

Lauri Feindell

From: Referrals <Referrals@fortisbc.com>
Sent: May 20, 2022 1:26 PM
To: Shannon Duong
Subject: RE: [External Email] - Bylaw Referral - RDOS File No. X2022.0XX-ZONE - Zoning/OCP Amendment - Electoral Areas "X"

Property Referral #2022-799

Hi Shannon,

FortisBC does not have any gas lines in the area and therefore has no concerns.

Have a nice day!

Josh Harder
Property Services Assistant
Lands
FortisBC Energy
16705 Fraser Highway | Surrey BC V4N 0E8
P: 778.578.8038 xt.58038 | joshua.harder@fortisbc.com



From: Shannon Duong <sduong@rdos.bc.ca>
Sent: Thursday, May 19, 2022 4:05 PM
To: HBE <HBE@interiorhealth.ca>; ReferralAppsREG8@gov.bc.ca; Rob Bitte <Rob.Bitte@gov.bc.ca>; sd67@sd67.bc.ca; Referrals <Referrals@fortisbc.com>; miltg@telus.net
Subject: [External Email] - Bylaw Referral - RDOS File No. X2022.0XX-ZONE - Zoning/OCP Amendment - Electoral Areas "X"

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

Re: Amendment Bylaw Nos. 2800.13 & 2790.06, 2022

Application Webpage: <https://www.rdos.bc.ca/development-services/planning/current-applications-decisions/electoral-area-f/f2022-0004-zone>

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by two Zoning and Official Community Plan amendment bylaws.

Please find attached a referral for a Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw and a link above to the draft amendment bylaw 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 by **June 20, 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 • [RDOS](#)
[FACEBOOK](#) • [YOUTUBE](#) • Sign up for [REGIONAL CONNECTIONS](#)

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

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@fortishc.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.

This e-mail is the property of FortisBC and may contain confidential material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. FortisBC does not accept liability for any errors or omissions which arise as a result of e-mail transmission. If you are not the intended recipient, please contact the sender immediately and delete all copies of the message including removal from your hard drive. Thank you.

Lauri Feindell

Subject: FW: Bylaw Referral - RDOS File No. F2022.004-ZONE - Zoning/OCP Amendment - Electoral Area "F"

From: HBE <HBE@interiorhealth.ca>
Sent: May 20, 2022 9:04 AM
To: Planning <planning@rdos.bc.ca>
Subject: FW: Bylaw Referral - RDOS File No. F2022.004-ZONE - Zoning/OCP Amendment - Electoral Area "F"

Hello,

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.

I've provided a link to the page on our public website that speaks to [Sewerage, Subdivisions & Healthier Industries | IH \(interiorhealth.ca\)](#) for the applicant's reference.

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

Thank you,

Janelle

Janelle Rimell, B.Sc, B.Tech, C.P.H.I.(C)

Healthy Communities Healthy Families

Interior Health

1440 14 Ave Vernon, BC V1B 2T1

c: 250-540-8380

p: 250-549-5758

e: janelle.rimell@interiorhealth.ca

www.interiorhealth.ca



Interior Health

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations. 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.

Kathi Penny

From: Aeron James
Sent: April 10, 2023 9:15 AM
To: Brett Ziegler;
Subject: Advisory Planning Commission

To whom it may concern regarding OCP and Zoning Bylaw Amendment for 1108 Fish Lake Road;

As neighbors to the lot in question, we whole heartedly support rezoning and sub dividing. In reality, as climate change has made abundantly clear , maintaining and stewarding land in this area is one of the highest priorities of land owners from a wildfire/house fire safety stand point. Being bisected by a public road is problematic for a single landowner to monitor and respond in a timely manner to risks or events associated from road travel and access. We should all be aware that by keeping the lots at the current size and in the current RA zoning, and ignoring the increasing climate risks, it is effectively creating and compounding additional risks to land owners.

Additionally, the term 'rural character' is used to describe the desired outcome for the area in question, and cites Faulder and Meadow Valley as examples of this character. How is Faulder zoned? How is Meadow Valley zoned? Faulder has smaller lots for denser development, Meadow Valley is both agricultural, and has small acreages, and we are Resource Area zoning, but somehow all maintain the desired 'rural character'?...perhaps a definition of 'rural character' is appropriate, if we are going to use it as current zoning goal posts, and as a reason for holding onto 40+ year old zoning decisions. 'Rural character' isn't mentioned in Resource Area zoning, so it seems like an arbitrary, undefined term.

