

RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. D2018.054-TUP

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by TUP

☒ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended
Due to Reasons Outlined Below

Approval recommended subject to all requirements of the Okanagan Falls
Irrigation District being met

Signature: 

Signed By: Judy Morris

Agency: Okanagan Falls Irrigation District Title: Manager

Date: April 26, 2018



RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. D2018.054-TUP

☒ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by TUP

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended
Due to Reasons Outlined Below

The Temporary Use Permit would allow for additional housing for elderly residents that would be in close proximity to amenities and services such as a grocery store, parks, pharmacy, bank, an Royal Canadian Legion. This neighbourhood appears to be compact and connected which can encourage active transportation (walking, cycling, and use of public transit) which can positively influence overall mobility/physical activity levels of older adults that are associated with better health outcomes. As a population ages, having alternative methods for travel to access amenities of daily life can provide continued independence for senior residents.

Signature: 

Signed By: Janelle Rimell

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: May 8, 2018





Your File #: D2018.054-TUP
eDAS File #: 2018-02155
Date: April 24, 2018

Regional District Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Temporary Use Permit for:
Lot 1, District Lot 374, SDYD, Plan 12558
5080 Highway 97, Okanagan Falls, BC
South Skaha Housing Society**

Thank you for the TUP referral. The ministry has comments/requirements associated with this TUP referral.

ACCESS

- An Access Permit must be applied for prior to a Building Permit being issued by the RDOS. The Owner/Strata Corp shall submit a completed Application form and a detailed site plan. Some items that must be shown on the site plan are:
 - o Storm Drainage - All storm drainage shall be contained on-site and a clearly shown how that will be achieved.
 - o Access Details – the width and length of the shared driveway to be clearly shown on the site plan.
 - o Parking – Plan showing the number and size of all parking stalls. The Ministry requires 1 stall per unit as a minimum.

WATER SERVICE

- The OK Falls Irrigation District shall apply for and receive a Works Permit from this Ministry prior to any works taking place within any of our road right-of-ways. An application and detailed design drawing shall be submitted for our review and subsequent Permit.

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231



SANITARY SEWER

- The RDOS shall apply for and receive a Works Permit from this Ministry prior to any works taking place within any of our road right-of-ways. An application and detailed design drawing shall be submitted for our review and subsequent Permit.

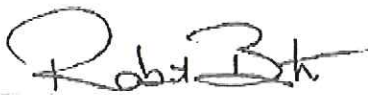
LANDSCAPING

- No landscaping shall be placed within the 8th Avenue right-of-way, unless an Application has been made to this office by the RDOS for maintenance of any and all landscaping proposed.

Please quote file number **2018-02155** when contacting this office.

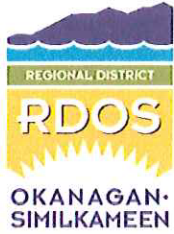
If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,



Rob Bitte
District Development Technician





Feedback Form

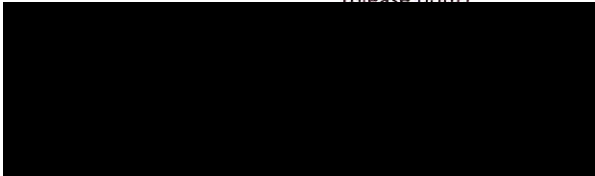
Regional District of Okanagan Similkameen

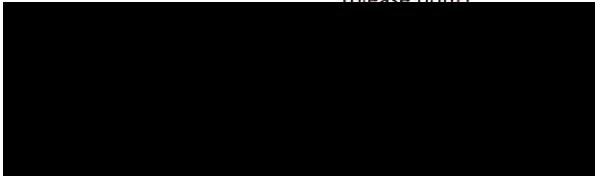
101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: D2018.054-TUP

FROM: Name: KELVIN HALL
(please print)

Street Address: 

Tel/Email: 

RE: Temporary Use Permit (TUP) – “multi dwelling units on ground floor” Use.
5080 Highway 97, Ok Falls

My comments / concerns are:

- ☒ I do support the proposed use.
☐ I do support the proposed use, subject to the comments listed below.
☐ I do not support the proposed use.

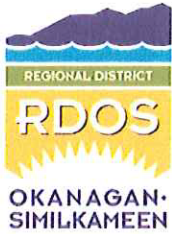
Written submissions received from this information meeting will be considered by the
Regional District Board prior to a decision being made on this renewal application.

LOOKS GOOD - GLAD TO SEE AFFORDABLE HOUSING FOR
LOW INCOME SENIORS

Feedback Forms must be completed and returned to the Regional District
no later than Friday June 1, 2018

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.





Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: D2018.054-TUP

FROM: Name: Elaine Chernoff
(please print)

Street Address: _____

Tel/Email: _____

RE: Temporary Use Permit (TUP) - multi-dwelling units on ground floor - use.
5080 Highway 97, Ok Falls

My comments / concerns are:

☒

I do support the proposed use.

☐

I do support the proposed use, subject to the comments listed below.

☐

I do not support the proposed use.

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: D2018.054-TUP

FROM: Name: Aldina Graziano

Street Address

Tel/Email:

RE: Temporary Use Permit (TUP) - "Multi-dwelling units on ground floor" Use.
5080 Highway 97, Ok Falls

My comments / concerns are:

- ☒ I do support the proposed use.
- ☐ I do support the proposed use, subject to the comments listed below.
- ☐ I do not support the proposed use.

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no later than Friday May 11, 2018

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Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: D2018.054-TUP

FROM: Name:

Maria Michayluk

(please print)

Street Address:

Tel/Email:

RE: Temporary Use Permit (TUP) – “multi dwelling units on ground floor” Use.
5080 Highway 97, Ok Falls

My comments / concerns are:



I do support the proposed use.



