

Thank you for the opportunity to review the proposed amendments to the OCP and zoning bylaws. Mountain Resorts Branch's (MRB's) review is in the context of Provincial approvals and authorizations on Crown land at Apex, given that:

- The Province has a significant interest in the long term success of the resort, ensuring highest and best use of Crown land, balanced resort capacity and controlled, phased development in return for the investment in Crown land recreational infrastructure.
- The Province also has a significant interest in and remains committed to enabling growth and development of the resort in the future as per the Master Plan and the contractual obligations set out within the signed Master Development Agreement (MDA) between BC and Apex.

Some of the subject parcels being considered for zoning and bylaw amendments at Apex contain Crown land, and MRB would like the RDOS to consider that these parcels are located entirely within the Controlled Recreation Area and under the MDA for the resort. MRB encourages the RDOS to work with Apex to make sure that the proposed bylaw and zoning changes will not conflict with existing and future resort development interests. The subject parcels containing Crown land are shown on the following RDOS amendment schedules:

- Zoning Amendment Bylaw No. 2457.26, 2019
  - Schedule 'A'
  - Schedule 'E'
  - Schedule 'K'
- OCP Amendment Bylaw No. 2683.03, 2019
  - Schedule 'A'
  - Schedule 'C'

MRB will defer to the RDOS on the decision to make bylaw amendments to those surveyed lots at Apex that are privately owned. MRB's interests are unaffected by the amendment bylaw pertaining to the Twin Lakes area.

It has been noted that Schedule 'J' of the OCP amendment bylaw proposes to change three subject parcels from Medium Density Residential (MR) to Mixed Use Apex Alpine (RMU), which is contrary to the objective of deleting/replacing the RMU land use designation. This appears to be an error, given that the same three parcels are shown on Schedule 'A' as belonging to the Apex Village Centre (AVC) designation.

Signature: Amber McAfee

Signed By: Amber McAfee

Agency: Mountain Resorts Branch

Title: Licensed Land Officer

Date: January 30, 2020



**Interior Health**  
Every person matters

January 8, 2020

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

Dear Christopher Garrish:

**RE: File #: D2018.059-ZONE**  
**Our interests are unaffected**

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

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

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

Sincerely,

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

## Christopher Garrish

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**From:** Kerry Pateman  
**Sent:** February 18, 2020 1:29 PM  
**To:** Christopher Garrish  
**Cc:** Ward Pateman; johnpateman@wicltd.com  
**Subject:** Apex Mountain zoning

Hi Christopher,

We have just become aware of the proposed zoning plan for Apex Mountain Resort. I am not sure what the best way is, to have our comments heard - and hope this email will work. If not please advise. We just stopped in today and the planner mentioned that we should contact you with comments.

I am acting for Mountain Landco Ltd who own property at the corner of Snow Mountain Place and Creekview Road - addresses are 200 and 214 Creekview. In reviewing the proposed zoning map, it shows these lots as RM2 and we would like it to be zoned as the proposed RD2. This would be similar to the lots currently on Snow Mountain Place.

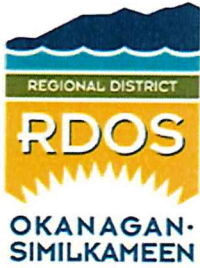
There has been no interest in developing multiple family residential on these two lots and we would like to subdivide for single family or duplex residential.

We had dropped in today to see about a rezoning to permit duplexes instead of multiple family. Please let me know what the process is to get this considered.

Thanks so much,

Kerry

Kerry Pateman, MCIP, Registered Professional Planner



# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** D2018.059-ZONE

**FROM:** Name: Norm Davies  
(please print)

Street Address: \_\_\_\_\_

**RE:** **Apex Zone Review**  
**Electoral Area "1" Official Community Plan Amendment Bylaw No. 2683.03**  
**Electoral Area "1" Zoning Amendment Bylaw No. 2457.26**

My comments / concerns are:

- I do support the proposed amendments to the Electoral Area "1" OCP & Zoning Bylaws.
- I do support the proposed amendments to the Electoral Area "1" OCP & Zoning Bylaws, subject to the comments listed below.
- I do not support the proposed amendments to the Electoral Area "1" OCP & Zoning Bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2683.03 & 2457.26.

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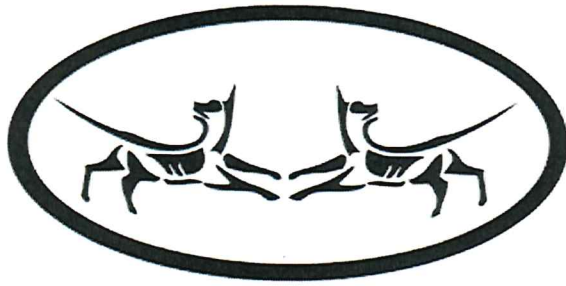
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Feedback Forms must be completed and returned to the Regional District  
no later than **February 14, 2020**

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.





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

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**Project Name:**

Apex Bylaw Referral

**FN Consultation ID:**

L-200106-D2018059-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, January 8, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

January 8, 2020

Applicant: Apex

Attention: Planning RDOS

File Number: D2018.059-ZONE

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

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

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

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

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

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

future negotiations or court actions.

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

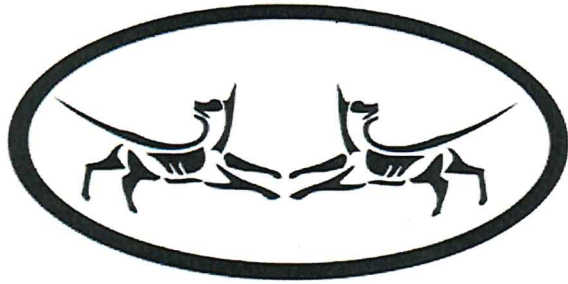
limlæmt,

Maryssa Bonneau  
Referrals Administrator

P: 250-492-0411

[Referrals@pib.ca](mailto:Referrals@pib.ca)

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**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
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[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, January 8, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

January 8, 2020

Applicant: Apex

Attention: Planning RDOS

File number: D2018.059-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was sent on January 6, 2020.

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

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

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

I appreciate your co-operation.

limlɛmt,

Maryssa Bonneau

Referrals Administrator

P: 250-492-0411

[Referrals@pib.ca](mailto:Referrals@pib.ca)



# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** D2018.059-ZONE

**FROM:** Name:

ROBERT ROSS

Street Address:

**RE:**

**Apex Zone Review**

**Electoral Area "I" Official Community Plan Amendment Bylaw No. 2683.03**

**Electoral Area "I" Zoning Amendment Bylaw No. 2457.26**

My comments / concerns are:

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# RESPONSE SUMMARY

## AMENDMENT BYLAW NO. 2683.03 & 2457.26

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

Communication with Residents by R.DOS - to give clarity to purpose of Bylaws.

**RECEIVED**  
Regional District

JAN 30 2020

101 Martin Street  
Penticton BC V2A 5J9

Signature: \_\_\_\_\_



Agency: \_\_\_\_\_

A.P.O.A.

Date: \_\_\_\_\_

JAN 18 / 2020

Signed By: \_\_\_\_\_

ARNIE ERICKSON  
President

Title: \_\_\_\_\_

President