

## Lauri Feindell

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**From:** Laura Dean  
**Sent:** October 5, 2022 9:33 AM  
**To:** Planning  
**Subject:** FW: RDOS Feedback Form  
**Attachments:** RDOS FEEDBACK FORM FILE NO. F2022.006-ZONE.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Laura Dean  
**Sent:** Wednesday, October 5, 2022 9:32 AM  
**To:** Riley Gettens <rgettens@rdos.bc.ca>; planning@rdosbc.ca

**Subject:** RDOS Feedback Form

Good morning,

Please find attached my comments and concerns for the rezoning of DL 2893 in Faulder. I did not mark an X in the support, or do not support, as the information to comfortably make that decision is just not there. The Ministry of Forests does not have an accurate inventory of the water use on either aquifer 299 or 300, nor do they have an accurate inventory of any surface water that is used in the North and South Meadow Valley Aquifer, North Faulder Aquifer, and Trout Creek Valley Aquifer Sub-Regions. We are currently experiencing an unusual, but beautiful, warm and dry October. September was much the same. During dry years all of the water is allocated. During wet years we get a chance to have the aquifers recharged. Adding more demand seems to be a very risky decision.

Kind regards,

Laura Dean

Summerland BC  
VOH 128



# 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.: F2022.006-ZONE

FROM: Name: Laura Dean  
(please print)

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

Date: October 5, 2022

RE: **Electoral Area "F" Zoning Amendment Bylaw No. 2461.23 and Electoral Area "F" Official Community Plan Amendment Bylaw No. 2790.05**  
**8005 Princeton-Summerland Rd — District Lot 2893, ODYD Except: (1) That Part Thereof Lying South and West of Right of Way Plan A67, and (2) Plans A67 and 27332**

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaws No. 2461.23 and 2790.05.

~~The Groundwater Supply Investigation used Statistics Canada website information "According to the Statistics Canada website (see link in website references) in 2019 the average daily residential use of water in British Columbia was 274 L per person per day." The average for BC would include the North Coast, and other high precipitation areas and an Okanagan residential use number would be more accurate.~~

~~I believe that the Okanagan Basin Water Board has more accurate water use numbers for our area. They estimate that Okanagan residents use an average of 675 L/day per person, and it jumps to 1000 L/day per person during warm spring, summer and fall months. As our seasons are shifting and we are having longer, drier and hotter weather, the water demands for current residents will increase by as high as 39% in the next few decades. Meadow Valley Aquifer Study August 2022, Section 4, Climate Change Considerations.~~

~~Meadow Valley Aquifer Study August 2022 prepared for the RDOS by Associated Engineering outlines many reasons and recommendations against more groundwater demands without further study. Mr. Fennell's report probably overlapped the Assoc. Engineering Study. It is hard to support the rezoning with the current report.~~

~~Have test wells been drilled? The use of neighbouring well information is not accurate enough. We have drilled wells 300 feet apart and have 8 gpm in one and 0 in the other.~~

Feedback Forms must be completed and returned to the Regional District prior to noon on the day of the applicable Regional District Board meeting.

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.

## Lauri Feindell

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**From:** Referrals <Referrals@fortisbc.com>  
**Sent:** June 22, 2022 2:37 PM  
**To:** Planning  
**Subject:** RE: [External Email] - RE: Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good afternoon,

FortisBC has reviewed the subject proposal and has no concerns or objections.

Thank you,

Krystina O’Gorman  
Lands Administrator  
Lands, FortisBC Energy Inc.  
16705 Fraser Hwy, Surrey, BC V4N 0E8  
Direct Phone 604-592-8205  
Toll Free 1-800-773-7001



---

**From:** Shannon Duong <sduong@rdos.bc.ca>  
**Sent:** Wednesday, June 22, 2022 9:51 AM  
**To:** ReferralAppsREG8@gov.bc.ca; HBE <HBE@interiorhealth.ca>; Referrals <Referrals@fortisbc.com>; sd67@sd67.bc.ca  
**Cc:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Subject:** [External Email] - RE: Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

**CAUTION: This is an external email.**  
Do not respond, click on links or open attachments unless you recognize the sender.

