Agenda

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Agriculture Advisory Committee Meeting
to be held via Zoom

*****Public attendance at committee meetings is prohibited at this time. If you'd like to watch or listen to the live Committee meeting, please email Committees@Penticton.ca 24-hours prior to the commencement of the meeting for the Zoom meeting participation details. You will have an opportunity to ask questions related to the agenda at the end of the meeting.*

Wednesday, July 21, 2021
at 3:00 p.m.

1. **Call Regular Committee Meeting to Order**

2. **Adoption of Agenda**

3. **Adoption of Minutes**

   3.1 Minutes of the March 17, 2021 Agriculture Advisory Committee Meeting **1-3**

   Staff Recommendation:

   THAT the Agriculture Advisory Committee adopt the minutes of the March 17, 2021 meeting as presented.

4. **New Business**

   4.1 Volunteer Week Proclamation from Council – Audrey Tanguay, Planning Manager **4**

   4.2 BC Bike Race Discussion – Jeff Stromgren and Dean Payne, BC Bike Race **Verbal**

   4.3 1147 Corbishley Avenue – Soil Use for Placement of Fill or Removal of Soil – Nicole Capewell, Planner II **5-61**

5. **Next Meeting** **62**

6. **Public Question Period**

7. **Adjournment**

Minutes

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Agriculture Advisory Committee Meeting

To be held via Zoom
Wednesday, March 17, 2021
at 3:00 p.m.

Present: Rod King, Chair
Doug Mathias, Vice Chair
Annelise Simonsen
Chris Holler
Darshan Jassar
Erica Stewart
Jesse Chapman
Kristi Tatebe
Nick Ibuki
Paul Gardner

Council: Julius Bloomfield, Councillor

Staff: Audrey Tanguay, Planning Manager
David Best, Utilities Supervisor
Nicole Capewell, Planner II
Steven Collyer, Planner II
Alysa Wardley, Legislative Assistant

Guests: Drew Nagy (Applicant, 1520 Randolph Road)
John Pankiw (Owner, 1520 Randolph Road)

1. **Call to Order**

The Agriculture Advisory Committee was called to order by the Chair at 3:02 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on March 17, 2021 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the January 20, 2021 Agriculture Advisory Committee Meeting

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adopt the minutes of the January 20, 2021 meeting as presented.

CARRIED UNANIMOUSLY

DRAFT

4. **New Business**

4.1 Water Supply Kiosk Design

The Utilities Supervisor gave Members at Large a brief update on the water supply kiosk design that had previously been brought before the Committee.

Jesse Chapman, Member at Large entered the meeting at 3:05 p.m.

Julius Bloomfield, Councillor entered the meeting at 3:07 p.m.

The new design introduced a gate valve which will allow the agricultural user to easily disconnect from the water supply kiosk at the end of the season. The floor was opened for questions and comments from Committee members.

4.2 ALC Non-Adhering Residential Use, 1520 Randolph Road

Ms. Capewell, Planner II presented the Committee with a proposal to add an agricultural farm help dwelling to the property located at 1520 Randolph Road. While the property has land that is not part of the Agricultural Land Reserve, the proposed building location is on Agricultural Land Reserve classified land. The proposed location is preferable as it is close to the road and won't disturb current farming practices.

The floor was opened to Committee members for questions and feedback for the Planner II and the applicant.

Chris Holler, Member at Large declared a conflict of interest as he is a friend of the applicant and owner.

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee provide support for "ALR Non-Adhering Residential Use PL2021-8951", for Lot 1 District Lot 204 Similkameen Division Yale District Plan 9651 Except Plan 25786, located at 1520 Randolph Road, to allow for a second dwelling on the property for the purposes of an agricultural farm help dwelling.

CARRIED UNANIMOUSLY

David Best, Utilities Supervisor left the meeting at 3:35 p.m.

4.3 Zoning Amendment Bylaw, 610 Pineview Road

Mr. Collyer, Planner II gave a presentation on a zoning bylaw application for the property located at 610 Pineview Road. The applicant is seeking to construct 11 duplex lots and 24 single detached homes. Currently the property is being used for agricultural land as a fruit orchard.

The floor was opened for questions and comments from the Committee, Members at Large raised concerns over the reduction of agricultural land for market rate or high end housing. A Member at Large voiced that they would be more inclined to support this development if it was for low income housing. Other comments surrounded soil classification and tree quality for the long term use of the land.

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee does not support the Zoning Amendment Bylaw application for 610 Pineview.

CARRIED UNANIMOUSLY

5. **Next Meeting**

The next Agriculture Advisory Committee meeting is tentatively scheduled to be held on April 21, 2021 at 3:00 p.m.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED
THAT the Agriculture Advisory Committee adjourn the meeting held on March 17, 2021 at 3:50 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____

Alysa Wardley
Legislative Assistant

Proclamation

penticton.ca

"Volunteer Week"
April 18-24, 2021

WHEREAS The National Volunteer Week Theme for 2021 is The Value of One, The Power of Many, reflects on the awe-inspiring acts of kindness by millions of individuals AND the magic that happens when we work together towards a common purpose; and

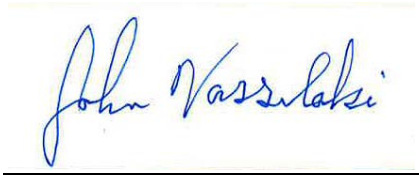
WHEREAS This past year, we have seen people supporting family, friends, neighbours, and strangers, and people sharing insights on how to create a more just and equitable society; and

WHEREAS We all recognize the value of the caring and compassion that each one has shown another, and we recognize the power of people, organizations, and sectors working together; and

WHEREAS The power of people working together can bring about monumental changes; and

WHEREAS The giving of oneself in service to another empowers the giver and receiver. Further; volunteers are vital to our future as a caring and productive community;

NOW, THEREFORE I, Mayor John Vassilaki, **DO HEREBY PROCLAIM** the week of April 18 to 24, 2021 as **"Volunteer Week"** in the City of Penticton and urge my fellow citizens to recognize the crucial role played by volunteers in our community.



Mayor John Vassilaki

Memo to Committee

penticton.ca

Date: July 21, 2021 File No: RMS/1147 Corbishley Ave
To: Agriculture Advisory Committee
From: Nicole Capewell, Planner II
Address: 1147 Corbishley Avenue

Subject: **Soil Use for Placement of Fill or Removal of Soil**

Recommendations

Staff have prepared several recommendations for the Agriculture Advisory Committee to consider:

1. The Committee may determine that **further information is required** for a decision to be made. If this is the case, the Committee may choose Recommendation No 1:

   THAT the Agriculture Advisory Committee request further information for "ALR Soil or Fill Use PL2021-9036", for Lot 1 District Lot 187 Similkameen Division Yale District Plan KAP80505, located at 1147 Corbishley Avenue, to be provided to the Agriculture Advisory Committee for consideration prior to a decision being made.

2. The Committee may determine that the proposal **can be supported, with conditions** that the Committee feels are appropriate. If this is the case, the Committee may choose Recommendation No 2:

   THAT the Agriculture Advisory Committee provide support for "ALR Soil or Fill Use PL2021-9036", for Lot 1 District Lot 187 Similkameen Division Yale District Plan KAP80505, located at 1147 Corbishley Avenue, to allow for the placement of fill within the Agricultural Land Reserve (ALR), with conditions that the Agriculture Advisory Committee feels appropriate.

3. The Committee may decide to **support** the proposed request. If this is the case, the Committee may choose Recommendation No 3:

   THAT the Agriculture Advisory Committee provide support for "ALR Soil or Fill Use PL2021-9036", for Lot 1 District Lot 187 Similkameen Division Yale District Plan KAP80505, located at 1147 Corbishley Avenue, to allow for the placement of fill within the Agricultural Land Reserve (ALR).

4. The Committee may decide to **deny** support for the proposed request. If this is the case, the Committee may choose Recommendation No 4:

THAT the Agriculture Advisory Committee deny support for "ALR Soil or Fill Use PL2021-9036", for Lot 1 District Lot 187 Similkameen Division Yale District Plan KAP80505, located at 1147 Corbishley Avenue, to allow for the placement of fill within the Agricultural Land Reserve (ALR).

Proposal

The applicant is intending to place fill on the subject property for the purposes of providing a more suitable vineyard site and to help eliminate the frost pocket that the property is located within. As the purposes for placing the fill are outside of the ability of the ALC to approve without an application, the property owner has applied for an ALR Soil or Fill Use Application.

Background

Property Information

The subject property is located at 1147 Corbishley Ave, and is a 0.961-acre (41,861 sq. ft.) parcel, surrounded by larger farming properties in the area. The subject property currently contains one single-family dwelling and an accessory structure, constructed in the 1950's. The property is currently zoned as Agriculture and is designated by the Official Community Plan as Agriculture. The entire property is located within the Agricultural Land Reserve (ALR).

The property does not have farm status (and has not for many years), however the applicant has identified within their application that they wish to plant a vineyard on the property (approximately 12, 100ft. rows of Pinot Gris). Surrounding properties are being farmed, primarily with vineyards.

ALC Legislation

To assist staff and the public with understanding the ALC's Legislation, an information bulletin is available on the proposed fill placement. Information Bulletin 07: Soil or Fill Uses in the ALR, published March 22, 2019, is available on the ALC's website to assist in interpreting the *Agricultural Land Commission Act*, and regulations, in relation to fill placement or soil or aggregate removal in the agricultural land reserve (ALR).

The bulletin provides a list of activities that are considered "Exempted Activities" and do not require authorization from the ALC. Other than those fill placement and soil removal activities listed as "Exempted Activities", a person must not place fill on, or remove soil from, land in the ALR without successfully completing one of the following:

1. Notice of Intent
2. Soil or Fill Use Application

Any person who places fill or removes soil from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized

fill. The proposed fill placement does not fall within an exempted activity; therefore, this application has come forward for ALC consideration through the local government.

Background Information on Applications

In October 2020, the property owner inquired with City staff regarding moving the driveway location to the centre of the property, which included levelling off an area of the property with soil and construction of a retaining wall. City staff provided information to the property owner on applications that they may require should they choose to proceed with the works. Later, in December 2020, the City received information that works appeared to be taking place on the property, including multiple dump trucks attending the property daily. At the time this information was received, no permits had been issued for the property. The owner was contacted by City staff and advised that works must not proceed until required permits and approvals have been provided.

In January 2021, the property owner submitted a Notice of Intent (NOI) to the ALC, to request approval from the ALC to continue the works on the property (Attachment 'E'). Based on the information provided, the ALC outcome letter indicated that it was determined that the proposed fill placement activities were inconsistent with the ALC Policy L-23: Placement of Fill for Soil Bound Agricultural Activities for the following reasons:

1. It has not been demonstrated that fill placement will benefit farming activity or is for the purpose of establishing a farm;
2. It has not been demonstrated that fill placement is the only means available to address implementation of standard agricultural best practices;
3. The proposed fill placement activities entail area-wide filling (55% of the property);
4. No topsoil was salvaged prior to placement of the existing 400m^3 of unauthorized fill; and
5. It has not been demonstrated that adjacent properties will not be impacted.

The applicants were informed that prior to proceeding, they must apply for a Soil or Fill Use Application and receive approval from the ALC. The applicants made this application in May 2021, which is the subject application at this time for consideration by the Agriculture Advisory Committee.

Information Provided by Property Owner

With the submission of the ALR Soil or Fill Use Application, the property owner provided staff with an Agricultural Assessment, prepared by Ecoscape Environmental Consultants Ltd (Attached?). The purpose of the report was "to provide an evaluation of the existing fill according to the standards of ALC Bylaw No. 2 – Placement of Fill in the ALR, and the BC Contaminated Sites Regulation (CSR) standards for agriculture". The Agriculture Assessment report has been attached for the Committee's review and consideration.

Proposal Details

Total fill placement area:	0.27 ha
Maximum depth of material to be placed as fill:	2.5 m
Volume of material to be placed as fill:**	4,800 m^3
****Total amount of fill already placed**	400 m^3
Estimated duration of the project:	2 years

Analysis

OCP Policy

The subject property is designated as Agriculture within the Official Community Plan Future Land Use Map (Figure 3). This OCP designation provides support for agricultural and residential uses, with 1-2 units being permitted on a single lot.

