copy of the Qualified Environmental Professional’s (QEP’s) assessment report in relation to the development, submitted by the responsible Provincial Minister, as required under Section 6 of the RAPR, and that the report not be expired, as required under Section 7 of the RAPR;
- Update the list of activities that constitute “development”;
- Place development triggers (e.g. building, subdivision, land disturbance) in their own section;
- Remove the requirement for monitoring reports as the RDOS does not have the legal authority to require these;
- Introduce new exemptions in-stream works approved under the Water Sustainability Act (WSA) and works undertaken in relation to an emergency event.



The Development Procedures Amendment Bylaw proposes amendments to the application requirements and processing procedures for the WDPA by requiring a copy of the QEP's assessment report in relation to the development, submitted by the responsible Provincial Minister, as required under Section 6 of the RAPR, and that the report not be expired, as required under Section 7 of the RAPR.

ALC Staff Comments

ALC staff recognizes that the Bylaws are proposed to undertake administrative changes to reflect new provincial legislation and that the WDPA does not apply to agricultural activities. For this reason, ALC staff has no objection to the proposed Bylaws.

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.

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 RDOS OCP Amendment Bylaw No. 2876

CC: Ministry of Agriculture – Attention: Christina Forbes

46702m1