Good morning,

Please be advised that this application has been updated by the applicant.

As such, the RDOS is seeking updated comments from agencies who were previously in receipt of the original referral dated April 12, 2022, as required.

For reference, I have attached both the original April 12, 2022 referral and the updated June 22, 2022 referral. Please refer to the application webpage at the link below for the updated draft zoning amendment bylaw.

Please review this information and if you have any questions, please do not hesitate to contact me. Once reviewed, if you have any comments/concerns, please forward them to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **July 6, 2022**.

Regards,



**Shannon Duong** • Planner II  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4384 • tf. 1.877.610.3737 • f. 250.492.0063  
[www.rdos.bc.ca](http://www.rdos.bc.ca) • [sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca)  
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**From:** Shannon Duong  
**Sent:** Tuesday, April 12, 2022 2:58 PM  
**To:** 'ReferralAppsREG8@gov.bc.ca' <[ReferralAppsREG8@gov.bc.ca](mailto:ReferralAppsREG8@gov.bc.ca)>; 'HBE' <[HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)>; 'referrals@fortisbc.com' <[referrals@fortisbc.com](mailto:referrals@fortisbc.com)>; 'sd67@sd67.bc.ca' <[sd67@sd67.bc.ca](mailto:sd67@sd67.bc.ca)>  
**Cc:** Lauri Feindell <[lfeindell@rdos.bc.ca](mailto:lfeindell@rdos.bc.ca)>  
**Subject:** Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

Re: Amendment Bylaws No. 2461.23 and 2790.05, 2022

Application Webpage: <https://www.rdos.bc.ca/development-services/planning/current-applications-decisions/electoral-area-f/f2022-006-zone>

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by zoning and Official Community Plan amendment bylaws relating to the property at 8005 Princeton-Summerland Rd.

Please find attached a referral for a Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw and a link above to the draft amendment bylaws and related documents. Please review this information and if you have any questions, please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward them to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **May 12, 2022**.

Regards,



**Shannon Duong, MRM** • Planner I  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4384 • t.f. 1.877.610.3737 • f. 250.492.0063  
[sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca) • [RDOS](#)  
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This email was sent to you by FortisBC\*. The contact information to reach an authorized representative of FortisBC is 16705 Fraser Highway, Surrey, British Columbia, V4N 0E8, Attention: Communications Department. You can unsubscribe from receiving further emails from FortisBC by emailing [unsubscribe@fortisbc.com](mailto:unsubscribe@fortisbc.com).

\*"FortisBC" refers to the FortisBC group of companies which includes FortisBC Holdings, Inc., FortisBC Energy Inc., FortisBC Inc., FortisBC Alternative Energy Services Inc. and Fortis Generation Inc.

## Lauri Feindell

---

**From:** HBE <HBE@interiorhealth.ca>  
**Sent:** April 13, 2022 11:04 AM  
**To:** Planning  
**Subject:** RE: Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

Good day RDOS Planning,

The IH Healthy Community Development 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.

Please note that this response does not automatically confer Interior Health support for onsite services (e.g. sewerage disposal) if applicable.

Additional information will be required by the applicant during the Ministry of Transportation and Infrastructure subdivision process if the current zoning and Official Community Plan amendment is approved and proceeds.

More information can be found on our public website at [Sewerage, Subdivisions & Healthier Industries | IH \(interiorhealth.ca\)](#).

If you have any questions, please feel free to email us back or call 1-855-744-6328 (Ext. 4).

Regards,

### Mike Adams

Team Leader, Healthy Community Development  
**Interior Health**  
[www.interiorhealth.ca](http://www.interiorhealth.ca)



Interior Health

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We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

---

**From:** Shannon Duong <sduong@rdos.bc.ca>  
**Sent:** Tuesday, April 12, 2022 2:58 PM  
**To:** ReferralAppsREG8@gov.bc.ca; HBE <HBE@interiorhealth.ca>; referrals@fortisbc.com; sd67@sd67.bc.ca  
**Cc:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Subject:** Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

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Re: Amendment Bylaws No. 2461.23 and 2790.05, 2022

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Once reviewed, if you have any comments/concerns, please forward them to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **May 12, 2022**.