Concerns for water usage, and the desire to protect a conceptual aquifer are legitimate, and any information regarding this would be great. Has there been any Hydrogeologic or topographical research to pinpoint or ascertain shape size or volume of the aquifer that will be impacted by the rezoning in this area? Can it be included in future informational meetings? Would be an excellent resource for all in this particular area.

Lastly, I think its important to point out that the current Resource Area zoning is not a particularly protective or restrictive type of zoning, leaving many activities and types of development that would or could be deleterious to the established character of the area. This includes agricultural activities that would potentially use much more water than a single rezoned household. Maybe this could be seen as an opportunity to rezone in a manner that fosters outcomes that are both progressive and less onerous on landowners in the area, and less risky for the RDOS overall. It could also effectively increase the number of households to enjoy and steward the land for future generations, and effectively reduce risks if implemented.

Sincere, Brett and Aeron

Lauri Feindell

From: Brett Ziegler < >
Sent: January 26, 2023 7:27 AM
To: Shannon Duong
Cc: Aeron James; Kathi Penny
Subject: Letter in support of rezoning 1108 Fish Lake Road

Follow Up Flag: Follow up
Flag Status: Completed

Re: Zoning and Official Community Plan Bylaw Amendment Proposal 1108 Fish Lake Road Area F

To whom it may concern,

We are writing to support the subdivision proposal submitted by Doug and Kathi Penny, for several reasons.

Firstly, there is a lack of affordable housing and acreages in the Okanagan and this could be an excellent location for a cost effective family acreage.

Secondly, wildfire fire risk along Fish Lake Road is a safety concern and it is not feasible for a single owner to maintain not monitor both the East and West sides of the public road in an effective manner that isn't overly time consuming and costly, especially during the fire season.

In terms of water table concerns, we feel that a proper dwelling with a drilled well would have no measurable effect or consequence for surrounding residences.

Surely the RDOS would be in support of a larger number of taxable properties, and care and attention brought to their district.

In short, we believe the proposal is a positive development for the area in all regards, especially for the reasons we noted.

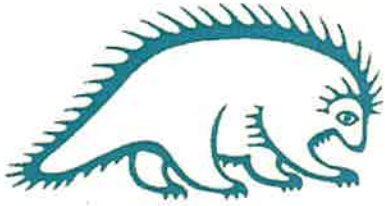
Thank you for your time,
Brett and Aeron James

--

bsoleful

REFLEXOLOGY

free your feet, free your mind



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 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:

F2022.004-ZONE (1108 Fish Lake Rd)

FN Consultation ID:

F2022.004-ZONE

Consulting Org Contact:

Chris Garrish

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, May 19, 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 Westbank First Nation, 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

Subject:

FW: 1108 Fish Lake Rd.

From: Charles Parkhurst

Sent: November 3, 2022 9:44 AM

To: Shannon Duong <sduong@rdos.bc.ca>; Riley Gettens <rgettens@rdos.bc.ca>;

Subject: 1108 Fish Lake Rd.

Good Morning Shannon- my name is Charles Parkhurst. My wife Donna and I are owners of 1139 Fish Lake Rd. We listened to the presentation last evening regarding 1108 Fish Lake Rd rezoning. We are supportive of the proposal, and do not have issues with what the Penny's are doing . They are following the correct procedures as required. A well could draw 500 gallons per day as per the rules.

I listened with interest with the concern for the aquifer and I feel that I must share some history with yourself. Around 2018 I discovered there was a lot of cow manure piles at Darke Lake Provincial Park, and took photos. I sent photos to a lot of people and places, i.e. Dan Ashton MLA, George Heyman, Interior Health, BC Parks, for example. At about the same time I discovered that Summerland has a water licence for Darke Lake. Darke Creek flows into Trout Creek which is a water source for Summerland.

I personally attended a public meeting in regards to water use with a Cherry Orchard in Meadow Valley, but the only voices I heard opposed were residents of Faulder who had experienced periods of water shortages. I do not recall RDOS having any issues. The proposal passed.

I found only one person who had concerns, a person with BC Parks. Not even the local MLA had interest. In my view it is important to address the issues of the "aquifer", but only if it is being investigated consistently. There are huge issues regarding the amount of development at 1321 Fish Lake Rd (Darke Lake Ranch) with allegedly 15 residents in unpermitted homes, no water licences other than irrigation, likely no septic systems. I have personally raised these issues with Riley Gettens, and RDOS does not seem to be interested to investigate. 1321 Fish Lake Rd has farm status, and some residents have free range cattle that have access to the aquifer. As well many cattle are penned at 1250 Fish Lake Rd, and have direct access to Darke Creek. I do not see how the RDOS can focus only on the aquifer on the proposal for subdivision at 1108 Fish Lake RD, without looking at all the issues in Area F.

