

Lauri Feindell

Subject: FW: Zoning Bylaw Amendment - 5300 Hawthorne Crescent | File No. D2024.007-ZONE - Fortis Property Referral #2024-912 - Due Aug 19 - Okanagan Falls

From: Zone 5 Property Referrals <Zone5PropertyReferrals@fortisbc.com>

Sent: July 29, 2024 2:31 PM

To: Planning <planning@rdos.bc.ca>

Subject: RE: Zoning Bylaw Amendment - 5300 Hawthorne Crescent | File No. D2024.007-ZONE - Fortis Property Referral #2024-912 - Due Aug 19 - Okanagan Falls

Some people who received this message don't often get email from zone5propertyreferrals@fortisbc.com. [Learn why this is important](#)

Good day,

With respect to the above noted file, FortisBC Energy Inc. (Gas) has reviewed the subject proposal and has no objections or concerns.

Please note that existing gas facilities within the area may, depending on the development's load requirements, not have sufficient capacity and upgrading related facilities may be required.

In order to initiate the Planning process to accommodate your new development, the customer must call 1-888-224-2710 or visit FortisBC.com ([here](#)) to guide an online application.

Thank you,

Ryan Mohr - ASCT - EIT

Planning and Design Technologist II

Kelowna, BC

Office: 250-258-1431

Email: Ryan.Mohr@fortisbc.com



RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2800.40

Approval Recommended for Reasons Outlined Below


Interests Unaffected

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide comments from a health equity lens for this referral.

Our only comment pertains to being aware of the water supply constraints in the lower zone as well as ensuring there is enough capacity to provide potable water to the proposed connections.

Signature: 

Signed By: Janelle Rimell

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: August 21, 2024



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

Project Name:

Zoning Bylaw Amendment Referral (D2024.007-ZONE)

FN Consultation ID:

L-240723-D2024.007-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan Similkameen

Date Received:

Wednesday, July 17, 2024

File number:

D2024.007-ZONE

July 23, 2024

WITHOUT PREJUDICE

Attention: Planning RDOS

We are in receipt of the above referral. This proposed activity is within the snpink'tn (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.

snpink'tn (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.

1. Invoice Number: L-240723-D2024.007-ZONE

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

We accept cash and cheque via mailing as well as EMT. Our mailing address is 841 Westhills Drive Penticton BC, V2A 0E8. Our EMT is PIBPayments@pib.ca.

Please have 'ATTN: Natural Resources File # [insert referral number] PC:132 ' in the notes if you are using EMT or if you are using another method, please supply the referral number with it .

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, snpink'tn (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 snpink'tn (PIB) 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.

limiørnt,

Madison Terbasket
Interim Referrals Coordinator
snpink'tn (Penticton Indian Band)
Natural Resources
email: mterbasket@pib.ca
office: 250-492-0411
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8



July 18, 2024

Attention: Ben Kent

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band ("OKIB") has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB's Area of Responsibility as a member of the Syilx. At this time, we defer to the Lower Similkameen Indian Band, Osoyoos Indian Band and Penticton Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Julie Richard
Referrals Management Clerk
Territorial Stewardship Division
Okanagan Indian Band
12420 Westside Road
Vernon BC, V1H 2A4
Office: 250-542-7132
Cell: 250-309-5217

Lauri Feindell

From: Fred Dobransky <okfallschief@gmail.com>
Sent: July 17, 2024 5:07 PM
To: Ben Kent
Cc: referrals@oib.ca; referrals@fortisbc.com; jcvitko@sd53.bc.ca; HBE [IH]; Lauri Feindell
Subject: Re: Zoning Bylaw Amendment Referral - 5300 Hawthorne Crescent | File No. D2024.007-ZONE
Attachments: image003.png
Follow Up Flag: Follow up
Flag Status: Completed

→ Looks good to me.

On Wed, Jul 17, 2024, 14:44 Ben Kent <bkent@rdos.bc.ca> wrote:

Re: Project No. D2024.007-ZONE

Zoning Bylaw Amendment

Please find attached a Referral sheet for a Zoning Bylaw Amendment application, along with a link to our web page with the relevant documentation.

Please review and forward any comments/concerns to planning@rdos.bc.ca by August 19, 2024.

