

# 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.:** E2024.006-ZONE

**FROM:** Name: Patricia Leslie & Brad Johnston  
(please print)

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

Date: April 30, 2024

**RE:** **Okanagan Valley Zoning Amendment Bylaw No. 2800.39**  
**Electoral Area "E" Official Community Plan Amendment Bylaw No. 3010.01**  
**3325 3<sup>rd</sup> Street and Unaddressed Property at the Northeast Corner of 1<sup>st</sup> Street & Gwendoline Avenue — Lots 1-7, Block 12, District Lot 210, SDYD, Plan 519**

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do not support the proposed rezoning of the subject parcel.

Please provide any comments you wish the Board to consider.  
Written submissions will be considered by the Regional District Board  
prior to 1<sup>st</sup> reading of Amendment Bylaw Nos. 2800.39 & 3010.01.

We believe the residential zoning will further enhance the Village by enabling seven homes to be built. The cost to build one dwelling independently is very expensive, so allowing a Developer to build seven homes will achieve some efficiencies and result in some visual uniformity. We believe the project is a great first step towards the Village in-fill, and we are thankful that the Naramata Centre is releasing some lands to create more housing for the community. We hope the community supports this re-zoning application.

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

**NOTE: Feedback forms are included in the Regional District Board's applicable meeting agenda, and are publicly accessible.**

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:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** May 22, 2024 10:43 AM  
**To:** Planning  
**Subject:** 3 St, 3325, RDOS (E2024.006-ZONE)

With respect to the above noted file,

### Land Rights Comments

- There are no immediate concerns or requests for additional land rights, however there may be additional land rights requested stemming from changes to the existing FortisBC Electric ("FBC(E)") services, if required.

### Operational & Design Comments

- There are FortisBC Electric ("FBC(E)") primary distribution facilities along 3 Street and Gwendolyn Avenue. Further extension work will likely be required to bring services to proposed lots 5, 6 and 7, the cost of which may be significant.
- All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.
- The applicant and/or property owner are responsible for maintaining safe limits of approach around all existing electrical facilities within and outside the property boundaries.
- **To proceed, the applicant should contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.**

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

If you have any questions or comments, please contact us at your convenience.

Best Regards,

Steve Danielson, AACI, SR/WA  
Contract Land Agent | Property Services | FortisBC Inc.  
2850 Benvoulin Rd

Kelowna, BC V1W 2E3  
Mobile: 250.681.3365  
Fax: 1.866.636.6171  
[FBCLands@fortisbc.com](mailto:FBCLands@fortisbc.com)



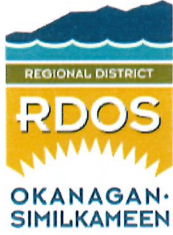
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\*"FortisBC" refers to the FortisBC group of companies which includes FortisBC Holdings. Inc., FortisBC Energy Inc., FortisBC Inc., FortisBC Alternative Energy Services Inc. and Fortis Generation Inc.

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# Bylaw Referral

**Regional District of Okanagan-Similkameen**

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

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

OFFICE USE ONLY	
Date:	April 18, 2024
Bylaws:	2800.39, 3010.01
File:	E2024.006-ZONE

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 32 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](mailto:planning@rdos.bc.ca) by **May 20, 2024**.

**PURPOSE OF THE BYLAWS:** The applicant is seeking to amend the zoning and Official Community Plan designation of their properties in order to construct a single detached dwelling on each of the seven legal lots which comprise the properties. Specifically, it is being proposed to:

- amend the land use designation of the property under the Electoral Area 'E' Official Community Plan (OCP) Bylaw No. 3010, 2023, from Administrative, Culture and Institutional (AI) to Low Density Residential (LR); and
- amend the zoning of the property under the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Naramata Centre (NC) to Low Density Residential One (RS1).

**LEGAL DESCRIPTION:** Lots 1-7, Block 12, District Lot 210, SDYD, Plan 519

**CIVIC ADDRESS:** 3325 3<sup>rd</sup> Street & unaddressed property to the west at the northeast corner of 1<sup>st</sup> Street and Gwendoline Avenue

**PID:** 012-279-706 / 012-279-731 / 012-279-803 / 012-279-790 / 012-279-790 / 012-279-781 / 012-279-765

AREA OF PROPERTY AFFECTED:	ALR STATUS:	OCP DESIGNATION:	ZONING DISTRICT:
1,875 m <sup>2</sup>	No	Administrative, Cultural and Institutional (AI)	Naramata Centre (NC)

**OTHER INFORMATION:**

The subject properties are comprised of seven legal lots, which were created by subdivision in 1908.

Variations will be required for the proposed siting of the buildings on each lot; namely, reductions to the applicable minimum parcel line setback provisions.

The properties are within the Naramata Water System Local Service Area, and would be serviced by on-site septic.

BC Assessment has classified the property at 3325 3<sup>rd</sup> St as Business And Other (Class 06) and Recreational/Non-Profit (Class 08), and the unaddressed property as Recreational/Non-Profit (Class 08).

Additional information can be found at the following location: [E2024.006-ZONE | RDOS](#)

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.