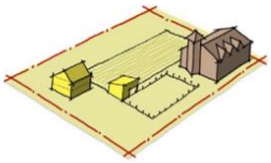
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	• Agricultural buildings • Detached houses	• Agricultural • Residential	• 1-2 units per parcel	• A

Figure 1 - OCP Designation

The following OCP Goals and Policies may be considered when reviewing the proposed development:

OCP Goal 4.5.1	Support, Protect and Enhance Agriculture Support, protect and enhance agriculture as a central component of Penticton's economy.
OCP Policy 4.5.1.2	Work with the ALC to ensure that agricultural activities remain the primary use on lands within the ALR, and encourage active farming uses of those lands. Proposed compatible non-farm uses and non-soil based agriculture should be comprehensively reviewed to ensure there are no negative impacts on agriculture viability and operations.

Earthworks Control Bylaw No. 2006-65

The Earthworks Control Bylaw regulates the removal, movement and deposit of soil, sand, gravel, rock, or other substance of which land is composed from, on and to lands within the City. Should the Soil or Fill Use Application be successful with the ALC, the property owner will be required to attain an Earthworks Permit with the City's Development Engineering Department prior to further works occurring.

Conclusion

The purpose of this report is to provide information regarding this application to the Agricultural Advisory Committee for their consideration. Staff will include the Committee's recommendation should this application proceed for Council's consideration.

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Agricultural Land Reserve (ALR) Map
Attachment D – Agricultural Land Commission Soil or Fill Use Application
Attachment E – Agricultural Land Commission Notice of Intent Application (and Outcome)
Attachment F – Agricultural Assessment Report
Attachment G – Environmental Assessment Report

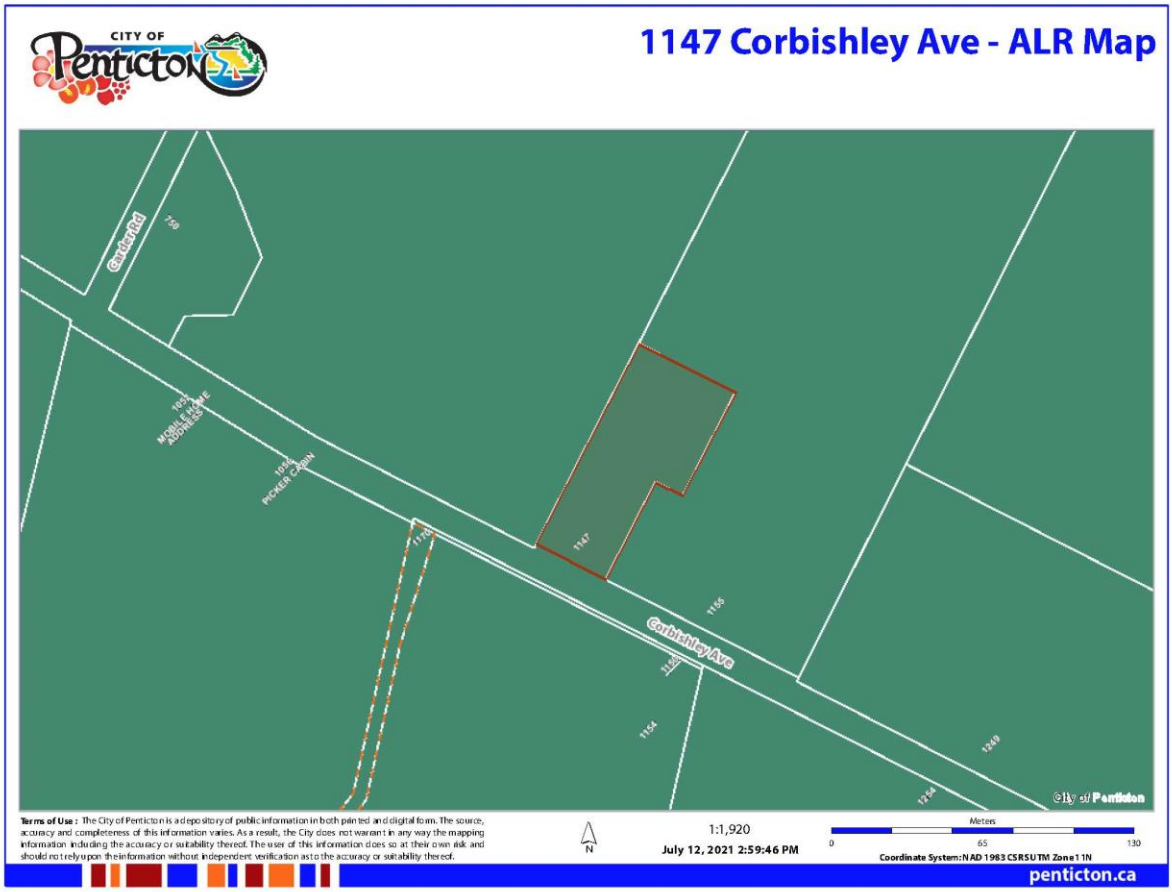
Respectfully submitted,

Nicole Capewell
Planner II

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Agricultural Land Reserve (ALR) Map



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62088
Application Status: Under LG Review
Applicant: Kris Harstone
Local Government: City of Penticton
Local Government Date of Receipt: 05/25/2021
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use (Placement of Fill)
Proposal: The purpose of the proposal is to place fill to provide a more suitable vineyard site and to help eliminate the frost pocket that the property is in. The fill that has already been placed has been tested by a professional Agrologist and was found to be suitable for agriculture. Soil textures were composed of sandy loam and loamy sand which are amenable to agricultural cultivation and meet the ALC Bylaw No.2 for the Placement of Fill in the ALR. The adjacent property to the west uses fans to help with frost issues and the property to the east has been previously filled to help with frost. The more suitable grade will make the placement of vines more efficient for planting as well as maintaining the vines. Posts and wire will be set easier and irrigation will be more efficient. The fill placed will improve the soil conditions.

Mailing Address:
1147 Corbishley ave
Penticton, BC
V2a 8v2
Canada
Primary Phone:
Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 026-609-126
   Legal Description: L 1 DL 187 SIMILKAMEEN DIVISION YALE DISTRICT PL KAP80505
   Parcel Area: 0.4 ha
   Civic Address: 1147 corbishley ave, penticton
   Date of Purchase: 09/02/2020
   Farm Classification: No
   Owners
   1. **Name:** Kris Harstone
      Address:
      1147 Corbishley ave
      Penticton, BC
      V2a 8v2
      Canada
      Phone:
      Email:

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 001-776-029
   Owner with Parcel Interest: Kris Harstone
   Parcel Area: 0.2 ha
   Land Use Type: Industrial
   Interest Type: Partial Ownership

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
The property has not been used for agriculture. The previous owner of the property had manicured lawn. The property currently is mainly placed fill and lawn with a residence and detached garage. I intend on planting grapes for a small personal vineyard. There will be approximately 12, 100' rows of Pinot Gris. If the fill permit is not granted the property will be brought back to manicured grass.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
The property has a deer fence along the West. The south property line also has deer fence and a gate for driveway access that is kept closed. The north property line has 4' chainlink fence, but the adjacent property has a deer fence so no wildlife gets in and the East property line is also protected by the adjacent properties deer fence. Once the fill is placed the fence along the east property line will be put back up. Once the fill has been placed, an irrigation system will be installed with drip lines for each row of vines.
Approximately half of the property will be used for the vineyard and the other portion will be for the dwelling and garage.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
Currently, there is a house and a detached garage on the property. The portion of the property north of the house is a lawn and a vegetable garden. The house is the primary residence of the property owner and the garage is used for vehicle and yard maintenance tools.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: vineyard

East

Land Use Type: Agricultural/Farm
Specify Activity: vineyard

South

Land Use Type: Agricultural/Farm
Specify Activity: vineyard

West

Land Use Type: Agricultural/Farm
Specify Activity: cherry trees

Proposal

1. Are you submitting this application as a follow-up to a Notice of Intent (NOI)?
Yes
Notice of Intent (NOI) ID
62119

2. What is the purpose of the proposal? Describe any benefits to agriculture that the proposal provides.
The purpose of the proposal is to place fill to provide a more suitable vineyard site and to help eliminate the frost pocket that the property is in. The fill that has already been placed has been tested by a professional Agrologist and was found to be suitable for agriculture. Soil textures were composed of sandy loam and loamy sand which are amenable to agricultural cultivation and meet the ALC Bylaw No.2 for the Placement of Fill in the ALR. The adjacent property to the west uses fans to help with frost issues and the property to the east has been previously filled to help with frost. The more suitable grade will make the placement of vines more efficient for planting as well as maintaining the vines. Posts and wire will be set easier and irrigation will be more efficient. The fill placed will improve the soil conditions.

3. Proposal dimensions

Total fill placement area (0.01 ha is 100 m^2) *0.27 ha*
Maximum depth of material to be placed as fill *2.5 m*
Volume of material to be placed as fill *4800 m^3*
Estimated duration of the project. *2 Years*

4. Has a Professional Agrologist reviewed the project and provided a written report? If yes, please attach the Professional Agrologist report in the "Upload Attachments" section.
Yes

5. What alternative measures have you attempted before proposing to place fill?
Alternative measures were not attempted as it is believed that importing fill to elevate the site is the best course of action to get out of frost pocket created by the depression.

6. Describe the type of fill proposed to be placed.
Fill that has already been placed has been tested and soil textures were composed of sandy loam and loamy sand. Soil pH ranged from 7.48 8.01. A value of 7 is neutral, less than 7 acidic and greater than 7 alkaline.
According to vineyard extension resources from Washington State University, a soil pH in the range 5.5 to 6.5 is considered optimum for grapes and generally has better nutrient balance for plant growth than soils that are more acidic or alkaline. Vines will grow from pH 4.0 to 8.5, but a pH below 5.5 and above 8 will depress yields and create vine problems. A viticulturist will be consulted and nutrients may need to be added to the soil before planting.
Fill to be placed will be tested by ECOSCAPE ENVIRONMENTAL CONSULTANTS LTD and will meet the same standards. Fill will be clean and free of contaminates. Fill will come from as few sites as possible to have less of an environmental impact.

7. Briefly describe the origin and quality of fill. Has the fill been assessed by a qualified professional to verify its agricultural suitability? If yes, please attach the assessment report in the "Upload Attachments" section.
Fill already placed has been tested by an agrologist and found to be suitable for agriculture. Fill to be placed will be tested before transported and will meet the same standards for agriculture. Fill will come

from local excavations. I will try and have fill come from large excavations so that there is more consistency in the material and there will be less of an environmental impact.

8. Describe the type of equipment to be used for the placement of fill. If applicable, describe any processing to take place on the parcel(s) and the equipment to be used.
Fill will be brought to the site by dump trucks. Trucks will be tarped during all transport and will drive at low speeds on-site to keep down dust and noise pollution as much as possible. The material will not be brought to the site if it is raining to avoid muddy conditions. Corbishley ave will be swept and kept clear of debris daily. Trucks will dump on-site and a skid steer or excavator will be used to spread material on site. Machines will be well maintained to make sure they are not leaking oil or excessive grease. If topsoil is brought to site it will be stockpiled and will be spread as a top layer to provide the best results for agriculture. Stockpiled material will not be spread if it is excessively windy to reduce dust. Stockpiled material will be spread in a timely manner.

9. What steps will be taken to reduce potential negative impacts on surrounding agricultural lands?
A retaining wall was built 1.2m tall along the west side of property to keep imported fill from entering neighbouring property. Dust created will be managed as best as possible by keeping road ways on site wetted and limiting speed of trucks. The site is fenced to prevent disturbance beyond the footprint. A qualified environmental professional will oversee the site and Best Management Practices (BMPs) will be adhered to throughout construction to mitigate the risk associated with the proposed works. In the event that land and/or natural vegetation is disturbed or damaged beyond the development footprint area, these areas must be restored and/or replanted
with plant material indigenous to the area under the direction of the EM. Weed management will be done by manually pulling weeds and disposing at the landfill. No pesticides, herbicides, or other chemical control measures will be used.

10. Describe all proposed reclamation measures. If a reclamation plan from a qualified professional is available, please summarize the reclamation and attach the full plan in the "Upload Attachments" section.
No major restoration has been proposed for the project given the intent
for cultivation. Any areas of exposed soils, slopes, or general disturbance where agricultural planting is not proposed will be reseeded with an agricultural grass seed mix native to the Okanagan, or, landscaped closer to the residence. Should the further restoration be required, plant species selected should be native to the area and suitable to the growing conditions where the plantings have been proposed.