I do support the proposed use, subject to the comments listed below.



I do not support the proposed use.

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: D2018.054-TUP

FROM: Name: Ken Michayluk
(please print)

Street Address

Tel/Email:

RE: Temporary Use
5080 Highway 97, Ok Falls

My comments / concerns are:

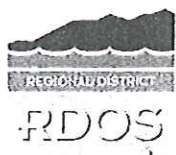
- ☒ I do support the proposed use.
- ☐ I do support the proposed use, subject to the comments listed below.
- ☐ I do not support the proposed use.

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no later than Friday May 11, 2018

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OKANAGAN
SIMILKAMEEN

Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: D2018.054-TUP

FROM: Name: Rodney Z Quarrell
(please print)

Street Address

Tel/Email:

RE: Temporary Use Permit (TUP) – “multi dwelling units on ground floor” Use.
5080 Highway 97, Ok Falls

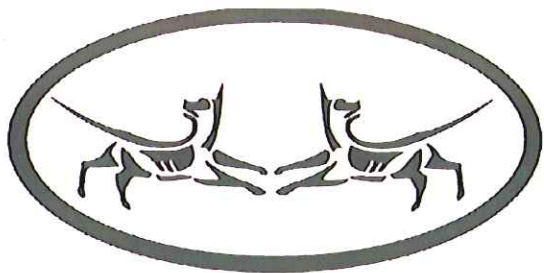
My comments / concerns are:

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- ☐ I do support the proposed use, subject to the comments listed below.
- ☐ I do not support the proposed use.

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Regional District Board prior to a decision being made on this renewal application.

Feedback Forms must be completed and returned to the Regional District
no later than Friday June 1, 2018





Penticton Indian Band

Natural Resources Department
773 Westhills Drive | R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7

Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

May-23-18

Regional District of Okanagan Similkameen
101 Martin Street
PentictonBC V2A 5J9

RTS ID: 3170

Referral Date: April-12-18

Referral ID: D2018.054-TUP

Reference ID:

Summary: construction of multi-dwelling units in a building not containing commercial uses, in order to construct a seniors' housing project on behalf of the South Skaha Housing Society.

Attention: Evelyn Riechert

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on May-23-18. 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, Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 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 economical from those uses.

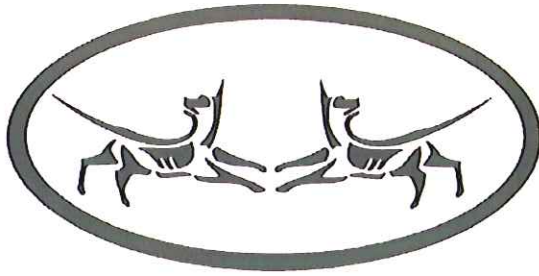
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlæmt,
Venessa Gonzales
Referrals Administrator

RTS ID: 3170

CC:



Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

May-23-18

Regional District of Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

RTS ID: 3170

Referral Date: April-12-18

Referral ID: D2018.054-TUP

Reference ID:

Summary: construction of multi-dwelling units in a building not containing commercial uses, in order to construct a seniors' housing project on behalf of the South Skaha Housing Society.

Attention: Evelyn Riechert

The Penticton Indian Band acknowledges receipt of your referral dated April-12-18. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

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.

- KMZ file for area of interest
- Shape files of area of interest
- Proponent contact info
Please provide : name, phone, email, address
- Development Plans/ Project Proposal
- Environmental Management Plan

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.

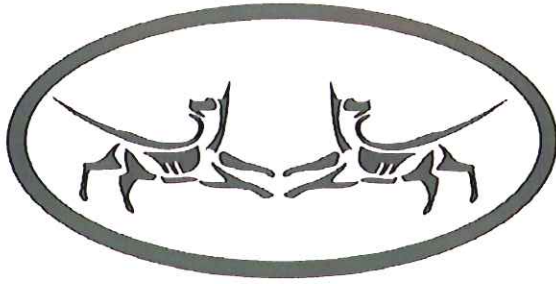
If you require further information or clarification, please do not hesitate to contact me.

Limlōmt,

Lavonda Nelson
Referrals Administrator

RTS ID: 3170

CC:



Penticton Indian Band

Natural Resources Department

R.R. #2, Site 80, Comp.19

Penticton, B.C. CAN

V2A 6J7

Referrals@pib.ca | www.pib.ca

Telephone: 250-492-0411 Fax: 250-493-2882

May-23-18

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

Regional District of Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

RTS ID: 3170

Referral ID: D2018.054-TUP

Referral Date: April-12-18

Reference ID:

Summary: construction of multi-dwelling units in a building not containing commercial uses, in order to construct a seniors' housing project on behalf of the South Skaha Housing Society.

ATTENTION: Evelyn Riechert

We are in receipt of the above referral. The proposed activity is located within Okanagan Nation Territory and the PIB Area of Responsibility. All lands and resources within the vicinity of this referral 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.

Penticton Indian Band has specific referral processing requirements for both government and proponents which are integral to the exercise of our Rights to manage our lands and resources and to ensuring that the Crown can meet its duty to consult and accommodate our Rights, including our Aboriginal Title and management Rights. There is a cost associated with PIB referral processing and engagement. In accordance with PIB policy, proponents are required to pay a 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 fully 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.

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



If the proposed activity requires a more in-depth review, Penticton Indian Band 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.

Invoice Number: 1025

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technican)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #3170

limlɛmt,

Venessa Gonzales
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RTS ID: 3170
CC: