

Sent: March 16, 2021 11:19 AM
To: Evelyn Riechert
Cc: Christopher Garrish; Eleanor Walker
Subject: Re: Proposed Zoning Review - DUPLEX, 1028 Main Street, OK Falls ~ Proposed Highway Commercial C4 Zone

Thx.

Thanks, Evelyn, I appreciate the info.

Going forward, I'm torn between retail or office space, etc. (for the "principal" commercial use), or focus on tourist accommodation.

Tourist Accommodation means more "hands on" managing same... but given the lack of demand over the past several years for more retail or office space, I really wonder if more tourist accommodation wouldn't be the way to go??? ... the Hotel (Pub) and Falls Restaurant being located so close by are a plus, with regard to catering to tourists.

Deciding "what" to develop will also depend on building permits, cost, code, etc., etc., but it's good to know that the option will still be there (for tourist accommodation) in the "new" C4 zoning.

One way or another, I'll be doing "something" with the 1028 Main Street property. :-)

Ciao for now, Mel

From: "Evelyn Riechert" <eriechert@rdos.bc.ca>
To: "Melody L Walker"
Cc: "cgarrish" <cgarrish@rdos.bc.ca>,
Sent: Tuesday, March 16, 2021 9:43:35 AM
Subject: RE: Proposed Zoning Review - DUPLEX, 1028 Main Street, OK Falls ~ Proposed Highway Commercial C4 Zone

Hi Melody,

Thank you for your response. I will address your questions below.

1. There are a number of ways to provide temporary accommodation to tourists under the new C4 zone. First it is possible to develop a property as a hotel, motel, hostel, etc and to provide rooms to the travelling public as under the 'tourist accommodation' use permitted in the zone. Secondly, if a property is developed with dwelling units above or behind a commercial space, these may be rented out as a 'vacation rental', subject to meeting all the other requirements, and thirdly, the resident of a dwelling unit may also carry out a 'bed and breakfast' operation, again subject to requirements. Mainly the difference between the two is that in a B&B, the owners need to live and be on site to rent out rooms, whereas, a vacation rental can rent out the whole home.
2. The new C4 zone allows for dwelling units as a secondary use to be located above or at the rear of a commercial use. It does not specific the number of units, so it could be 1 or more. The development of a property would depend on the size of the property and the various other zoning regulations and building requirements applicable to a particular parcel.

I hope this clarifies your queries.

Regards,

Evelyn



Your File #: D2018.089-
ZONE (2455.38)
eDAS File #: 2021-01003
Date: March 2, 2021

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

Attention: Planning Department

**Re: Proposed Text Amendment Bylaw 2455.38 for various
properties within the OK Falls downtown area.**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Penticton Development Services at (250) 712-3660.

Yours truly,

Rob Bitte
Development Officer

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



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:

Bylaw 2455.38 and 2603.15

FN Consultation ID:

L-210210-245538-260315

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan-Similkameen](#)

Date Received:

Friday, March 19, 2021

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

March 19, 2021

Attention: Planning RDOS

File number: 2455.38 and 2603.15

RE: 40 (forty) day extension

Thank you for the above application that was sent on February 10, 2021.

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.

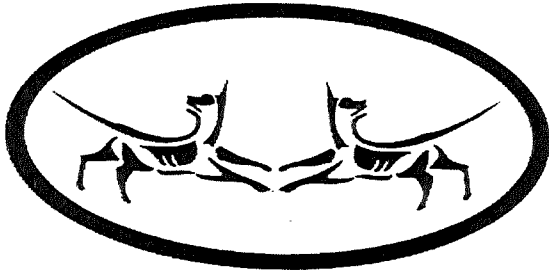
Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the 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.

limlɛmt,

Maryssa Bonneau
Referrals Coordinator
P: 250-492-0411
Referrals@pib.ca



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
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WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

March 19, 2021

Attention: Planning RDOS

File Number: 2455.38 and 2603.15

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.

Invoice Number: L-210210-245538-260315

SubTotal Tax Total

Referral Processing \$ 500.00 \$ 0.00 \$ 500.00

Total \$ 500.00 \$ 0.00 \$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132 and send to 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8

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.

limlømt,

Maryssa Bonneau
Referrals Coordinator
P: 250-492-0411
Referrals@pib.ca

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: March 10, 2021 10:28 AM
To: Planning
Subject: Electoral Area 'D', Okanagan Falls (D2018.089-ZONE)

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities with the Okanagan Falls town boundary along public roads and lanes servicing the affected properties. FBC(E) has no concerns with the proposed bylaw changes. Any specific servicing and setback concerns will be addressed when and if the respective property owners submit applications for development or changes to the existing service.

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

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



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RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2455.38 & 2603.15

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide a health perspective on this application. It is our understanding that this application is to rezone the current Okanagan Falls Town Centre Transition (C4) Zone into a variety of other zones, including a Tourist Commercial (CT1), Medium Density Residential (RM1), and Administrative and Institutional (AI) Zone, as a part of the on-going work to modernize the downtown core of Okanagan Falls. This referral has been reviewed from a Healthy Community Development perspective and all comments are based on best practice health evidence.

We are pleased to see this update, as it supports bringing more people to the downtown core. Following the principals identified within the Provincial Health Services Authority- Healthy Built Environment Linkages Toolkit, higher densities tend to result in more people on the streets. Ensuring the walkability of the downtown core with safe and connected alternative transportation modes, further enhances both the health and economic benefits to the community.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please feel free to contact me at 250-469-7070 x12287 or via email Tanya.Osborne@interiorhealth.ca.

Signature:  _____

Signed By: _____ Tanya Osborne

Agency: _____ Interior Health

Title: _____ Community Health Facilitator

Date: _____ Feb 22, 2021