Applicant Attachments

- Agrologists Report-62088
- Professional Report-Agricultural assessment
- Professional Report-enivronmental assessment
- Proposal Sketch-62088
- Site Plan / Cross Section-62088
- Certificate of Title-026-609-126

ALC Attachments

None.

Decisions

None.

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 62119
Application Status: ALC Acknowledged - Complete
Applicant: Kristofer Harstone
Local Government: City of Penticton
ALC Date of Receipt: 01/07/2021
Proposal Type: Notice of Intent (Placement of Fill)
Proposal: The purpose of the proposal is to fill a portion of my property to ease the slope into the property from the road and have a more suitable grade for a small vineyard. I was unaware an application was needed and have stripped the manicured grass that existed and have brought approximately 400 cubic metres of clean fill from local excavations. The intent is to fill the front portion of the property quickly to allow for grapes to be planted asap. The remainder of the property will be filled slower. I have built a 1.2M retaining wall on most of the west side of the property at the preexisting grade to retain fill. The southeast corner of the property was the highest elevation so a small cut was done to help achieve a good grade for a vineyard. Three sides of the property are surrounded by vineyard and the property on the east has been previously filled. The intent is to tear the existing 2 car garage down and build a new garage once the fill is done.

Mailing Address:
1147 Corbishley ave
Penticton, BC
V2A 8V2
Canada
Primary Phone:
Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 026-609-126
   Legal Description: L 1 DL 187 SIMILKAMEEN DIVISION YALE DISTRICT PL KAP80505
   Parcel Area: 0.4 ha
   Civic Address: 1147 Corbishley ave
   Date of Purchase: 09/04/2020
   Farm Classification: No
   Owners
   1. **Name:** Kristofer Harstone
      Address:
      1147 Corbishley ave
      Penticton, BC
      V2A 8V2
      Canada
      Phone:
      Email:

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 001-776-029
   Owner with Parcel Interest: Kristofer Harstone
   Parcel Area: 0.2 ha
   Land Use Type: Industrial
   Interest Type: Partial Ownership

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
No agriculture

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
Irrigation will be done and the property will be deer fenced

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
House and detached 20'x20' detached garage

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: vineyard

East

Land Use Type: Agricultural/Farm
Specify Activity: vineyard

South

Land Use Type: Agricultural/Farm
Specify Activity: vineyard

West

Land Use Type: Agricultural/Farm
Specify Activity: cherry orchard

Proposal

1. What is the purpose of the proposal? Describe any benefits to agriculture that the proposal provides.
The purpose of the proposal is to fill a portion of my property to ease the slope into the property from the road and have a more suitable grade for a small vineyard. I was unaware an application was needed and have stripped the manicured grass that existed and have brought approximately 400 cubic metres of clean

fill from local excavations. The intent is to fill the front portion of the property quickly to allow for grapes to be planted asap. The remainder of the property will be filled slower. I have built a 1.2M retaining wall on most of the west side of the property at the preexisting grade to retain fill. The southeast corner of the property was the highest elevation so a small cut was done to help achieve a good grade for a vineyard. Three sides of the property are surrounded by vineyard and the property on the east has been previously filled. The intent is to tear the existing 2 car garage down and build a new garage once the fill is done.

2. Proposal dimensions

Total fill placement area (0.01 ha is 100 m^2) *0.22 ha*
Maximum depth of material to be placed as fill *2.4 m*
Volume of material to be placed as fill *3000 m^3*
Estimated duration of the project. *2 Years*

3. Has a Professional Agrologist reviewed the project and provided a written report? If yes, please attach the Professional Agrologist report in the "Upload Attachments" section.
No

4. What alternative measures have you attempted before proposing to place fill?
none

5. Describe the type of fill proposed to be placed.
Fill placed will be from local excavations. No contaminated fill will be used.

6. Briefly describe the origin and quality of fill. Has the fill been assessed by a qualified professional to verify its agricultural suitability? If yes, please attach the assessment report in the "Upload Attachments" section.
Fill is from local excavations. The fill I have brought already before being made aware that i needed to notify the ALC was from a foundation excavation on Abbott st in Penticton and a foundation dig on Cossar ave in Penticton. I was on site when trucks were brining fill and spreading with a bobcat. I made sure there was no construction waste or demolition debris.

7. Describe the type of equipment to be used for the placement of fill. If applicable, describe any processing to take place on the parcel(s) and the equipment to be used.
Dump trucks will bring in fill and bobcat is used to spread

8. What steps will be taken to reduce potential negative impacts on surrounding agricultural lands?
retaining wall has been built on the west side of the property to retain fill and keep it out of neighbouring cherry orchard. on the south east corner where a small cut has been done a allan block retaining wall less than 1.2m tall has been built to retain the neighbouring property. David Cassidy from Valley Environimental assessed the property and has said that it will not negatively affect any of the surrounding areas.

9. Describe all proposed reclamation measures. If a reclamation plan from a qualified professional is available, please summarize the reclamation and attach the full plan in the "Upload Attachments" section.
once the fill is in place and grapes are planted, natural plant life will grow between rows of grapes.

Applicant Attachments

- Proposal Sketch - 62119
- Site Plan / Cross Section - 62119
- Original application - 62119
- Certificate of Title - 026-609-126

ALC Attachments

- Other correspondence or file information -
- Acknowledgement Letter -

Decisions

None.

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

March 19, 2021 ALC File: 62119

SENT BY EMAIL: [redacted]

Attention: Kristofer Harstone

Dear Kristofer Harstone:

Order Under Section 20.3(2)(c) of the Agricultural Land Commission Act

Re: Notice of Intent to place fill on land in the Agricultural Land Reserve
PID: 026-609-126
Legal Description: Lot 1 District Lot 187 Similkameen Division Yale District Plan KAP80505
Civic Address: 1147 Corbishley Ave, Penticton, BC
(the "Property")

On January 12, 2021 the Chief Executive Officer (CEO) of the Agricultural Land Commission received a Notice of Intent (NOI) pursuant to section 20.3(1)(c) of the *Agricultural Land Commission Act* (ALCA) to place fill on the Property (the Proposed Fill Placement Activities). The CEO also received a fee of $150 with respect to the NOI pursuant to subsection 20.3(1)(c)(ii).

Additional information was requested from you on February 10, 2021 and on February 11, 2021 you provided some of the additional information requested. On March 1, 2021 you confirmed that you wished the NOI proceed to a decision based on the current information available in the NOI.

As delegate CEO pursuant to section 20.3(6) of the ALCA, I understand the following about the Proposed Fill Placement Activities from the NOI and accompanying documents:

- The landowner of the Property is Kristofer Doyne Harstone;
- Approximately 400 m^3 of fill was already placed on the Property prior to submission of the Notice of Intent;
- The total area of the Proposed Fill Placement Activities is 0.22 ha (2,200 m^2);
- The purpose of the Proposed Fill Placement Activities is to ease the slope into the Property and create a more suitable grade for a small vineyard;
- The driveway will be relocated down the center of the Property following completion of the Proposed Fill Placement Activities;
- The proposed volume of materials to be placed on the Property is 2,600 m^3;
- The proposed depth of material to be placed on the Property is 1.5–2.4 m;
- The proposed duration of the Proposed Fill Placement is 2 years.

Additional Information Requested

- There is no current farming activity on the Property;
  - No vines have been purchased yet;
  - Irrigation and deer fencing will be installed once the project is completed;
- Valley Environmental found that the Proposal would not impact adjacent properties but no report was submitted;
- The east-adjacent property has allegedly been filled, so fill is necessary on the Property to even out the grade and address drainage issues;
  - No drainage plan has been submitted;
- No topsoil was salvaged or stockpiled prior to placement of the existing 400 m^3 of fill on the Property.

Upon review of the Notice of Intent, I, as delegate of the CEO, have determined that the Proposed Fill Placement Activities are inconsistent with ALC Policy L-23: Placement of Fill for Soil Bound Agricultural Activities, for the following reasons:

- It has **not** been demonstrated that fill placement will benefit farming activity or is for the purpose of establishing a farm;
- It has **not** been demonstrated that fill placement is the only means available to address implementation of standard agricultural best practices;
- The Proposed Fill Placement Activities entail area-wide filling (55% of the Property);
- No topsoil was salvaged prior to placement of the existing 400 m^3 of unauthorized fill, and;
- It has **not** been demonstrated that adjacent properties will not be impacted.

Therefore, I, as delegate of the CEO, have determined that the Proposed Fill Placement Activities must not proceed unless both the following conditions are met before the Proposed Fill Placement Activities are undertaken:

- You make an application under section 20.3(5) of the Act for approval of the Proposed Fill Placement Activities; and

- On receiving that application, the Commission approves the Proposed Fill Placement Activities under section 25 of the Act.

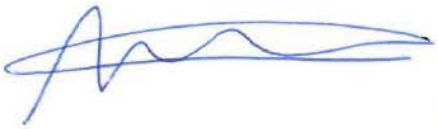
I therefore order, pursuant to section 20.3(2)(c) of the Act, that you must not engage in the Proposed Fill Placement unless both the above conditions are first met.

If you wish to pursue the Proposed Fill Placement Activities, you may initiate the soil or fill use application process by submitting the required form and paying the requisite fee: ($900) to the local government (City of Penticton). The remainder of the application fee ($450) will only be required if your local government forwards the above noted application to the Agricultural Land Commission. The application can be submitted through the ALC's Application Portal. Information on the application process can be found on the ALC website under Applications and Decisions.

Any further correspondence with respect to this letter should be directed to the undersigned at (Avtar.Sundher@gov.bc.ca).

As agent, it is your responsibility to advise your client of this correspondence.

Sincerely,



Avtar S. Sundher
Delegate of the Chief Executive Officer

cc: Michael Hodges, EarthWorks Permitting Officer-City of Penticton
(Michael.hodges@penticton.ca)

62119d1

AGRICULTURAL ASSESSMENT
1147 Corbishley Ave, Penticton, BC

Prepared For:
Kris Harstone

Prepared By:
Ecoscape Environmental Consultants Ltd.

May 2021

#102 – 450 Neave Ct. Kelowna, BC V1V 2M2 Phone: 250.491.7337 Fax: 250.491.7772 www.ecoscapeltd.com

1147 CORBISHLEY AVENUE, PENTICTON, BC

LOT 1 DISTRICT LOT 187 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP80505

Agricultural Assessment

Prepared For:
Kris Harstone
1147 Corbishley Ave, Penticton
VIA email: [redacted]

Prepared By:
ECOSCAPE ENVIRONMENTAL CONSULTANTS LTD.
#102 – 450 Neave Court
Kelowna, BC V1V 2M2

May 13, 2021

File No. 21-3767

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1.0 INTRODUCTION

1.1 Background Information

Ecoscape Environmental Consultants Ltd. (Ecoscape) has been retained by Kris Harstone (client) to complete an agricultural assessment (*"Agrologist Report"*) at 1147 Corbishley Avenue, Penticton, BC (subject property), to fulfill the requirements of the Agricultural Land Commission (ALC) Notice of Intent (NOI) application for fill placement for the purposes of farm use.

The client intends to cultivate approximately 0.5 acres of the subject property for wine grapes (*Vitis vinifera)* and requires the importation of fill material to grade the site and improve the soil conditions. In January 2021, a "rapid" environmental assessment was completed for the property by David Cassidy, R.P.Bio, of Valley Environmental to fulfill the Environmental Development Permit Area (DPA) requirements of the City of Penticton. To date, the client has imported approximately 400 m^3 of fill and has constructed a retaining wall on the west property line to accommodate the fill. The client wishes to import additional fill to complete the project and is seeking ALC permission for existing and future fill placement.

The purpose of this report is to provide an evaluation of the existing fill according to the standards of ALC Bylaw No.2 - Placement of Fill in the ALR, and the BC Contaminated Sites Regulation (CSR) standards for agriculture. Further, to provide an agricultural assessment of the site and a management plan for the proposed works, as described below.

