



Chris Roy;
c/o Kent-Macpherson
Jordan Hettinga

eDAS File #: 2018-02209
Date: Nov/21/2018

Re: Proposed Subdivision of:

**PID: 011-419-431, DL 3849 ODYD EXCEPT THAT PART LYING SOUTH OF A
BOUNDARY PARALLEL TO AND PERPENDICULARLY NORTH 1300 FEET
FROM THE SOUTH BOUNDARY EXCEPT PLAN EPP73386**

6972 Barcelona Drive E, Kelowna

Your proposal for a 6 lot Conventional subdivision has not been given preliminary approval by the Provincial Approving Officer for the following reasons:

- a. The Approving Officer considers that the land within your proposal may be subject to natural hazard(s) such as, but not limited to, flooding, erosion, land slip or avalanche. If the risk to persons and/or property is too great your proposal could be refused. If you wish to explore this aspect further, you should engage a Qualified Professional, registered with the Engineers and Geoscientists of BC (EGBC), to advise you.

For assessing landslide hazards the professional shall follow the most recent version of the EGBC Guidelines for Legislated Landslide Assessments for Residential Developments in BC and include the Appendix D: Landslide Assessment Assurance Statement, duly executed, with any report. Please note that for the purposes of that Appendix D statement, the province of British Columbia does not have an adopted level of landslide safety. Also, the report must be provided for the approving officer to refer to and retain in the record of the approval decision.

For assessing flood hazards the professional shall follow the most recent version of the EGBC Guidelines for Legislated Flood Assessments in a Changing Climate in BC and include the Appendix J: Flood Hazard and Risk Assurance Statement, duly executed, with any report. Please note that for the purposes of that Appendix J statement, the province of British Columbia does

Local District Address
Vernon Area Office 4791 23rd Street Vernon, BC V1T 4K9 Canada Phone: (250) 503-3664 Fax: (250) 503-3631

not have an adopted level of flood hazard or flood risk tolerance. Also, the report must be provided for the approving officer to refer to and retain in the record of the approval decision.

The Approving Officer could consider a subdivision plan at risk from an event, based upon a specific probability of occurrence of that event. When quantifying the frequency of occurrence of natural hazards, the Qualified Professional must distinguish between two different types of events: damaging events and life-threatening events.

When considering damaging events only, unless otherwise specified, a probability of occurrence of 1 in 475 years (10% probability in 50 years) for individual landslide hazards should be used as a minimum standard. This value is the probability of the damaging event occurring. The qualified professional is to identify the run-out extent, or area of influence, of the event.

Where the damaging event is a flooding hazard, a probability of occurrence of 1 in 200 years should be used as a minimum standard.

Where the damaging event is a snow avalanche hazard, a probability of occurrence of 1 in 300 years should be used as a minimum standard.

Where life-threatening catastrophic events are known as a potential natural hazard to a building lot the Qualified Professional is to consider events having a probability of occurrence of 1 in 10,000 years and is to identify areas beyond the influence of these extreme events.

Large scale development must consider the same 1:10,000 year events and must also consider the total risk to the new development. When the total risk approach is used, international standards must be identified. The consultant should clearly identify the calculation procedures used.

If there are any questions regarding terms of reference, please ask your Qualified Professional to contact us. Please submit one digital and four paper copies of any report.

- b. The proposal does not offer compliance with Section 75 of the Land Title Act in regards to highway access to all parcels. Access to proposed lots 1 to 4 does not appear feasible from Westside Road due to the steep terrain.

The sketch plan of subdivision shows an access easement providing access to the proposed lots. Access by easement does not satisfy Section 75 of the Land Title Act. In addition, if the use of the Land Title Act Regulation 334/79 regarding alternate access is being contemplated, the proposal does not appear to fit the regulation.

If you submit engineered drawings showing feasible access to all lots (a building site) from Westside Road, the information would be considered. It must also be considered that Westside Road is a Controlled Access highway

and the Ministry does not support 4 individual direct access,

For further consideration, please submit a revised layout showing access to all new lots taking into consideration the two matters outlined above.

- c. Provincial records indicate that development associated with this application may be in conflict with archaeological sites protected under the Heritage Conservation Act. It should be noted that there are two sites identified as Borden Number: EaQv-12 and EaQv-7 within the subject property.

Therefore, the Provincial Approving Officer requires that as a condition of PLA, the applicant hire a qualified archaeologist to determine the need for an archaeological impact assessment of the subject property. The purpose of the archaeological impact assessment would be to accurately identify the location(s) of the known archaeological site(s), to record any additional sites that may be present, and to recommend any action that may be needed to manage archaeological values in conflict with future development. This might include the placement of covenants to ensure that such sites are not disturbed without proper authorization from the Archaeology and Registry Services Branch.

If the archaeologist determines that an archaeological impact assessment is not required, the archaeologist must forward a written statement to this office with a c.c. to the Archaeology and Registry Services Branch containing the reasons for eliminating this requirement.

If the archaeologist determines that an archaeological assessment is required, you should be aware that applications for Heritage Conservation Act permits take in the order of 6 weeks to process. This includes allowance for a 30 day comment period from local First Nation(s). Processing time can be shortened accordingly if, at the time of application, supporting letter(s) are received from local First Nations.

Information on archaeological consultants may be obtained by calling the B.C. Association of Professional Consulting Archaeologists at 250-478-4972 or by checking their web site (<http://www.bcapca.bc.ca/>). Archaeological consultants are also listed in the Yellow Pages.

- d. Compliance with Section 75 (1)(c) of the Land Title Act, regarding access to water being Okanagan Lake. It appears 2 lake accesses are required to be in compliance with the Act.
- e. Pursuant to Section 75 (1)(a) and (b) of the Land Title Act (access to lands beyond), applicant shall provide a 20 metre wide access to the Unsurveyed Crown Land to the West of the subject property, (dedication only). If relief is being sought from this requirement, applicant to submit written request with reasons to this office for consideration.

- f. The Ministry has not received written confirmation from the Regional District of Central Okanagan stating that this proposal can comply with all their subdivision servicing and zoning bylaws. Their letter dated May 8, 2018 confirms that the ongoing rezoning and OCP amendment process is a requirement of subdivision.

Should the above reason(s) be overcome additional conditions must be met before approval of the subdivision will be considered. These include but are not limited to:

1. Compliance with all applicable bylaws regulating the subdivision of land and zoning, of the Regional District of Central Okanagan. Their letter outlining their requirements is forthcoming. The applicant is encouraged to discuss applicable bylaw requirements with the regional district. The regional district will advise us when compliance is complete.
2. Provision of a suitably worded covenant, regarding the land which may be subject to flooding, registrable under Section 219 of the Land Title Act in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and the Regional District of North Okanagan.. Covenant to be registered with priority over any financial charges.
3. Written confirmation from British Columbia Hydro stating compliance with their request to modify the existing Statutory Right-of-way agreements. See attached email.

Please note that addressing all of the above will not automatically bring approval. Also, at any time changes in acts, regulations, bylaws or policy may make this review invalid. Therefore, it's recommended that you obtain a preliminary layout approval before proceeding with your proposal. A new application may be required.

If you have any questions or wish to set up an appointment please do not hesitate to call Desiree Lantenhammer at (250) 503-8963.

Please quote file number 2018-02209 when contacting this office.

Signed on behalf of Provincial Approving Officer
by



Desiree Lantenhammer, BSc
Development Approvals Technician

cc: Regional District of Central Okanagan