Regards,



**Shannon Duong, MRM** • Planner I  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4384 • t.f. 1.877.610.3737 • f. 250.492.0063  
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## Lauri Feindell

---

**From:** HBE <HBE@interiorhealth.ca>  
**Sent:** June 23, 2022 10:10 AM  
**To:** Shannon Duong  
**Subject:** RE: Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning Shannon,  
We've reviewed the updated application, and our comments submitted previously remain the same (unchanged), namely:

The IH Healthy Community Development 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](#).

Please note that this response does not automatically confer Interior Health support for onsite services (e.g. sewerage disposal) if applicable.

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### Mike Adams

Team Leader, Healthy Community Development  
**Interior Health**  
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Interior Health

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Regards,



**Shannon Duong** • Planner II  
Regional District of Okanagan-Similkameen  
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**From:** Shannon Duong

**Sent:** Tuesday, April 12, 2022 2:58 PM

**To:** 'ReferralAppsREG8@gov.bc.ca' <[ReferralAppsREG8@gov.bc.ca](mailto:ReferralAppsREG8@gov.bc.ca)>; 'HBE' <[HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)>; 'referrals@fortisbc.com' <[referrals@fortisbc.com](mailto:referrals@fortisbc.com)>; 'sd67@sd67.bc.ca' <[sd67@sd67.bc.ca](mailto:sd67@sd67.bc.ca)>

**Cc:** Lauri Feindell <[lfeindell@rdos.bc.ca](mailto:lfeindell@rdos.bc.ca)>

**Subject:** Bylaw Referral - RDOS File No. F2022.006-ZONE - 8005 Princeton-Summerland Rd

Re: Amendment Bylaws No. 2461.23 and 2790.05, 2022

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Once reviewed, if you have any comments/concerns, please forward them to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **May 12, 2022**.

Regards,



## Lauri Feindell

---

**From:** Marvin Kushnerik <...>  
**Sent:** October 5, 2022 4:22 PM  
**To:** Shannon Duong  
**Subject:** Re: 8005 summerland princeton road map

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

thanks for the map - the same old problem - it;s all about money - the people that want to sub divide shouldn't move to the country in the first place - we are here for a reason - we want our space and don't want our aquifer sucked dry little be little - there is only so much water down there - another problem - we call the road to town the Faulder 500 everyone gets in their car or truck and goes bat shit crazy trying to beat their last trip to town and is happy to tailgate 2 car lengths behind each other - what is fun is to get behind them and do the same thing to them especially at night when the headlights burn a hole in their eyes - no I don't drive slow - everyone goes a little over but give it some room. don't need any more traffic on this road - oh and the cyclists that block this narrow windy road . so much bor my bitching - don't pass this application .

On Wed, Oct 5, 2022 at 4:04 PM Shannon Duong <[sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca)> wrote:

Good afternoon Marvin,

Please see the attached map of the property at 8005 Princeton-Summerland Rd.

Alternatively, you can access a public version of our mapping system:

<https://rdos.maps.arcgis.com/apps/webappviewer/index.html?id=2090895ca47744bc8891e0f720f06e4>

Please let me know if you have any other questions.

Regards,



**Shannon Duong, MRM • Planner II**

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC V2A 5J9

p. 250-490-4384 • tf. 1.877-610-3737 • f. 250-492-0063

## Lauri Feindell

---

**From:** Tammy McArthur  
**Sent:** October 4, 2022 3:34 PM  
**To:** Shannon Duong  
**Subject:** Re: 8005 Princeton Summerland Rd

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Shannon,

Thanks very much for your detailed response. It is very much appreciated.

We aren't opposed to new neighbours. Our main concerns were the water issue, which you have already answered, and the 'constant' noise level a home based business would bring to the community. Obviously there is noise from time to time during the day in our neighbourhood but it is the 'constant' noise that we are concerned about. ie: evacuation fans etc

We aren't able to attend the meeting tomorrow which is the reason why we are emailing you now and are hoping you keep our concerns in mind.