The proposed works entail the following:

- Placement of approximately 4,800 m^3 of fill material, up to 2.4 m in depth, within a placement area of approximately 2,025 m^2. The proposed fill material must be clean fill, suitable for agricultural cultivation, with a soil texture ranging from sandy loam to silt loam, free of contaminants and foreign materials, and must not include heavy clays or excessively stony soils, unless approved by the ALC.
- Retention of existing topsoil on the property, where possible.
- Reseeding of any disturbed areas or exposed slopes which are not proposed for cultivation, using an agricultural grass seed mix, to prevent invasive species and noxious weed growth within the subject property. The seed mix must include only species which are native to the Okanagan and non-invasive.

1.2 Site Location, Legal Description, Zoning and Land Use

The subject property is a 0.961 acre parcel, legally described as Lot 1 District Lot 187 Similkameen Division Yale District Plan KAP80505 (**Figure 1**), located within the municipality of the City of Penticton, and is bounded by Corbishley Avenue to the south, and neighboring agricultural properties to the north, east, and west.

While City of Penticton municipal zoning of the subject property is A (agriculture) and mapping provided by the ALC indicates the property is located entirely within the Agricultural Land Reserve (ALR), the property is not currently being used for agriculture. There is an existing single-family residence and shed on the subject property.

1.3 Land Use of Surrounding Properties

Land use in the surrounding area is largely rural, with neighboring agricultural operations and residential homes on private lands (**Table 1**).

TABLE 1. Land use of surrounding properties.

Direction	Zoning*	Ownership	Land Cover/Use
North	A	Private	Agriculture
South	A	Private	Agriculture
East	A	Private	Agriculture
West	A	Private	Agriculture

**A = Agriculture*

1.4 Site Assessment Procedures and Methodology

A site inspection of the subject property and review of surrounding lands was carried out by Theresa Loewen, M.Sc., P.Ag., on April 12, 2021. The purpose of the inspection was to document fill quality and extent of fill placement, collect fill soil samples for laboratory analysis, and determine the suitability of fill for agriculture.

As indicated by the client at the time of the site inspection, the existing fill had been sourced from three (3) separate locations within the City of Penticton, as shown in **Figure 2**.

Three (3) composite soil samples were collected, one from each fill source within the fill placement area. All soil samples were collected using pre-labelled, sealed bottles designed for sampling trace metals with the appropriate preservatives pre-measured in vials. Bottles were provided by CARO Analytical Services, an ISO/IEC17025:2017 accredited lab. No visible evidence of contamination, sediment sloughing, or runoff was observed at the time of the site visit.

Latex gloves were worn for all samples collected and gloves were changed between sampling events. All field sample preservation methods prescribed by CARO were observed. Collected samples were immediately placed in a cooler with ice packs and delivered to CARO within 2 hours of the sampling event.

Field procedures included soil texture classification, description and classification of the landforms and existing vegetation, and a description of present land uses. All fieldwork, analyses and reporting were conducted using procedures and guidelines outlined in the BC Contaminated Sites

Regulation (CSR), Canadian System for Soil Classification (1998) and Land Capability Classification for Agriculture in British Columbia (1983).

2.0 SOIL SAMPLE RESULTS

Soil samples were processed by CARO Analytical Services, an ISO/IEC17025:2017 accredited lab, and analyzed against the standards of the BC Contaminated Sites Regulation (CSR) for Agriculture. Parameters analyzed include common contaminants and metals, according to the BC Contaminated Sites Regulation (CSR) standards for residential and agricultural properties.

The results show that the samples were not in exceedance of any of the standards for CSR parameters. The results are displayed below in **Tables 2 - 4**.

TABLE 2. Soil Sample Results for Abbott Street, Penticton.

Analyte	Units	MRL	CSR AL Standard	Results
General Parameters				
Moisture	% wet	1	N/A	< 1
pH (1:2 H2O Solution)	pH units	0.1	N/A	7.96
Fertility/Nutrient Parameters				
Potassium, Available	mg/kg dry	5	N/A	178
Ammonia, Available (as N)	mg/kg dry	1	N/A	4.7
Nitrate, Available (as N)	mg/kg dry	1	N/A	8.6
Phosphorus, Available	mg/kg dry	2	N/A	97
Strong Acid Leachable Metals				
Aluminum	mg/kg dry	40	40000	6510
Antimony	mg/kg dry	0.1	20	0.17
Arsenic	mg/kg dry	0.3	10	1.63
Barium	mg/kg dry	1	350	71.7
Beryllium	mg/kg dry	0.1	1	0.19
Boron	mg/kg dry	2	8500	< 2.0
Cadmium	mg/kg dry	0.04	1	0.125
Chromium	mg/kg dry	1	100	14.2
Cobalt	mg/kg dry	0.1	25	4.9
Copper	mg/kg dry	0.4	75	15.6
Iron	mg/kg dry	20	35000	17100
Lead	mg/kg dry	0.2	120	7.3
Lithium	mg/kg dry	0.1	30	7
Manganese	mg/kg dry	0.4	2000	241
Mercury	mg/kg dry	0.04	0.6	0.209
Molybdenum	mg/kg dry	0.1	3	0.32
Nickel	mg/kg dry	0.6	70	11.1
Selenium	mg/kg dry	0.2	1	< 0.2
Silver	mg/kg dry	0.1	20	0.19
Strontium	mg/kg dry	0.2	9500	31.8
Thallium	mg/kg dry	0.1	2	< 0.1
Tin	mg/kg dry	0.2	5	1
Tungsten	mg/kg dry	0.2	15	< 0.2
Uranium	mg/kg dry	0.05	15	0.928
Vanadium	mg/kg dry	1	100	37.8
Zinc	mg/kg dry	2	150	47.3

Notes:
Criteria from the BC Contaminated Sites Regulation (CSR), enacted in 1997, and includes up to Stage 11 Amendments
AL = Agricultural Standards
MRL = method reporting limit
X Indicates parameter exceeds BC CSR AL Standards

TABLE 3. Soil Sample Results for Cossar Avenue, Penticton.

Analyte	Units	MRL	CSR AL Standard	Results
General Parameters				
Moisture	% wet	1	N/A	5.4
pH (1:2 H2O Solution)	pH units	0.1	N/A	7.48
Fertility/Nutrient Parameters				
Potassium, Available	mg/kg dry	5	N/A	38
Ammonia, Available (as N)	mg/kg dry	1	N/A	2.7
Nitrate, Available (as N)	mg/kg dry	1	N/A	3.3
Phosphorus, Available	mg/kg dry	2	N/A	26
Strong Acid Leachable Metals				
Aluminum	mg/kg dry	40	40000	5520
Antimony	mg/kg dry	0.1	20	< 0.10
Arsenic	mg/kg dry	0.3	10	1.34
Barium	mg/kg dry	1	350	58.6
Beryllium	mg/kg dry	0.1	1	0.16
Boron	mg/kg dry	2	8500	< 2.0
Cadmium	mg/kg dry	0.04	1	< 0.040
Chromium	mg/kg dry	1	100	10.7
Cobalt	mg/kg dry	0.1	25	3.65
Copper	mg/kg dry	0.4	75	7.28
Iron	mg/kg dry	20	35000	12800
Lead	mg/kg dry	0.2	120	4.74
Lithium	mg/kg dry	0.1	30	7.57
Manganese	mg/kg dry	0.4	2000	189
Mercury	mg/kg dry	0.04	0.6	< 0.040
Molybdenum	mg/kg dry	0.1	3	0.35
Nickel	mg/kg dry	0.6	70	5.74
Selenium	mg/kg dry	0.2	1	< 0.20
Silver	mg/kg dry	0.1	20	< 0.10
Strontium	mg/kg dry	0.2	9500	42.5
Thallium	mg/kg dry	0.1	2	< 0.10
Tin	mg/kg dry	0.2	5	0.42
Tungsten	mg/kg dry	0.2	15	< 0.20
Uranium	mg/kg dry	0.05	15	1.55
Vanadium	mg/kg dry	1	100	28.9
Zinc	mg/kg dry	2	150	31.2

Notes:
Criteria from the BC Contaminated Sites Regulation (CSR), enacted in 1997, and includes up to Stage 11 Amendments
AL = Agricultural Standards
MRL = method reporting limit
X Indicates parameter exceeds BC CSR AL Standards

TABLE 4. Soil Sample Results for Edgewood Drive, Penticton.

Analyte	Units	MRL	CSR AL Standard	Results
General Parameters				
Moisture	% wet	1	N/A	5.6
pH (1:2 H2O Solution)	pH units	0.1	N/A	8.01
Fertility/Nutrient Parameters				
Potassium, Available	mg/kg dry	5	N/A	120
Ammonia, Available (as N)	mg/kg dry	1	N/A	4
Nitrate, Available (as N)	mg/kg dry	1	N/A	3.3
Phosphorus, Available	mg/kg dry	2	N/A	26
Strong Acid Leachable Metals				
Aluminum	mg/kg dry	40	40000	6800
Antimony	mg/kg dry	0.1	20	0.13
Arsenic	mg/kg dry	0.3	10	2.36
Barium	mg/kg dry	1	350	69.7
Beryllium	mg/kg dry	0.1	1	0.2
Boron	mg/kg dry	2	8500	< 2.0
Cadmium	mg/kg dry	0.04	1	0.122
Chromium	mg/kg dry	1	100	13.9
Cobalt	mg/kg dry	0.1	25	5.24
Copper	mg/kg dry	0.4	75	13.2
Iron	mg/kg dry	20	35000	15800
Lead	mg/kg dry	0.2	120	12
Lithium	mg/kg dry	0.1	30	8.12
Manganese	mg/kg dry	0.4	2000	271
Mercury	mg/kg dry	0.04	0.6	< 0.040
Molybdenum	mg/kg dry	0.1	3	0.53
Nickel	mg/kg dry	0.6	70	10.7
Selenium	mg/kg dry	0.2	1	< 0.20
Silver	mg/kg dry	0.1	20	< 0.10
Strontium	mg/kg dry	0.2	9500	40.1
Thallium	mg/kg dry	0.1	2	< 0.10
Tin	mg/kg dry	0.2	5	2.68
Tungsten	mg/kg dry	0.2	15	< 0.20
Uranium	mg/kg dry	0.05	15	1.01
Vanadium	mg/kg dry	1	100	35.6
Zinc	mg/kg dry	2	150	60.5

Notes:
Criteria from the BC Contaminated Sites Regulation (CSR), enacted in 1997, and includes up to Stage 11 Amendments
AL = Agricultural Standards
MRL = method reporting limit
X Indicates parameter exceeds BC CSR AL Standards

Soil textures were composed of sandy loam (Abbott Street and Edgewood Drive samples) and loamy sand (Cossar Avenue sample) which are amenable to agricultural cultivation and meet the ALC Bylaw No.2 for the Placement of Fill in the ALR .

Soil pH ranged from 7.48 – 8.01. A value of 7 is neutral, less than 7 acidic and greater than 7 alkaline. According to vineyard extension resources from Washington State University, a soil pH in the range 5.5 to 6.5 is considered optimum for grapes and generally has better nutrient balance for plant growth than soils that are more acidic or alkaline. Vines will grow from pH 4.0 to 8.5, but a pH below 5.5 and above 8 will depress yields and create vine problems. Soil pH affects the availability of nutrients and microbial activity in the soil. The availability of many micronutrients (Mn, Cu, Zn and B, for example) decreases as soil pH increases. Soil pH often drifts down over time with the use of fertilizers and sulfur.[1]

Soil amendments may need to be made to adjust soil pH and nutrient levels, and consultation with a qualified professional in viticulture is recommended to achieve the appropriate conditions for the desired *Vitis vinifera* varietal(s).

3.0 SITE GEOLOGY AND SOIL CHARACTERISTICS

3.1 Canada Land Inventory Capability Information

The British Columbia Soil Information Finder Tool (SIFT) was accessed on May 7, 2021 to query agricultural capability for the subject property. The search rendered no results, as site-specific data was not available, however, agriculture is one of the dominant land uses in the area, and the property is bordered on all sides by vineyard operations and similar.

3.2 Terrain/Landform Classification

Although a detailed investigation of the existing soils on the subject property was not conducted given the intent to import fill, the following describes the site-specific characteristics of the geologic history and deposits contributing to existing soil conditions.

Bedrock beneath the area of the subject property is composed of Okanagan gneiss (orthogneiss, granodiorite, hornblende-biotite) (Okulitch, 2013).