Kind Regards,



Ben Kent, MPL, RPP, MCIP ● Planner II

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC V2A 5J9

p. 250-490-4109 ● tf. 1-877-610-3737

www.rdos.bc.ca ● bkent@rdos.bc.ca

Lauri Feindell

From: Arch Data Request FOR:EX <ArchDataRequest@gov.bc.ca>
Sent: July 18, 2024 3:34 PM
To: Ben Kent
Subject: RE: Zoning Bylaw Amendment Referral - 5300 Hawthorne Crescent | File No. D2024.007-ZONE


Follow Up Flag: Follow up
Flag Status: Completed

ADVERTISEMENT
You don't often get email from archdatarequest@gov.bc.ca. [Learn why this is important](#)

Hello Ben,

Thank you for your referral regarding 5300 Hawthorne Crescent, PID 013852981, THAT PART OF OSOYOOS INDIAN RESERVE (DOG LAKE) SHOWN ON PLAN A434 EXCEPT: (1) PARCEL A (PLAN B12862) (2) PARCEL 1 (PLAN B12863) (3) PLANS 29119, KAP56993 AND KAP65845. Please review the screenshots of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, previously recorded archaeological site **DiQv-45** is located  subject property.

Given the subsurface nature of most archaeological deposits, boundaries of archaeological sites are difficult to determine without subsurface testing. Therefore, any mapped boundaries are approximate, and it is possible that the site is more or less extensive than currently mapped.

Archaeology Branch Advice

DiQv-45 is protected under the *Heritage Conservation Act* (HCA) and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch.

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned within the protected archaeological site (red area shown in the screenshot below), a Provincial heritage permit is required. Permit applications are available on the [Archaeology Branch website](#). Completing a permit application usually requires archaeological expertise, and an archaeological impact assessment (AIA) may be required before a permit can be issued. Most applicants will therefore engage an eligible consulting archaeologist to review proposed activities, verify archaeological records, and work with the Archaeology Branch on the applicant's behalf to identify permit requirements, prepare permit application(s), and conduct any required archaeological study.

If land-altering activities are planned outside of the archaeological site (red area shown in the screenshot below), a Provincial heritage permit may not be required prior to commencement of those activities. However, there is high potential for the archaeological site to extend beyond the limits indicated on the screenshot below, or for other unidentified archaeological sites to exist within the project area, and a Provincial heritage permit will be required if archaeological deposits are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the HCA and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays. Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records,

and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any unrecorded portions of the protected archaeological site.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

If there are no plans for land altering activities on the property, no action needs to be taken at this time.

Rationale and Supplemental Information

- A protected archaeological site is located on the subject property, and there is high potential for previously unidentified portions of the site to extend to other parts of the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 20 to 40 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories. Please note, the Archaeology Branch cannot provide specific recommendations for consultants or cost estimates for archaeological assessments. Please contact an eligible consulting archaeologist to obtain a quote.

Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

Kind regards,
Jen



Please note that subject lot boundaries (yellow), archaeological site boundaries (red), and areas of archaeological potential (purple) indicated on the enclosed screenshots are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent. If you are experiencing difficulties viewing the layers in the above screenshots, please contact us.



Archaeology Branch | Ministry of Forests
Email: ArchDataRequest@gov.bc.ca
Phone: 1-250-953-3334
PO Box 9816 Stn Prov. Gov't, Victoria BC V8W 9W3
Visit our website at: www.gov.bc.ca/archaeology

From: Ben Kent <bkent@rdos.bc.ca>
Sent: Wednesday, July 17, 2024 2:49 PM
To: Arch Data Request FOR:EX <ArchDataRequest@gov.bc.ca>
Subject: Zoning Bylaw Amendment Referral - 5300 Hawthorne Crescent | File No. D2024.007-ZONE

You don't often get email from bkent@rdos.bc.ca. [Learn why this is important](#)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Project No. D2024.007-ZONE
Zoning Bylaw Amendment

Please find attached a Referral sheet for a Zoning Bylaw Amendment application, along with a link to our web page with the relevant documentation.

Please review and forward any comments/concerns to planning@rdos.bc.ca by August 19, 2024.

Kind Regards,



Ben Kent, MPL, RPP, MCIP • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737
www.rdos.bc.ca • bkent@rdos.bc.ca

This Communication is intended for the use of the recipient to whom it is addressed, and may contain confidential, personal and/or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.