Could you also provide us with the times of the noise bylaw as we are unable to find them.

Thanks in advance and enjoy the rest of your day,

Tammy & Larry McArthur

On Tue, Oct 4, 2022 at 2:13 PM Shannon Duong <[sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca)> wrote:

Good afternoon Tammy and Larry,

It is correct that the subject property is outside of the Faulder Community Water System.

In terms of the proposed rezoning to allow for "light residential development", please note that the proposal is to rezone the property from Resource Area (RA) to Small Holdings Three (SH3) and Large Holdings One (LH1) to facilitate a three lot subdivision which, if successful in the rezoning and subdivision application process, would result in two lots being zoned SH3 and one lot being zoned LH1.

Parcels zoned SH3 are allowed the following as permitted uses:

Principal Uses:

a) single detached dwelling;

Accessory Uses:

b) accessory building or structure, subject to Section 7.1;

c) accessory dwelling, subject to Section 7.2;

d) agriculture;

e) bed and breakfast operation, subject to Section 7.4;

f) home occupation, subject to Section 7.6; and

g) secondary suite, subject to Section 7.9.

Parcels zoned LH1 are allowed the following as permitted uses:

Principal Uses:

a) agriculture;

b) equestrian centre;

c) single detached dwelling or mobile home;

d) veterinary establishment;

Accessory Uses:

e) accessory building or structure, subject to Section 7.1;

f) accessory dwelling or mobile home, subject to Section 7.2;

g) bed and breakfast operation, subject to Section 7.4;

h) home industry, subject to Section 7.5;

i) home occupation, subject to Section 7.6;

j) kennel, subject to Section 7.7;

k) packing, processing and storage of farm products;

l) retail sales of farm products, subject to Section 7.8; and

m) secondary suite, subject to Section 7.9.

The only permitted use which would be classified as a type of “industrial” use would be “home industry” which is defined as “an occupation or a commercial use that is accessory to the principal residential use of a parcel and may include manufacturing, processing, fabricating, assembling, distributing, testing, servicing, or repairing of goods or materials including vehicle repair, maintenance and auto body shops and other similar uses”.

If you have questions specific to the applicant, I do recommend that you attend the Public Information Meeting tomorrow night at 7:00 p.m. and pose these questions to the applicant. Details for this meeting can be found here: <https://www.rdos.bc.ca/development-services/planning/current-applications-decisions/electoral-area-f/f2022-006-zone>

Please let me know if you have any other questions.

Regards,



**Shannon Duong, MRM • Planner II**

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC V2A 5J9

p. 250-490-4384 • tf. 1.877-610-3737 • f. 250-492-0063

[www.rdos.bc.ca](http://www.rdos.bc.ca) • [sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca)

I acknowledge that I work within the traditional, unceded territory of the syilx people in the Okanagan Nation.

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-----Original Message-----

From: [tl.mcarthur16@gmail.com](mailto:tl.mcarthur16@gmail.com) <[tl.mcarthur16@gmail.com](mailto:tl.mcarthur16@gmail.com)>

Sent: Monday, October 3, 2022 1:42 PM

To: Shannon Duong <[sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca)>

Subject: 8005 Princeton Summerland Rd

Good afternoon Shannon,

This email is further to your letter of September 22 regarding the rezoning/Subdividing of the above noted property.

Within John Rousseau's Application he states that the parcel is outside of the Faulder water system. If you could confirm this that would be much appreciated as there is great concern with the Faulder water system already being maxed out so any additional users or impact to the Faulder water system would be detrimental.

Secondly, we have concerns about the rezoning to light residential development as we don't want our residential community turning into an industrial area which would bring unwanted constant noise levels all day long. If you could clarify what Mr. Rousseau means by light residential development. What kind of businesses can operate under this heading?

Thank you in advance for your time.