Several glacial advances and retreats together with glaciofluvial action have produced a variety of deposits and sediments that form most of the soil parent materials within the area (Wittneben, 1983). The British Columbia Soil Information Finder Tool (SIFT) was accessed on May 7, 2021 to query the soil survey data, and the following information for surficial deposits within the area of the subject property is listed below in **Table 5.**

[1] Washington State University Extension: Vineyard Nutrient Management in Washington State

TABLE 5. Surficial deposit characteristics in the area of the subject property (BC SIFT, 2021).					
Soil Name	**Texture**	**Drainage**	**Deposition Mode**	**Classification**	**Percent Composition**
Penticton	Silt Loam	Well Drained	Glaciolacustrine	Orthic Brown Chernozem	50%
Olhausen	Sandy Loam	Well Drained	Uppermost: Eolian Below: Glaciolacustrine	Orthic Brown Chernozem	30%
Maynard	Sandy Loam	Well Drained	Glaciolacustrine	Orthic Regosol	20%

The Penticton Soil Group[2]

Penticton soils are classified as Orthic Brown Chernozem (O.BC). This subgroup may be thought of as the central concept of Brown Chernozems. It encompasses the properties specified for the Chernozemic order and the Brown Chernozem great group. Orthic Brown Chernozems are well drained and their B horizons are usually brown with prismatic macrostructure. The prismatic peds are usually coarse in coarse-textured soils. With increasing clay content, the peds become smaller and have an increasing tendency to crush to fine blocky and granular aggregates. Thin clay coatings occur occasionally to commonly on ped surfaces in the B horizon. A light-colored horizon of carbonate accumulation usually occurs below the brownish B horizon.

Orthic Brown Chernozems are identified by the following properties:

- They have a Chernozemic A horizon with a color value darker than 3.5 moist and 4.5-5.5 dry.
- They have a B horizon (Bm, Btj, or Bt) at least 5 cm thick that contains no alkaline earth carbonates.
- They lack an Ae horizon at least 2 cm thick.
- They lack a Bnjtj horizon or a similar horizon characteristic of intergrades to the Solonetzic order.
- They lack evidence of gleying as indicated by faint to distinct mottling within 50 cm of the mineral surface.
- Orthic Brown Chernozems and all other subgroups of Chernozemic soils may have any of the following features that are separated either at the family or series level taxonomically or as phases of any taxonomic level above the family: lithic, saline, and carbonated.

Penticton soils are characterized by soil profiles disturbed by agriculture, composed of mineral particles with silt loam texture, and growth of plant roots restricted by the sixth (lower) layer.

Drainage is well drained, where water is removed from the soil readily but not rapidly. Excess water flows downward readily into underlying pervious material or laterally as subsurface flow. Soils have intermediate available water storage capacity (4-5 cm) within the control section, and are generally

[2] British Columbia Soil Information Finder Tool (SIFT), 2021

intermediate in texture and depth. Water source is precipitation. On slopes subsurface flow may occur for short durations, but additions are equaled by losses.

Parent materials originate from glaciolacustrine deposition, which occur where there is evidence that the lacustrine materials were deposited in contact with glacial ice. One of the following characteristics must be present: kettles or an otherwise irregular surface that is neither simply the result of normal settling and compaction in silt nor the result of piping slump structures resulting from loss of support caused by melting of retaining ice presence of numerous ice-rafted stones in the lacustrine silts.

The Olhausen Soil Group[3]

Olhausen soils are classified as Orthic Brown Chernozem (O.BC)., as described above.

Olhausen soils are characterized by soil profiles disturbed by agriculture, composed of mineral particles with sandy loam texture, and growth of plant roots restricted by the sixth layer.

Drainage is well drained, where water is removed from the soil readily but not rapidly. The water table is not present in the soil at any time.

Parent materials originate from eolian deposition in the uppermost layer and glaciolacustrine deposition below. Eolian material is deposited by wind, forming uniform deposits of very fine sand and silt.

The Maynard Soil Group[3]

Maynard soils are classified as Orthic Regosols (O.R) are identified by the following properties:

- Common horizon sequence: C
- These soils have the properties specified for the Regosolic order and the Regosol great group. They are identified by the following properties:
- If they have an A horizon, it is less than 10 cm thick.
- The B horizon is less than 5 cm thick or absent.
- They have a small amount of organic matter in the control section, which is indicated by a uniform color so that the color value difference between layers is less than one Munsell unit.
- They are well drained and lack any evidence of gleying within the upper 50 cm.

[3] British Columbia Soil Information Finder Tool (SIFT), 2021

Maynard soils are characterized by native soil profiles (undisturbed by agriculture), composed of mineral particles with sandy loam texture, and growth of plant roots restricted by the first (uppermost) layer.

Drainage is well drained, where water is removed from the soil readily but not rapidly. The water table is not present in the soil at any time. Parent materials originate from glaciolacustrine deposition.

4.0 CLIMATE

The subject property occurs within the Okanagan Very Dry Hot Ponderosa Pine (PPxh1) biogeoclimatic zone that is described by the Biogeoclimatic Ecosystem Classification (BEC) program (Lloyd et al. 1990). The PPxh1 is the driest forested zone in British Columbia, occurring only at lower elevations in the southern valleys of BC, at the northern extent of a much larger range than runs through eastern Washington and Oregon. Areas of the PPxh1 zone have cool winters with low snowfall, and hot, dry, summers with growing-season moisture deficits resulting in a mosaic of open forest and grassland ecosystems.

Climate data for the subject property indicates the site is well suited for vineyard development, with 179 frost free days, 2,325 growing degree days above 5˚C, mean annual precipitation of 300mm, and summer heat moisture index of 146 (SIFT, 2021).

5.0 POTENTIAL IMPACTS OF FILL PLACEMENT

Ecoscape has not completed a formal environmental impact assessment for this project. Ecoscape anticipates that, with due diligence and the appropriate mitigation measures in place, the risks for adverse impacts from fill placement to the environment and surrounding area can be appropriately mitigated. Appropriate mitigation and restoration measures should be adhered to in order to protect potential aquatic and terrestrial life.

Ecoscape recognizes that the proposed works could result in the following potential impacts:

- Potential for the release of deleterious substances (e.g., fuel, oil, concrete, hydraulic fluid) to the environment during the proposed works or as a result of improper storage, equipment re-fueling, and/or poorly maintained equipment.
- Potential for the release of sediment due to improper containment measures or lack of attention to detail during the placement of materials using heavy equipment.
- Disturbance beyond the proposed footprint if not clearly marked or identified before and during the works. Clear and visible fencing or flagging around the site will aid in preventing disturbance outside of the proposed works area.

- Potential for the establishment of invasive plant species during disturbance of land within the study area. An agricultural seed mix should be used to revegetate any disturbed area from the proposed works and must not include any invasive grass species or species not native to the Okanagan.

5.1 Best Management Practices and Mitigation Measures

Recommendations to avoid or minimize the potential impacts that may arise during the proposed fill placement works are summarized below and based on Best Management Practices.

Best Management Practices (BMPs) must be adhered to throughout construction to mitigate the risk associated with the proposed works. The most relevant best management practices that should be adhered to during the proposed work include:

- Develop with Care Environmental Guidelines for Urban and Rural Land Development (BC MoE 2014a).
- ALC Bylaw No.2 - Placement of Fill in the ALR

5.2 General Recommendations for Fill Placement

- All conditions outlined within this this report and the NOI Approval Letter from the ALC must be followed throughout the entirety of the proposed works period. ***Copies of each document must be kept onsite at all times for reference.***
- All fill sources must be sampled and analyzed according to the BC Contaminated Sites Regulation (CSR) standards for agriculture and the ALC Bylaw No.2 - Placement of Fill in the ALR and evaluated by a Qualified Professional in Agrology (P.Ag.) to ensure fill meets the CSR and ALC standards ***prior to fill placement.***
- The release of fine sediments, construction debris or other substances deleterious to the environment or watercourses must be prevented at all times.
- Ensure that onsite machinery is in good operating condition, clean and free of leaks, excess oil or grease.

5.3 Environmental Monitoring

A Qualified Professional (QP) should be retained for environmental monitoring (EM) to oversee construction activities and conduct site inspections to document compliance with the ALC requirements, BMPs, permit conditions, and other recommendations. In the event that greater disturbance occurs due to unforeseen circumstances, the EM will recommend further measures to protect or restore the natural integrity of the site.

- A pre-construction meeting should be held between the EM and the contractor(s) undertaking the work onsite to ensure a common understanding of the ALC guidelines,

mitigation measures and best practices required for the project. The EM will attend other routine meetings, as required.

- It is the contractor's responsibility to provide the EM with a detailed construction schedule and inform the EM of any changes to that schedule.
- The EM will be an approved Qualified Professional (QP) authorized to halt construction activities should an incident arise that is causing undue harm (unforeseen or from lack of due care) to terrestrial, aquatic, or riparian resource values.
- A copy of this report describing mitigation measures and BMPs will be kept readily available at the site for reference while the work is being conducted.
- The EM must be onsite full time during any works occurring outside of the least risk work window.
- Reports will be submitted to the ALC at a frequency outlined in the NOI Approval based on volume of material placed. A final report will be generated upon the substantial completion of construction works summarizing the project activities and listing any deficiencies noted throughout the works.

5.4 Nesting Bird Work Timing Windows

At this time, no trees are proposed for removal within the subject property. Avian nesting timing windows should be considered if trees are to be removed, to protect nesting birds within and adjacent to the proposed work area. The general nesting period of migratory birds in Canada within Zone A1a and A2 is March 31st to August 15th (BC MoFLNRORD 2020).

The following methods should be implemented in relation to nesting bird work windows;

- If vegetation or tree clearing is planned to occur during peak nesting season (March 31 to August 15), a nesting bird survey should be conducted by a qualified environmental professional (QEP) prior to initiating construction and specifically vegetation removal. This is a key mitigation strategy to avoid harm to nesting individuals or species at risk. It is an offence to harm a bird or its eggs during the nesting period, as per the provincial *Wildlife Act* and federal *Migratory Birds Convention Act*.
- If active nests are found within the construction limits, a buffer will be established around the nest until such time that the environmental monitor (EM) can determine that nest has become inactive. The size of the buffer will depend on the species and nature of the surrounding habitat. Buffer sizes will generally follow provincial BMP guidelines or other accepted protocol (e.g., Environment Canada). In general, a minimum 20 m buffer will be established around songbird nests or other non-sensitive (i.e., not at risk) species.
- Clearing and other construction activities must be conducted within 72 hours following the completion of any pre-clearing nest surveys. If works are not conducted in that time,

the nest surveys are considered to have expired and a follow-up survey will be completed to ensure that no new nests have been constructed.

- Wherever possible, trees with high wildlife value, such as veteran trees and large snags, must be conserved. Hazardous trees with wildlife value within the vicinity of the construction works should be assessed by a certified wildlife/danger trees assessor to determine levels of risk.

5.5 Clearing and Grubbing

- Disturbance beyond the identified development footprint must not occur without further assessment.
- Native vegetation, including trees, shrubs, and groundcover, must be retained as much as possible to mitigate the establishment of invasive plants and to maintain the existing ecological value within the study area.
- In the event that land and/or natural vegetation is disturbed or damaged beyond the development footprint area, these areas must be restored and/or replanted with plant material indigenous to the area under the direction of the EM.
- Whenever possible, equipment/machinery used must not be operated or stored within the drip line of trees and equipment must not come into contact with trees outside of the marked limits of disturbance, which could result in physical damage to the bark or limbs.

5.6 Erosion and Sediment Control

The following section details the mitigations and recommendations related to erosion and sediment control (ESC) that must be adhered to throughout the duration of the project where applicable.

- Stockpile locations, staging and equipment storage areas, and environmentally sensitive areas should be delineated at the start of construction.
- Works involving ground disturbance should not be conducted during heavy rains wherever feasible to reduce the potential for sediment and erosion issues. Exposed soils along slopes must be stabilized and covered where appropriate using erosion control blankets (ECB), poly sheeting, tarps, or other suitable materials to reduce the potential for erosion resulting from rainfall, seepage, or other unexpected causes.
- Silt fence and other appropriate ESC measures should be installed prior to the start of construction in appropriate locations as identified by the EM.
- If erosion becomes a problem during construction and there is a risk of siltation to the adjacent naturally vegetated areas and watercourses (i.e. during heavy rain

events), silt fence must be installed immediately adjacent to the development footprint to mitigate for potential sediment transport and erosion downslope of the works. Silt fence must be staked into the ground and trenched to prevent flow underneath the fence.

