

Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan-Similkameen FILE NO.: X2023.003-ZONE

FROM: Name: Bob June (please print)

Street Address: Naramata

Date: April 6, 2023

RE: Electoral Area Official Community Plan (OCP) Amendment Bylaw No. 3006
Development Permit Offences

RECEIVED
Regional District

APR 13 2023

My comments / concerns are:

- I do support the proposed amendment to the Official Community Plan (OCP) Bylaws.
- I do not support the proposed amendment to the Official Community Plan (OCP) Bylaws.

101 Martin Street
Penticton BC V2A 5J9

Please provide any comments you wish the Board to consider.
Written submissions will be considered by the Regional District Board
prior to 1st reading of Amendment Bylaw No. 3006.

The fines proposed are insignificant.
They should not be aligned with failing to obtain a DP
Infractions should be on a scale of 10K's to 20K's
to be of any deterrent to developers i.e. \$5,000 to \$10,000.
You must consider that in many cases you
are dealing with a professional for profit development
community with significant profit motives and
not only small property owners wishing to make
small improvements to their homes.
Regards, Bob

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

Lauri Feindell

From: Norbert
Sent: April 6, 2023 1:45 PM
To: Planning
Cc: Adrienne Fedrigo; Brian Mason
Subject: Feedback re OCP Amendment Bylaw No. 3006 (Development Permit Offences)

I agree with the concept of amending bylaws to allow for development permit offences. However, I do not support the proposed amendment because of the size of the proposed penalty. \$500 may be appropriate for a violation with regards to a small residential property. But \$500 is completely inadequate for a larger property (for example a property owned by a developer and being subdivided into smaller lots). A \$500 penalty on a multi-million dollar project will have no deterrent effect. The penalty needs to recognize the deep pockets of some property owners. Options include:

- a discretionary range starting at \$500 and rising to a maximum of \$100,000 for very large properties and projects
- basing the penalty on property value or property size
- some other formula that recognizes a more appropriate balance between risk and reward for large property owners

I don't know whether there are any legal limits on potential penalties. But hopefully there is enough latitude given to the RDOS to establish something more meaningful than \$500.

Thank you,

Norbert Lacis

Naramata

Lauri Feindell

Subject: FW: Development permit offenses

From: Susan **Sent:** May 9, 2023 3:22 PM

To: Ben Kent <bkent@rdos.bc.ca>

Subject: Development permit offenses

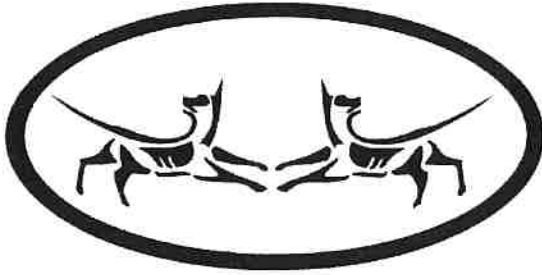
I am in favour of this bylaw amendment, although I would like to see the fines much higher. Enough to actually make these big developers take heed. I don't think 500 dollars is nearly enough.

(I tried to fill out your official feedback form, but couldn't find a way to type information into it on my tablet.)

Susan Jasper

Naramata ,bc

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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:
X2023.003-ZONE

FN Consultation ID:
L-230323-X2023.003-ZONE

Consulting Org Contact:
Planning RDOS

Consulting Organization:
Regional District of Okanagan Similkameen

Date Received:
Monday, March 20, 2023

File number:
X2023.003-ZONE

March 23, 2023

WITHOUT PREJUDICE

Attention: Planning RDOS

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.

1. Invoice Number: L-230323-X2023.003-ZONE
Referrals Processing Fee
Sub Total \$ 500.00
Tax \$ 0.00
Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132. Mail payment to ATTN: Maryssa Bonneau, Penticton Indian Band Natural Resources Department 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8. Please include this letter when sending.

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,

Madison Terbasket
Office Administrator
Penticton Indian Band
Natural Resources
email: referrals.clerk@pib.ca
work: (250) 492-0411
address: 841 Westhills Drive S 80 C 19
Penticton, British Columbia
Canada V2A 0E8

Lauri Feindell

From: Lauri Feindell
Sent: March 21, 2023 1:45 PM
To: Ben Kent
Subject: FW: Bylaw Referral X2023.003-ZONE (Bylaw 3006)

Hi Ben, I wished they would respond to Planning, but here you go 😊
Lauri

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: March 21, 2023 11:24 AM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: RE: Bylaw Referral X2023.003-ZONE (Bylaw 3006)

Laurie

ALC staff have no objection to the introduction of ticketing provisions for development permit offences.