Tammy and Larry McArthur

Sent from my iPhone

## Lauri Feindell

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**From:** Okanagan Indian Band <no-reply-okib@knowledgekeeper.ca>  
**Sent:** April 22, 2022 1:05 PM  
**To:** referrals@pib.ca; referralsclerk@lsib.net; Planning  
**Subject:** F2022.006-ZONE (8005 Princeton-Summerland Rd) - F2022.006-ZONE  
**Attachments:** consultation-response-58658-f2022006-zone-20220422-1304.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello,

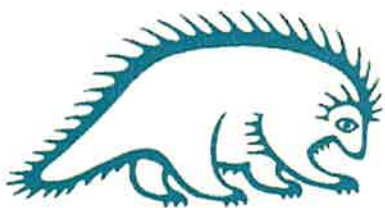
Project Name: F2022.006-ZONE (8005 Princeton-Summerland Rd)  
Project ID: F2022.006-ZONE

Please find attached our letter deferring to our Nation Member Bands, Penticton Indian Band and Lower Similkameen Indian Band for further review.

Lim limpt/thank you

Respectfully,

Julie Richard  
Executive Assistant  
Territorial Stewardship Division  
Okanagan Indian Band  
Phone: (250) 542-7132  
Cell: (250) 309-5217  
Email: [julie.richard@okanagan.org](mailto:julie.richard@okanagan.org)  
Website: [www.okib.ca](http://www.okib.ca)



## Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4  
Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: [okibreferrals@okanagan.org](mailto:okibreferrals@okanagan.org)

---

*“This correspondence will not be construed so as to to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory.”*

---

**Project Name:**

F2022.006-ZONE (8005 Princeton-Summerland Rd)

**FN Consultation ID:**

F2022.006-ZONE

**Consulting Org Contact:**

Chris Garrish

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Tuesday, April 12, 2022

Attention: Chris Garrish

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band has conducted a desk top review of the project and would like to keep informed of any additional changes. At this time the Okanagan Indian Band will be deferring this project to Penticton Indian Band and Lower Similkameen Indian Band for a more in depth review.

Regards,

Colleen Marchand

Director, Territorial Stewardship Division

250.542.7132 (office)

250.306.9796 (cell)

[Colleen.Marchand@okanagan.org](mailto:Colleen.Marchand@okanagan.org)

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**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:**

F2022.006-ZONE (8005 Princeton-Summerland Rd)

**FN Consultation ID:**

L-220412-F2022.006-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

Regional District of Okanagan Similkameen

**Date Received:**

Tuesday, April 12, 2022

April 12, 2022

Attention: Planning RDOS

File number: F2022.006-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was received on 2022-04-12T00:00:00.

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.

limləmt,

Maryssa Bonneau

Referrals Coordinator

Natural Resources Department

Penticton Indian Band

W: 250-492-0411

C: 250-486-3241

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





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**Project Name:**

F2022.006-ZONE (8005 Princeton-Summerland Rd)

**FN Consultation ID:**

L-220412-F2022.006-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

Regional District of Okanagan Similkameen

**Date Received:**

Tuesday, April 12, 2022

**Company Project ID (province/proponent ID):**

F2022.006-ZONE

May 6, 2022

Attention: Planning RDOS,

The Penticton Indian Band acknowledges receipt of your referral dated 2022-04-12. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

Please provide the level of proposed ground disturbance if the rezoning would be approved and future plans for the site.

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

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.

lilməmt,

Maryssa Bonneau  
Referrals Coordinator  
Natural Resources Department  
Penticton Indian Band  
W: 250-492-0411  
C: 250-486-3241  
[Referrals@pib.ca](mailto:Referrals@pib.ca)



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**Project Name:**

F2022.006-ZONE (8005 Princeton-Summerland Rd)

**FN Consultation ID:**

L-220412-F2022.006-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

Regional District of Okanagan Similkameen

**Date Received:**

Tuesday, April 12, 2022

**File number:**

F2022.006-ZONE

May 12, 2022

Attention: Planning RDOS,

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan) Nation Territory and the Penticton Indian Band (PIB) Area of Interest. All lands and resources within the vicinity of the proposed project are subject to our unextinguished Aboriginal Title and Rights. The Penticton Indian Band has now had the opportunity to review the proposed project. Our preliminary office review has indicated the proposed project is located within an area of cultural significance and has the potential to impact PIB *tmx'ulax'* (lands), *siw+k'* (water, the lifeblood of the land) and syilx cultural heritage. Our *tmx'ulax'* and *siw+k'* is sacred to the syilx nation and it is PIB's responsibility to take care of all lands, waters and living things within the PIB Area of Interest.