- ESC recommendations by the EM must be implemented within 24 hours.
- It is the contractor's responsibility to inspect all mitigation measures daily and additional measures will be installed, maintained, and repaired or replaced as required using a field-fit, adaptive approach.
- Road surfaces adjacent to the project area must be kept clean and free of fine materials. Sediment accumulation upon the road surfaces must be removed (i.e., swept or scraped) on a regular basis and disposed of appropriately.
- The release of silt, sediment, sediment-laden water, or any other deleterious substance into any ditch, watercourse (creek, river, lake, wetland), ravine, or other drainage feature must be prevented at all times. Similarly, there is to be no sediment release into areas of vegetation growth or sensitive areas in levels that would adversely alter growing or hydraulic conditions.
- It is the contractor's responsibility to regularly monitor weather forecasts and adjust ESC measures or proposed construction activities as required based upon the existing conditions of the site.

5.7 Dust Management

Dust generating activities include dust from wheels of vehicles and machinery and stockpiling and movement of soil.

Avoidance, containment, and suppression of dust and dusty processes must be ensured by the following measures, where applicable:

- Road sweeping/cleaning of entrance and access;
- All material leaving site in fully enclosed trailers (tarped);
- Wetting of material prior to disturbance (if appropriate);
- Provision and use of water truck with sprayers over vehicle entrance and onsite haul routes/roads;
- Provision and use of water truck with sprayers provided in strategic positions in working area and stockpiles as appropriate to conditions;
- Reduction of speed by vehicles onsite;
- Closing down various or all operations during severe wind events;
- Operator procedures i.e. good housekeeping to keep clean and tidy site;

- Transport management; and
- Additional measures may include cleaning, dampening of haul roads and limiting site speeds, and further onsite restrictions as required.

At all times during fill placement, dust will be monitored by visual assessments. The contractor is responsible for the operation of the dust management plan and all site operatives will be trained and required to take necessary mitigation action. They will also be required to take preventative action to avoid dust.

5.8 Emergency Spill Response

Spills of deleterious substances can be prevented through awareness of the potential for negative impacts and with responsible housekeeping practices onsite. Maintenance of a clean site and the proper use, storage, and disposal of deleterious liquids and their containers are important to mitigate the potentially harmful effects of spills and/or leaks. The following BMPs are adapted from Chilibeck et al. (1992) to provide guidance in the control of deleterious substances.

- The contractor will ensure that all equipment is inspected daily for fluid/fuel leaks and maintained in good working order.
- No equipment refueling or servicing is to be undertaken within 30 m of a watercourse whenever possible.
- All spill events will be recorded and reported to the site supervisor and EM. In the event of a spill, the site supervisor will be immediately notified by workers onsite. The supervisor will then be responsible for contacting a mechanic (if necessary), the Project Manager and the EM.
- Spills occurring on dry land will be contained, scraped and disposed of appropriately. Contaminated material will be stored on tarps and covered to prevent mobilization and will be disposed of in accordance with the *Environmental Management Act*.
- Spills shall be contained, absorbed, and disposed of in accordance with the regulations outlined in the *Environmental Management Act* and using the following general steps:
    - Assess, monitor and prevent the hazard or threat;
    - Stabilize, contain, remove and clean up the hazard or threat;
    - Evacuate persons;
    - Recover and rehabilitate wildlife;
    - Restore wildlife habitat;
- Take other steps to address the long-term impacts resulting from the spill.
- Copies of contact phone numbers for notification of all of the required authorities in the event of a spill/emergency response should be posted and clearly visible at

the site.

- Spill containment kits must be kept readily available onsite during construction in case of the accidental release of a deleterious substance to the environment. Any spills of a toxic substance should be immediately reported to the **Emergency Management BC 24-hour hotline at 1-800-663-3456**.

5.9 Site Clean Up

Site cleanup and restoration refers to activities used to return disturbed areas within the subject property to a state resembling the natural state. Note that protection of existing ecosystems is generally much more efficient than ecosystem enhancement and restoration following construction. The following recommendations apply to the site cleanup efforts:

- Silt fencing, snow fence and other temporary mitigation features must be removed upon substantial completion of works when the risk of surface erosion and sediment transport has been adequately mitigated with other permanent measures.
- All equipment, supplies, waste, concrete, and other non-biodegradable materials must be removed from the site following the substantial completion of construction activities.

5.10 Invasive Plant Management

Special care should be taken to minimize the presence of non-native and invasive species. Prevention of the spread of non-native and invasive species can be achieved by limiting disturbance to soils and native vegetation where possible. Areas that have previously been disturbed should be restored with native plantings or grass seeding. Infestation areas should be controlled with regular manual removal of weeds (e.g., mowing, pulling).

As part of the restoration of the site and prevention of ecological degradation, the principles of a noxious weed management plan are provided below. The intent of the weed management plan will be to reduce the potential to spread noxious weeds within or beyond the proposed works. The basic principles include:

- Suppression of weed growth;
- Prevention or suppression of weed seed production;
- Reduction of weed seed reserves in the soil; and
- Prevention or reduction of weed spread.

Identification of existing weed populations and prevention of spread is the most efficient form of weed management. The EM will employ the following weed management plan measures:

- The EM will identify and delineate existing weed species and populations of weeds present within the construction site.

- The EM will inform and educate the contractor about the weed species and locations onsite. If necessary, weed infested areas will be delineated with flagging tape or snow fencing to prevent access.
- Where feasible, weeds should be manually removed and disposed of at an appropriate landfill.
- Areas where weed populations have been identified will not be used for excavation and placement of fill. If excavation of weed infested areas is required, the soils will be disposed of offsite.
- Pesticides, herbicides, or other chemical control measures will not be used.

Ongoing invasive species control will be required within any areas with exposed/disturbed soils and restoration areas in the first few years until vegetation becomes established. Species that are aggressive have the potential to outcompete native species.

Invasive plant species should be hand pulled or brushed/mowed using mechanical means. Mowing or brushing of invasive plant species should only occur before they have flowered or gone to seed. Chemical pesticides/herbicides and fertilizers must not be used due to the close proximity to watercourses.

The contractor will ensure that all equipment and vehicles are washed and free of weed seeds prior to mobilization and de-mobilization. Vehicles and equipment should not be stored, parked, or staged within weed infested areas if possible. Contractor clothing should also be inspected daily for signs of weed seeds. If found, weed seeds should be disposed of in a contained refuse bin for offsite disposal.

Invasive plant species must be disposed of in a landfill; however, invasive species material must not be composted in the yard waste section of the landfill. Invasive plant species must not be transported to or deposited in other natural areas.

5.11 Restoration

Ecoscape understands that no major restoration has been proposed for the project given the intent for cultivation. Any areas of exposed soils, slopes, or general disturbance where agricultural planting is not proposed should be reseeded with an agricultural grass seed mix native to the Okanagan, to prevent the establishment of invasive species. Should further restoration be required, plant species selected should be native to the area and suitable to the growing conditions where the plantings have been proposed.

- Grass seed mixes must be approved by the EM before purchase and use. Restoration grass mixes cannot include species considered invasive within BC;

- All seed mixes will be submitted to a certified seed testing laboratory for germination and purity analysis. Seed analysis certificates are to be provided prior to purchase;
- Grass seed should be broadcast and hand-raked into the soil. For steep slopes or large areas, hydroseed may be used; and,
- Grass seed mixes should be suitable for the environmental conditions seen in **Table 6** below. These conditions may be given to a seed provider to determine the most appropriate species to provide.

TABLE 6. Recommended Native Grass Seed Mix for Disturbed Areas.

Common Name	Scientific Name	Percent
Tall wheatgrass	*Thinopyrum ponticum*	25%
Slender wheatgrass	*Elymus trachycaulus*	15%
Blue bunch wheatgrass	*Elymus spicatus*	25%
Rough Fescue	*Festuca campestris*	10%
Idaho Fescue	*Festuca idahoensis*	11%
Perennial rye	*Lolium perenne*	10%
Sandberg bluegrass	*Poa secunda*	2%
Junegrass	*Koeleria macrantha*	1%
Canada bluegrass	*Poa compressa*	1%

The timing of grass seeding is critical to optimize success and it is recommended that seeding should occur in spring between April and June or fall between September and October. Over seeding may be required in concurrent growing seasons to obtain adequate coverage and reduce competition by invasive plant species.

Watering should occur for the first two growing seasons, until grass is established. Spring and fall irrigation should be timed to water every 3 or 4 days. In summer, watering should be deep, but infrequent – occurring once per week. Irrigation should be timed to augment rainfall and a rainfall sensor would help to reduce water consumption. Hand watering and drip irrigation are both acceptable methods. Care should be taken during watering to ensure that overland flows do not result in sedimentation to neighboring properties.

A target of 80% plant survival is recommended after two years.

6.0 SUMMARY AND CONCLUSION

The purpose of this report is to provide an evaluation of the existing fill placed at 1147 Corbishley Avenue, Penticton, according to the ALC Bylaw No. 2 and the BC Contaminated Sites Regulation (CSR) for Agriculture. Further, to provide an agricultural assessment of the site and management plan for the proposed placement of additional fill on the subject property.

Soil samples were processed by CARO Analytical Services, an ISO/IEC17025:2017 accredited lab, and analyzed against the standards of the BC Contaminated Sites Regulation (CSR) for Agriculture. The results show that the samples were not in exceedance of any of the standards for CSR parameters. Furthermore, the soils meet the ALC standards of clean fill, free of contaminants and foreign materials, suitable for cultivation, with a soil texture ranging from sandy loam to loamy sand, which does not include heavy clays or excessively stony soils, and is for the purposes of farm use.

An assessment of the property revealed the site is well suited for vineyard development, which is consistent with the surrounding area.

An overview of potential impacts of fill placement, best management practices, and mitigation measures have been recommended for the placement of additional fill, and Ecoscape anticipates that with due diligence and the appropriate mitigation measures in place, the risks for adverse impacts to the environment and surrounding area can be appropriately mitigated.

7.0 CLOSURE

This report has been prepared for the exclusive use of Kris Harstone (client). Ecoscape has prepared this report with the understanding that all available information on the present and proposed condition of the site has been disclosed. The client has acknowledged that in order for Ecoscape to properly provide its professional service, Ecoscape is relying upon full disclosure and accuracy of this information.

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

Respectfully Submitted,
ECOSCAPE Environmental Consultants Ltd.

Prepared by:

Theresa Loewen, M.Sc., P.Ag.
Agroecologist
Direct Line: (250) 491-7337 ext. 214

Attachments: Photographs
Figure 1 – Site Location
Figure 2 – Extent of Fill Placement

8.0 REFERENCES

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Photo 1. View facing northeast of the subject property from the entrance, showing the extent of fill placement (all photos taken April 12, 2021).

Photo 2. View facing northwest of the fill imported from Abbott Street.

Photo 3. View facing east of the fill from Edgewood Drive (lower layer) and Cossar Avenue (upper layer).

Photo 4. View of facing south of the extent of fill placement from Edgewood Drive (lower layer) and Cossar Avenue (upper layer) next to the shed.

Photo 5. View facing northeast of the extent of fill placement next to the house and backyard.

Photo 6. View of the existing topsoil to be retained and stockpiled where possible.