Regards

Martin Collins, Regional Planner, ALC
Ph. 604 953 6673

From: Lauri Feindell <lfeindell@rdos.bc.ca>
Sent: Thursday, March 16, 2023 10:35 AM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; jcvitko@sd53.bc.ca; sd67@sd67.bc.ca; bross@sd58.bc.ca
Cc: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: Bylaw Referral X2023.003-ZONE (Bylaw 3006)

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

Good Morning:

Please find attached a Bylaw Referral proposing to introduce provisions to the Electoral Areas "A", "C", "D", "E", "F", "H" & "I" for ticketing of development permit offences.

Please review and if you have any questions or concerns, please do not hesitate to contact the File Manager, Chris Garrish – cgarrish@rdos.bc.ca.

You will find the Bylaw at the link below

[https://portal.rdos.bc.ca/departments/planning/Rezoning/Applications/X2023.003-ZONE%20\(DP%20Ticketing\)/Bylaw%20Referral%20Sheet%20-%20DP%20Ticketing%20\(2023-03-16\).docx](https://portal.rdos.bc.ca/departments/planning/Rezoning/Applications/X2023.003-ZONE%20(DP%20Ticketing)/Bylaw%20Referral%20Sheet%20-%20DP%20Ticketing%20(2023-03-16).docx)

Please forward your comments to planning@rdos.bc.ca by April 17, 2023.

Kind Regards,

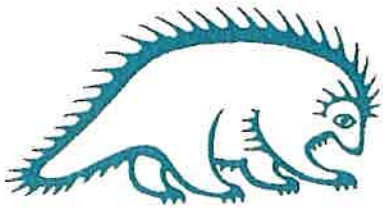


**Lauri Feindell, Administrative Assistant,
Planning Services**

Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4107 • tf. 1.877.610.3737 • f. 250.492.0063
www.rdos.bc.ca • lfeindell@rdos.bc.ca

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Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4

Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: okibreferrals@okanagan.org

“This correspondence will not be construed so as 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:

X2023.003-ZONE

FN Consultation ID:

X2023.003-ZONE

Consulting Org Contact:

Chris Garrish

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Friday, March 17, 2023

Attention: Chris Garrish

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 Westbank First Nation, Upper Similkameen Indian Band, Upper Nicola Band, Penticton Indian Band, Osoyoos Indian Band and Lower Similkameen 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.

l!ml?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

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 3006

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Signature: _____



Signed By: _____



Agency: _____

USIB-NR-Referrals

Title: _____

Referrals Coordinator

Date: _____

April 13/23.

Deadline Apr 17/23-



Bylaw Referral

Regional District of Okanagan-Similkameen

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

Telephone: 250-492-0237 / Email: planning@rdos.bc.ca

OFFICE USE ONLY	
Date:	March 16, 2023
Bylaw:	3006
File:	X2023.003-ZONE

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 30 DAYS**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Please email your reply to planning@rdos.bc.ca by **April 17, 2023**.

PURPOSE OF THE BYLAW: The Regional District is proposing to introduce provisions to the Electoral Area "A", "C", "D", "E", "F", "H" & "I" Official Community Plan (OCP) Bylaws to allow for the ticketing of development permit offences.

LEGAL DESCRIPTION: Not applicable

CIVIC ADDRESS: Not applicable

PID: Not applicable

AREA OF PROPERTY AFFECTED:	ALR STATUS:	OCP DESIGNATION:	ZONING DISTRICT:
N/A	N/A	N/A	N/A

OTHER INFORMATION: The Regional District is also proposing to amend its Bylaw Notice Enforcement Bylaw No. 2507, 2010, in order to introduce penalties for failing to comply with a condition of a development permit.

Additional information, including copies of the amendment bylaw and staff report can be found at the following location: <https://www.rdos.bc.ca/development-services/planning/strategic-projects/development-permit-offences>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected" no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

Christopher Garrish, Planning Manager

Agency Referral List

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Agricultural Land Commission (ALC) | <input checked="" type="checkbox"/> School District #67 | <input checked="" type="checkbox"/> Upper Similkameen Indian Band |
| <input checked="" type="checkbox"/> School District #53 | <input checked="" type="checkbox"/> Penticton Indian Band | <input checked="" type="checkbox"/> Lower Similkameen Indian Band |
| <input checked="" type="checkbox"/> School District #58 | <input checked="" type="checkbox"/> Osoyoos Indian Band | |