  
Shannon Duong, Planner II

**Agency Referral List**

<input checked="" type="checkbox"/> Interior Health Authority (IHA)	<input checked="" type="checkbox"/> School District No. 67	<input checked="" type="checkbox"/> Naramata Volunteer Fire Department
<input checked="" type="checkbox"/> Fortis BC	<input checked="" type="checkbox"/> Penticton Indian Band (PIB)	<input checked="" type="checkbox"/> Okanagan Indian Band

# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2800.39 & 3010.01, 2024

**Approval Recommended for Reasons Outlined Below**

**Interests Unaffected by Bylaw**

**Approval Recommended Subject to Conditions Below**

**Approval Not Recommended Due to Reasons Outlined Below**

Good day,

With respect to the above noted file, FortisBC Energy Inc. (Gas) has reviewed the subject proposal and has no objections or concerns. Note that there is an existing gas service line to the current premise. If an abandonment or alteration is required due to demolition, renovation or building on the gas meter line location, please contact: 1-888-224-2710 or visit FortisBC.com to guide an online application in order to initiate the planning process. If you have any questions or concerns, please do not hesitate to ask!

Thank you,

, Mech. Eng. E.I.T.  
, Zone 5  
Main: 1-250-258-0355  
chris.shanks@fortisbc.com

FortisBC Energy Inc.  
1975 Springfield Rd.  
Kelowna, Bc  
V1Y 7V7

**Signature:** Chris Shanks

Digitally signed by Chris Shanks  
DN: c=CA, e=Chris.shanks@fortisbc.com, ou=Fortis BC, ou=Planning  
CN=Chris Shanks  
Date: 2024.04.29 09:33:29-0700

**Signed By:** Chris Shanks

**Agency:** FortisBC Gas

**Title:** Planning & Design Technologist

**Date:** April 29, 2024

**Lauri Feindell**

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**Subject:** FW: Bylaw Referral - RDOS File No. E2024.006-ZONE - 3325 3rd Street & Unaddressed Westerly Property

**From:** Naramata Fire Chief <NaramataFC@rdos.bc.ca>

**Sent:** April 22, 2024 10:24 AM

**To:** Shannon Duong <sduong@rdos.bc.ca>

**Subject:** Re: Bylaw Referral - RDOS File No. E2024.006-ZONE - 3325 3rd Street & Unaddressed Westerly Property

Hi Shannon,

This proposal doesn't affect our service.

Thanks, Happy Monday 😊

Dennis Smith, Fire Chief

Naramata Volunteer FD

[naramatafc@rdos.bc.ca](mailto:naramatafc@rdos.bc.ca)

0-462-5023



# 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)

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*“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.”*

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**Project Name:**

E2024.006-ZONE (Zoning/OCP Bylaw Amendment Application)

**FN Consultation ID:**

E2024.006-ZONE

**Consulting Org Contact:**

Chris Garrish

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Thursday, April 18, 2024

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 Penticton 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.

liml?mt | Thank You

Julie Richard

Referrals Management Clerk

Territorial Stewardship Division

Okanagan Indian Band

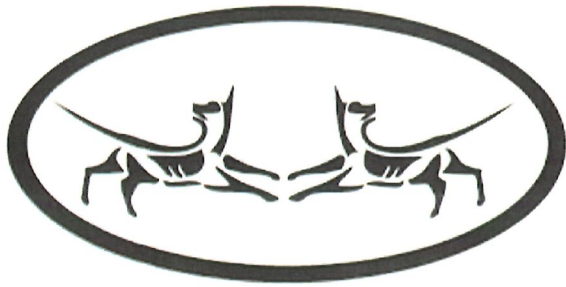
12420 Westside Road

Vernon BC, V1H 2A4

Office: 250-542-7132

Cell: 250-309-5217

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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:**

E2024.006-ZONE (Zoning/OCP Bylaw Amendment Application)

**FN Consultation ID:**

L-240419-E2024.006-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Thursday, April 18, 2024

**File number:**

E2024.006-ZONE

April 19, 2024

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-240419-E2024.006-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](mailto: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, PIB will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

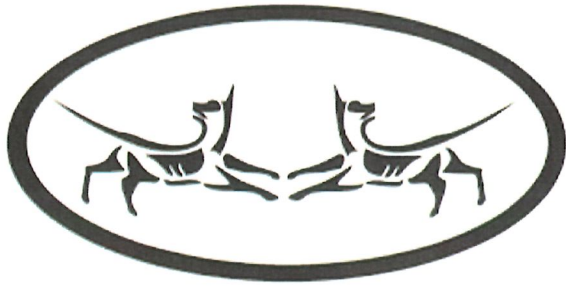
Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

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

limlæmt,

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

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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

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**Project Name:**

E2024.006-ZONE (Zoning/OCP Bylaw Amendment Application)

**FN Consultation ID:**

L-240419-E2024.006-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Thursday, April 18, 2024

April 19, 2024

WITHOUT PREJUDICE

Attention: Planning RDOS

File number: E2024.006-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was received on 2024-04-18.

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, snpink'tn (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.

siylx (Okanagan Nation) Title includes snpink'tn right to proactively use and manage our resources. In Tsilhqot'in, the Supreme Court of Canada emphasizes the need to seek the consent of the title-holding Aboriginal group, and warns, without consent for a project, the proponent risks having the project cancelled. The obligation to seek free, prior and informed consent is further required by the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP requires that Indigenous peoples shall be consulted and cooperated with in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

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

I appreciate your co-operation.

Respectfully,

Madison Terbasket

Referrals Coordinator