FIGURES

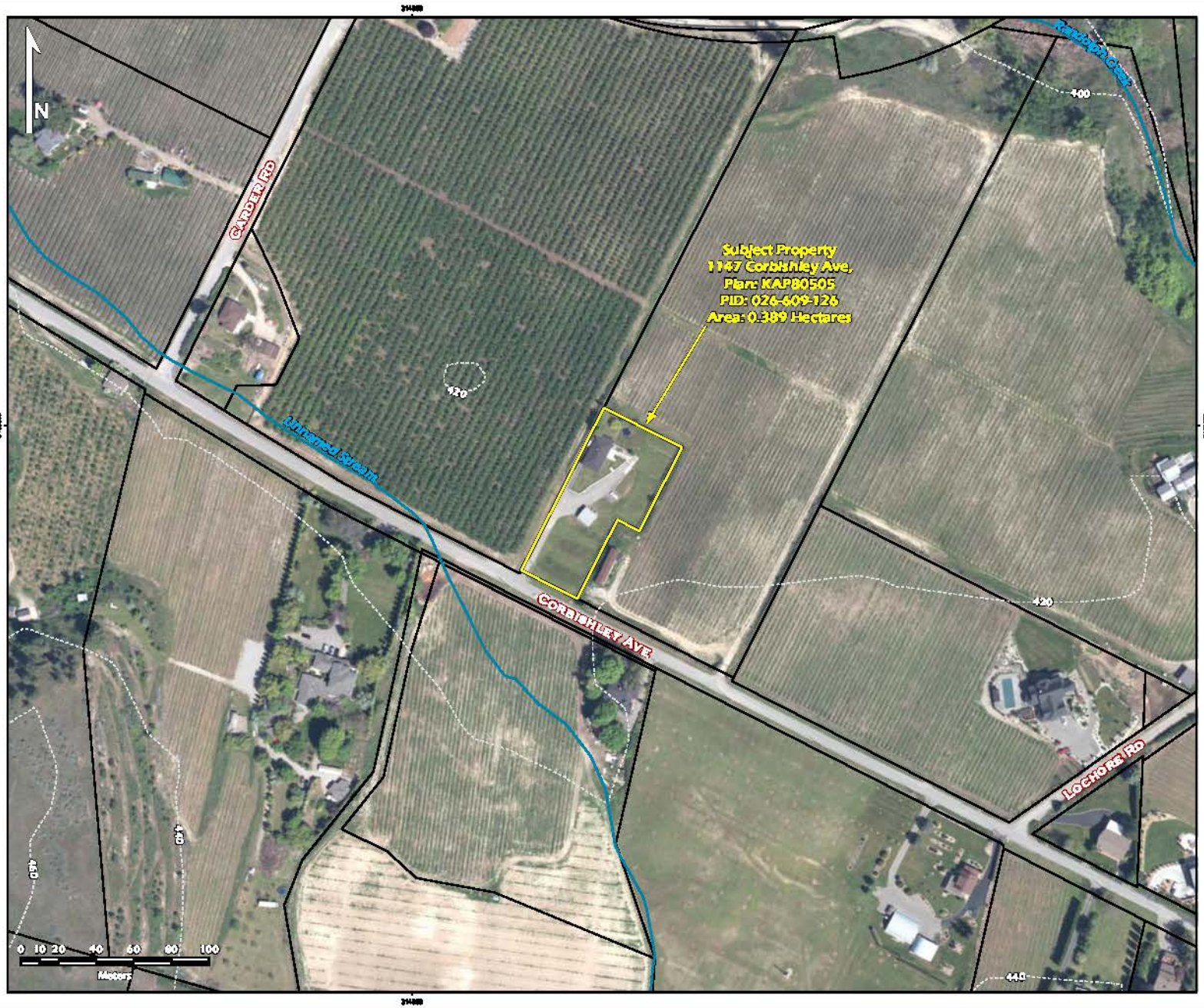


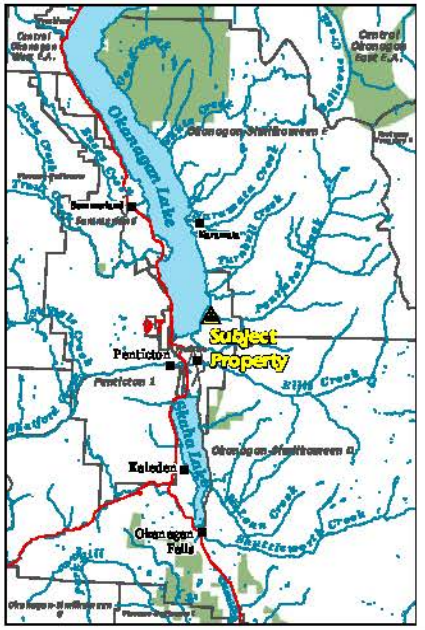
FIGURE 1
Site Location

Project:	Environmental Assessment
Location:	City of Penticton
Project No.:	21-3774
Prepared for:	Kris Harstone
Prepared by:	Ecoscape Environmental Consultants Ltd.
	Josh Castanier, GIS Technician
Coordinate System:	NAD83-UTM Zone 11
Imagery:	ESRI World Imagery
Field Visit:	April 2, 2020
Map Date:	May 10, 2021

LEGEND

- Regional Location of Subject Property
- Streams
- Contour (10 Metre)
- Subject Property
- Cadastre

Regional Location of Subject Property



DISCLAIMER
The data displayed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data portrayed in this report and that of a legal survey, the legal survey will supersede any data presented herein.

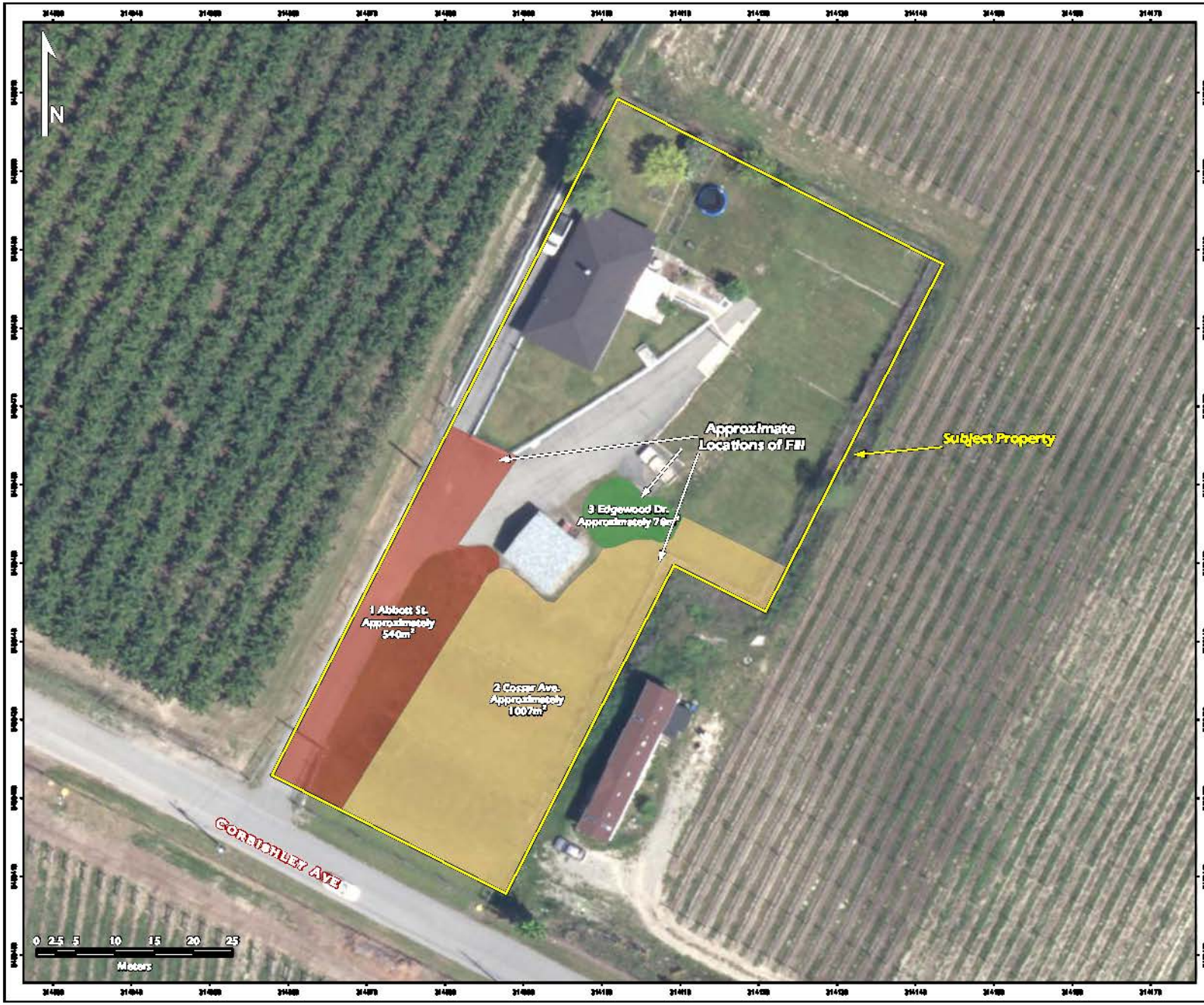


FIGURE 2
Soil Type

Project:	Environmental Assessment
Location:	City of Penticton
Project No.:	21-3774
Prepared for:	Kris Hanstone
Prepared by:	Ecoscape Environmental Consultants Ltd. Josh Castanier, GIS Technician
Coordinate System:	NAD83-UTM Zone 11
Imagery:	ESRI World Imagery
Field Visit:	April 2, 2020
Map Date:	May 20, 2021

LEGEND

- Streams
- Subject Property
- Cadastre

Approximate Locations of Fill

Fill Sources

- 1 Abbott St.
- 2 Cossar Ave.
- 3 Edgewood Dr.

DISCLAIMER

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ECOSCAPE

"Rapid" Environmental Assessment

Environmental Development Permit Area
DPA – Environmental Assessment
For New Garage, Driveway Alignment and Septic Field Upgrade at 1147 Corbishley Avenue, Penticton

The following "Rapid" Environmental Assessment format was adopted with the permission from the Regional District of the Okanagan-Similkameen. This "rapid" assessment format is intended for smaller developments or single-family developments (or as determined by the City of Penticton) located within the City of Penticton Boundaries. Following this "rapid" assessment, the City of Penticton may need to develop their own "rapid or expedited" environmental assessment forms or guidelines for similar or smaller development or single-family developments. This "rapid" assessment intended to provide a cost-effective alternative to the preparation of a more comprehensive Environmental Assessment (EA) for buildings, structures within the City of Penticton's Environmental Development Permit Areas.

Please note that beyond the requirements of this assessment, property owners and their professionals are required to comply with all relevant legislation related to the protection and avoidance of Environmentally Valuable Resources (e.g. Species at Risk and Critical Habitat).

OWNER INFORMATION (please add an additional page if more than two owners)			
Name: Kristofer Harstone		Name:	
Address: 1147 Corbishley Avenue		Address:	
City/Town: Penticton		City/Town:	
Province: BC	Postal Code: V2A 9C2	Province:	Postal Code:
Day Phone [redacted]	Cell Phone:	Day Phone:	Cell Phone:
Email: [redacted]		Email:	

AGENT INFORMATION			
Name:			
Address: Street	City/Town:	Province:	Postal Code:
Day Phone:		Cell Phone:	
Email:			

Personal information on this form is collected for the purpose of processing this application and for administration and enforcement. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the City of Penticton. Documentation / information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*. Contact the Freedom of Information Officer at the City of Penticton for information.

PROPERTY DESCRIPTION	
Civic address: 1147 Corbishley Avenue	Electoral Area:
Legal Description: LOT 1 DISTRICT LOT 187 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP80505; PID: 026-609-126	
Current Zoning: A (Agriculture)	
Proposed land use: driveway re-alignment, new 3 car garage, septic field upgrade and infill/levelling	

REQUIRED DOCUMENTATION	
☒	**Certificate of Title** – copies of titles should be dated no more than 30 days prior to the date of application. Copies of titles are available from the Land Titles Office, or through a Government Agent's Office, a notary, lawyer or search company. The City of Penticton is also able to obtain a copy of a title at a cost of $xx.00.
☒	**Site Plan** – drawn to scale and showing the property that is the subject of the application, the proposed development footprint and the 100 meter assessment radius from the development footprint.
☒	**Rapid Environmental Assessment Checklist** – see requirements on Page 2 of this application form.
☒	**Professional Opinion** – see requirements on Page 3 of this application form.
	Agent Authorization – see requirements on Page 3 of this application form.