As the proposed activity has the potential to impact irreplaceable syilx cultural heritage, the PIB is requiring a Cultural Heritage Resource Assessment be undertaken by qualified PIB Cultural Heritage Technicians to determine the nature and extent of any potential impacts. The PIB CHRA process involves in-field pedestrian surveys using either systematic or judgmental site sampling techniques undertaken by qualified PIB Technicians to assess the archaeological, cultural, and environmental resource potential of the study area, and to identify the need for project modifications and/or appropriate scope of further field studies if required.

The Penticton Indian Band makes information-based decisions and without a CHRA, we do not have enough information on potential impacts to syilx cultural heritage. Therefore, if our requirements are not fulfilled, we will have no other option but to reject the proposed project.

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.

Please contact me at your earliest convenience to discuss.



**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
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Telephone: 250-492-0411  
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**Project Name:**

F2022.006-ZONE (8005 Princeton-Summerland Rd)

**FN Consultation ID:**

L-220412-F2022.006-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

Regional District of Okanagan Similkameen

**Date Received:**

Tuesday, April 12, 2022

**File number:**

F2022.006-ZONE

June 22, 2022

**Attention: Planning RDOS**

We write regarding your failure to pay invoice L-220412-F2022.006-ZONE to conduct a review to obtain additional information in the area of the above referral. To date, no payment has been received. In good faith, the PIB has conducted a preliminary review and requested the undertaking of a Cultural Heritage Resource Assessment (CHRA). The proponent and the province have not responded to our requests. The PIB CHRA is an integral part of the decision-making process and without the CHRA, the PIB does not have the pertinent information to come to decision. We must therefore put you on notice that we do not consent, agree or otherwise approve of the activity / development referred to by you in your letter to us dated 04/12/2022.

The Okanagan Nation holds unextinguished aboriginal title to the land and resources within our traditional territory. The above-noted activity / development is within PIB's Area of Responsibility within Okanagan territory and as such, is subject to Okanagan title, jurisdiction, rights and interests, and PIB decision making and responsibility.

Over the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of aboriginal people in British Columbia, which includes the %Band\_Name%, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the Constitution Act, 1982.

Most recently, in June 2014, the Supreme Court of Canada in the Tsilhqot'in case set out the following characteristics and implications of Aboriginal title:

- Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.
- The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in Aboriginal title lands and resources; the beneficial interest is held by the Aboriginal title holding group. Allocations of

Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.

- Aboriginal title includes the right to proactively use and manage the resources.
- Once Aboriginal title is “established”, the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown’s fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- Before Aboriginal title is “established”, the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co- existence or accommodation of our jurisdiction and title. The Province continues to act as though we have no beneficial interest or authority, and it takes for itself the revenues derived from our lands and resources. The payment of the referral fee is necessary in order for us to assess your proposal, assess potential impacts and determine whether it should be approved and if so, on what conditions. Because we are unable to undertake such an assessment, we must at this time advise you that we are opposed to your proposed development/activity.

liml̓amt,

Maryssa Bonneau  
Natural Resources Department  
Penticton Indian Band  
P: 250-492-0411  
C: 250-486-3241  
E: [Referrals@pib.ca](mailto:Referrals@pib.ca)

---

## Lauri Feindell

---

**From:** Maryssa Bonneau <mbonneau@pib.ca>  
**Sent:** May 24, 2022 3:47 PM  
**To:** Shannon Duong  
**Cc:** Madison Terbasket  
**Subject:** RE: F2022.006-ZONE (8005 Princeton-Summerland Rd)

Hi Shannon,

As per PIB's process a Cultural Heritage Assessment must be undertaken prior to any land altering activities. Therefore, we cannot approve or consent to the proposed rezoning until we are assured that will happen prior to development.