This area is a watershed, and in our view, it is high time to protect the watershed.

Subdividing 1108 Fish Lake Rd is going to have a lot less effect on the aquifer than the existing uncontrolled land use and pollution that already exists up here.

Might I suggest a trip up to our area to see what is going on?

There are a lot of issues further to this that could be discussed.

Regards

Charles and Donna Parkhurst

Summerland BC

V0H1Z8



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:

F2022.004-ZONE (1108 Fish Lake Rd)

FN Consultation ID:

F2022.004-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan Similkameen

Date Received:

Thursday, May 19, 2022

File number:

L-20220520-F2022.004-ZONE

May 20, 2022

Attention: Planning RDOS and

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: F2022.004-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.

lmlmt,

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



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:

F2022.004-ZONE (1108 Fish Lake Rd)

FN Consultation ID:

F2022.004-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, May 19, 2022

May 20, 2022

Attention: Planning RDOS

File number: L-20220520-F2022.004-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was received on 2022-05-19T00:00:00.

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.

liml̓əmt,

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

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2800.13 & 2790.06

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

See attached letter.

Signature: _____

Signed By: _____

Agency: _____

Title: _____

Date: _____



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:

F2022.004-ZONE (1108 Fish Lake Rd)

FN Consultation ID:

F2022.004-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan Similkameen

Date Received:

Thursday, May 19, 2022

File number:

L-20220520-F2022.004-ZONE

June 8, 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^wulax^w(lands), siw⁺k^w (water, the lifeblood of the land) and syilx cultural heritage. Our tmx^wulax^w and siw⁺k^w 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.

Prior to any ground disturbance activities 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 promise of a CHRA, we would 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.

limlæmt,

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



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:

F2022.004-ZONE (1108 Fish Lake Rd)

FN Consultation ID:

F2022 004-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, May 19, 2022

File number:

L-20220520-F2022.004-ZONE

June 27, 2022

Attention: Planning RDOS,

The proposed activity is located within syilx (Okanagan) Nation Territory and the Penticton Indian Band (PIB) area of responsibility. All lands and resources within the vicinity of the proposed project are subject to our unextinguished Aboriginal Title and Rights. Based upon our review and engagement today we advise that the Penticton Indian Band will offer Conditional Approval for the activity proposed above provided that the following conditions are met:

1. The proposed activity does not have deleterious lasting effect on the environment.
2. The proposed activity does not adversely impact syilx culture, resources, environment, or archaeology.
3. The PIB will continue to be meaningfully engaged.
4. The proponent agrees to conduct A Cultural Heritage Resource Assessment prior to any land altering activities.

Please advise the Penticton Indian Band in writing as to your ability to meet the conditions listed above. Failure to meet these conditions will result in the revocation of our Conditional Approval for the proposed activity.

Please contact Maryssa Bonneau, PIB Natural Resources Referrals Coordinator to discuss further at 250-486-3241 or via Email: referrals@pib.ca. I appreciate your co-operation.

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.

limlæmt,

Maryssa Bonneau
Referrals Coordinator
Natural Resources Department
Penticton Indian Band

Lauri Feindell

From: Riley Gettens
Sent: November 6, 2022 1:21 PM
To: Ralph
Cc: Shannon Duong
Subject: Re: Project No: F2022.004-ZONE

Follow Up Flag: FollowUp
Flag Status: Flagged

Thank you Ralph. I have cc'd the RDOS Planner, Shannon. She will ensure the board see your comments.

Thx.

Riley Gettens
Director, Electoral Area "F"
250-488-0246
www.OurAreaF.com

On Nov 6, 2022, at 11:40 AM, Ralph _____

Good Day Ms. Gettens,

My name is Ralph Unger and I live in Meadow Valley _____ Fish Lake Road. My Neighbour, Pat Wood asked me to send an email to follow up on his phone call with you regarding the new rezoning application for 1108 Fish Lake Road (Project No: F2022.004-ZONE).

We feel that the current OCP zoning with 50 acre parcel minimum lot size should be maintained and this application should not be approved as additional homes will create further stress on our limited water supply. In addition there are many landowners that would like to subdivide their property and if this application is approved it will be the first of many applications soon to follow that will overload the limited water available.

If you wish to follow up with Pat his contact details are below: (cc'd on email)
Pat Wood

Summerland

(250) 494-1997

lindawood53@icloud.com

Thank you for your consideration,

Ralph Unger