RAPID ENVIRONMENTAL ASSESSMENT CHECKLIST			
Environmentally Valuable Resources	**Yes**	**No**	**Comments** (attach as a separate sheet, as required)*
Sensitive Ecosystems: (SEI: Vernon to Osoyoos)			
-Wetland (includes vernal or ephemeral)		X	
-Riparian		X	
-Old Forest		X	
-Grasslands (including disturbed)		X	
-Shrub-steppe (includes antelope-brush, sage-brush)		X	
-Broadleaf Woodland		X	
-Coniferous Woodland		X	
-Sparsely vegetated areas and rocky outcrops		X	
-Other Sensitive Ecosystems		X	
Ecological Communities on BC CDC red or blue lists		X	
Known occurrence of listed species (federal or provincial)		X	

Environmentally Valuable Resources	Yes	No	**Comments** (attach as a separate sheet, as required)*
Critical Habitat as identified under SARA (source: Species at Risk Act Public Registry)	X		Federal Critical Habitat for Great Basin Gophersnake. American Badger Polygon is noted across much of the south Okanagan and is noted across the property (see comments below).
Habitat Features with high potential for important life requisites of listed species:			
- Wildlife Trees		X	
- Hibernacula/Roosts		X	
- Active nest sites or areas known for nesting		X	
- Dens and burrows		X	
- Wildlife corridor considerations		X	
- Other landscape features of environmental significance		X	

* Include information on EVR locations, strategies to achieve avoidance, and/or recommendations for restoration / protection / mitigation measures; sufficient detail is required and a summary report is recommended where restoration, protection or mitigation measures are prescribed.

PROFESSIONAL OPINION

I, the undersigned, hereby certify that I am a qualified environmental professional and, in my professional opinion, that:

☐ There are no known occurrences of an Environmentally Valuable Resource (EVR) on or within 100 meters of the proposed development site; or

☒ Known EVR occurrence(s) have been identified and:

- ☐ measures have been prescribed to avoid impacts; or
- ☒ acceptable restoration/mitigation has been prescribed.

COLLEGE OF APPLIED BIOLOGY David Cassidy R.P. Bio #1556 CAB Jan 19, 2021

Date: January 19, 2021

David Cassidy, RPBio

Print name of qualified environmental professional

AGENT AUTHORIZATION

As owner(s) of the land described in this application, I/we hereby authorize:_____ to act as applicant in regard to this land development application.
(Print Name)

Signature of Owner:	Date:
Signature of Owner:	Date:

Proposed Construction/Background:

Valley Environmental (VE) understands that the proposed development is the demolition of an existing garage, construction of a new three car garage (~800 ft^2), the upgrade of an existing septic field, driveway re-alignment and vineyard. (see attached site plan). Construction will require further fill and levelling.

The City of Penticton agricultural zoning for the property appears to allow for the proposed development. Surrounding properties to the north, south, east and west are also zoned agriculture and are located within the Agriculture Land Reserve (ALR).

Field Review:

An on-site field review was conducted by David Cassidy, RPBio. of VE within 100 meters of the proposed home development on January 7, 2021 (see map).

COMMENTS:

Snakes:

The BC Habitat Wizard Mapping did indicate potential critical habitat for snakes. A 10 km x 10 km critical habitat grid for snakes does overlap the entire property. The Species at Risk Act (SARA) recovery strategy document indicates numerous generalized 10 km x 10 km grid areas which cover much of the South Okanagan Valley basin.

Detailed critical habitat locations or mapping for these species is not indicated in the recovery strategy guidebook due to concerns of persecution and sensitivity of habitat from disturbance. Snake species indicated in the recovery strategy document may include Western Rattlesnake, Great Basin Gophersnake and Desert Nightsnake.

As such, VE requested and subsequently received detailed mapping and/or location information regarding snake habitats from the BC CDC. Furthermore, VE reviewed federal (Canadian Wildlife Service) critical habitat data for snakes in the Southern Interior of BC.

The federal critical habitat data indicates critical habitat for Great Basin Gophersnake across all of the property and within 100 meters of the development. The critical habitat polygon is listed as a "Protected B" area and is likely classified as foraging and migration areas.

Although VE did not observe any snake denning sites or hibernacula, given the proximity of critical habitat in the area, it is likely that snakes forage and migrate within 100 meters of the proposed development. A review of Wildlife Species Inventory (WSI) mapping indicated surveyed or incidental observations of snakes within 600 meters of the property.

As there is potential for Rattlesnake (and other snakes) to be found foraging on or migrating through the property, it is recommended that during construction, tarps and or plastic mesh and bags should not be left on the ground where snakes can become trapped or can hide. Furthermore, snakes can hide under decks or stairs; these areas should be enclosed off or fenced off to avoid any unwanted interactions with snakes during the summer months.

Given the above information, recommendations and no observed critical habitat for snakes observed on-site, it is not anticipated that the home development will negatively affect this species as "home" developments, are considered a low risk according to the SARA recovery strategy document.

American Badgers:

Within 100 meters of the proposed home, there are some areas where soils are friable and somewhat

suitable for badger dens however, VE did not observe any dens at the time of the assessment. The recovery strategy for American Badger in Canada indicates that activities to result in the destruction of critical habitat include activities that result in the destruction or degradation of Badger dens. As there are currently no Badger dens within 100 meters of the proposed development, it is unlikely that this species or its critical habitat will be destroyed.

Environmentally Sensitive Areas:

VE reviewed and rated environmental sensitivity on the property based on a three-class rating system as described in the City of Penticton Official Community Plan Bylaw 2002-20 (Amended July 18, 2017). This system rates areas of the site based upon habitat/ecosystem rarity, wildlife suitability, species at risk including rare or endangered species, critical habitat, functional condition (i.e. ecological connectivity, level of disturbance, structural stage and seral stage) as well as fragility. ESA's are classified as:

ESA 1 zones (High Habitat Value) are those areas on the property that contain the least disturbed areas from anthropogenic activities.

ESA 2 zones (Moderate Habitat Value) are natural undeveloped areas on the property but have been disturbed from anthropogenic activities, contain invasive weeds and have been fragmented from ESA 1 zones.

ESA 3 zones (Low Habitat Value) are natural undeveloped areas on the property but have been disturbed from anthropogenic activities and have been fragmented.

Non – ESA zones (very low – no Habitat value) are those areas of the property that have no habitat value.

After a review of the property and areas within 100 meters as well as provincial and federal habitat mapping, VE has determined that the property does not contain any ESA zones as designated above. There are no sensitive habitats or valuable habitat features on or near the property or the proposed development. The property and much of the surrounding area is within the ALR. Much of the surrounding areas has been historically used for agriculture or single-family development. A review of Google Maps historical imagery shows that the property has been used for agriculture for at least 26 years. In addition, VE has historical knowledge of the area for the last 40 years; this area of Penticton has always been either orchards or cultivated fields with little to no native habitats.

Prior to the current ground disturbance at the property, the area disturbed was manicured grass and paved driveway. Prior the manicured grass area, historical city maps from 1994-2004 show that the area was an orchard.

Conclusion:

As there has been historical disturbance on the property and surrounding areas for at least 40 years due to agricultural and residential developments, VE feels that the proposed development can continue without any risk to species at risk or sensitive habitats such as Gophersnake. The proposed development will not disturb or harm snake habitat, foraging or migration through the property. Native landscaping and erecting bird boxes is always encouraged. However, given that the property zoned as agriculture, is within the ALR and is so isolated from any natural habitat, habitat restoration is it is not a requirement and not recommended. Constructing any habitat features that may be eventually disturbed or destroyed by agricultural activities is not encouraged.

If you require any further clarification on these additional comments, please feel free to contact me.

Regards,

David Cassidy, RPBio. QEP

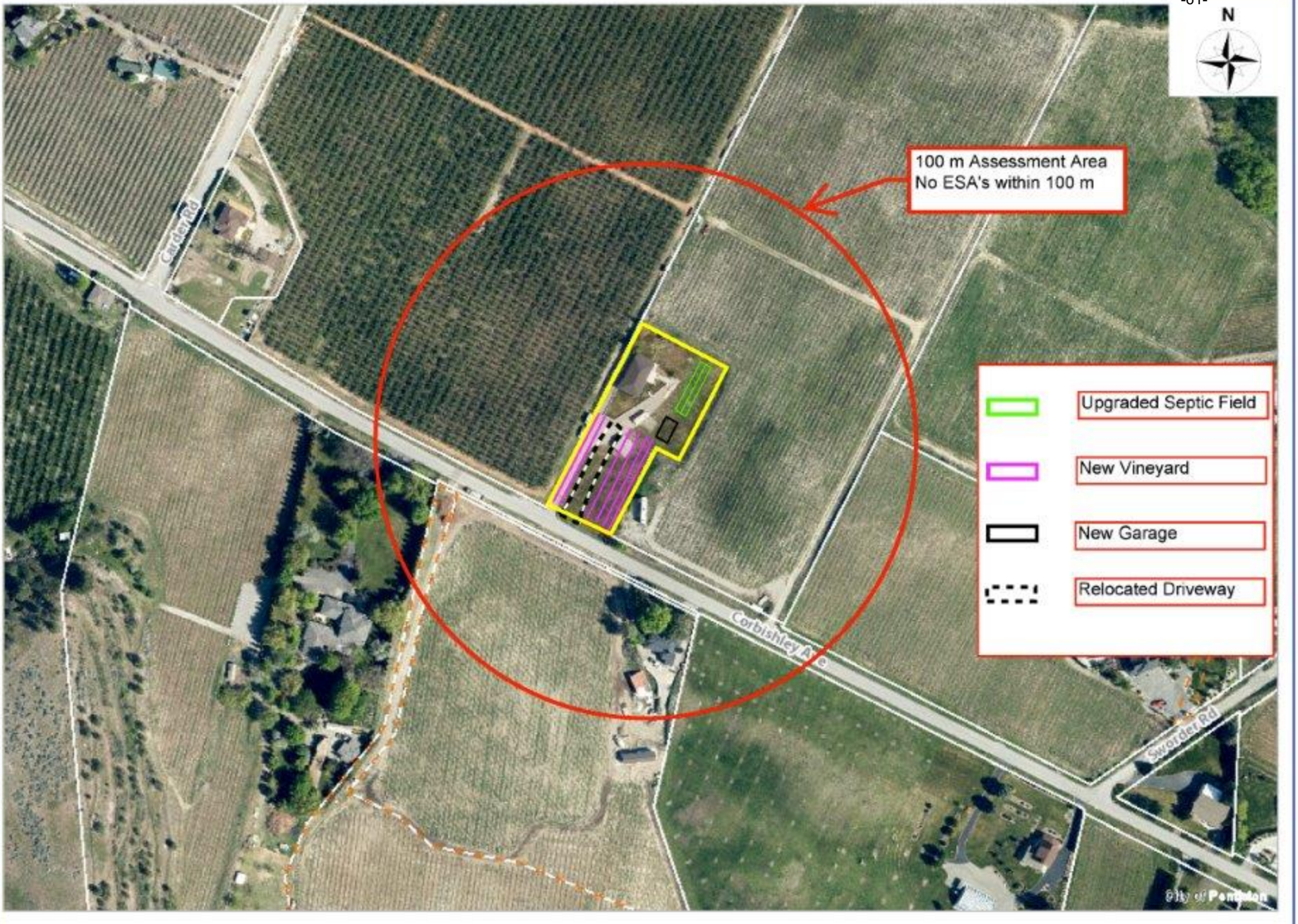
August, 2020 – View looking north at the former driveway and manicured grass area prior to recent disturbance. There are no native, sensitive or critical habitats that were or will be disturbed with the proposed development.

January 7, 2021 – View looking north as in the above photo after the recent earth works. Visible in the background and on adjacent properties are orchards and vineyards. The property and surround properties are within the ALR and have been used for agriculture for at least 40 years.

January 7, 2021 – View looking south towards Corbishley Ave. The proposed shed on the right will be removed and a new 3 car garage will be placed near the center of the photo near the edge of fill. The existing and upgraded septic field area is under the grassy area at the center of the photo.

January 7, 2021 – View looking north east at the area of the proposed new garage (right) and the existing septic field area (center). The development will require more infill and leveling. The total proposed development will not harm any critical habitat or remove any sensitive habitat features or animals.

100 m Assessment Zone - 1417 Corbishley Avenue



City of Penticton Web Map

1 cm = 24 m

penticton.ca

2021 Agriculture Advisory Committee Meeting Dates

Meeting commences at 3:00 p.m.

Council Chamber, City Hall, 171 Main Street (Second Level) or via Zoom

Month	Date
January	20
February	17
March	17
April	21
May	19
June	16
July	21
August	18
September	22
October	20
November	17
December	8