Thank you.

---

**From:** Shannon Duong <sduong@rdos.bc.ca>  
**Sent:** May 24, 2022 12:04 PM  
**To:** Maryssa Bonneau <referrals@pib.ca>  
**Subject:** RE: F2022.006-ZONE (8005 Princeton-Summerland Rd)

Hi Maryssa,

I was just looking over this email and am making a small correction as the proposal is to rezone the parcel to Small Holdings Three (SH3) and Large Holdings Two (LH2), not Large Holdings One (LH1) - see the highlighted text below. This does not change the accessory dwelling allowances or maximum parcel coverage mentioned below; however, the LH2 zoning allows for "forestry" as a permitted principal use whereas the LH1 zoning does not.

Regards,



**Shannon Duong, MRM** • Planner I  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4384 • t.f. 1.877.610.3737 • f. 250.492.0063  
[sduong@rdos.bc.ca](mailto:sduong@rdos.bc.ca) • [RDOS](#)  
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---

**From:** Shannon Duong  
**Sent:** May 12, 2022 4:49 PM  
**To:** 'referrals@pib.ca' <[referrals@pib.ca](mailto:referrals@pib.ca)>  
**Subject:** F2022.006-ZONE (8005 Princeton-Summerland Rd)

Hi Maryssa,

I'm emailing in response to your May 6, 2022 letter.

In your letter, you asked that we provide information on the level of proposed ground disturbance if the rezoning were to be approved and regarding future plans for the site.

As I understand it, the rezoning is being proposed to increase the rural residential housing inventory in the area. In that regard, the proposed rezoning and subdivision would be creating lots which would be developed for residential purposes.

If the rezoning and subdivision were to be approved, the resultant lots would include two lots of no less than 1.0 ha each zoned Small Holdings Three (SH3) and one lot of ~9.0 ha zoned **Large Holdings Two (LH2)**.

- The two SH3 lots would allow for a single detached dwelling, and one accessory dwelling OR one secondary suite (up to 125 sq m in size and subject to meeting other zoning provisions) and would allow for a maximum parcel coverage of 20%;
- The **LH2** lot would allow for a single detached dwelling or mobile home, and two accessory dwellings OR one secondary suite and an accessory dwelling (up to 250 sq m in gross floor area and subject to meeting other zoning provisions) and would allow for a parcel coverage of 10% (and 75% for a greenhouse).

I do not know what the final building/development plans are for these resultant parcels if subdivided - the proposed plans could vary substantially based on whoever owns the lots; however, I hope the information above provides some idea of the potential degree of ground disturbance should the rezoning and subdivision be approved.

I also wanted to let you know that I have received your May 12, 2022 letter regarding this same file - that letter as well as this May 6, 2022 letter has been added to the application file and will be provided to the Board.

Please let me know if you have any questions and/or if you would still like to set up a time to discuss further.

Regards,



**Shannon Duong, MRM** • Planner I  
Regional District of Okanagan-Similkameen  
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**From:** Penticton Indian Band Natural Resources Department <[no-reply-snpinktn@knowledgekeeper.ca](mailto:no-reply-snpinktn@knowledgekeeper.ca)>  
**Sent:** May 6, 2022 11:35 AM  
**To:** Planning <[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)>  
**Subject:** F2022.006-ZONE (8005 Princeton-Summerland Rd)

Hello Planning RDOS,

The proposed project falls within the Okanagan/syilx territory and the Penticton Indian Band's area of responsibility. All lands and resources within the vicinity of this referral are subject to unextinguished Okanagan/syilx Nation Aboriginal Title and Rights.

Please review attached letter.

Please do not reply to this email message. Replies to this message will not be received as this is a no-reply email address. Please contact me at:

Maryssa Bonneau  
Referrals Coordinator  
Penticton Indian Band  
Natural Resources  
email: [referrals@pib.ca](mailto:referrals@pib.ca)  
work: (250) 492-0411  
cell: (250)486-3241  
address: 841 Westhills Drive S 80 C 19  
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Canada V2A 0E8

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