

AGENDA ITEM B.6  
I2022.013-ZONE (236 Creekview Rd)

**Lauri Feindell**

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**Subject:**

FW: Bylaw Referral - RDOS File No. I2022.013-ZONE - Zoning & OCP Amendment - Electoral Area "I"

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**From:** Shawn Whitty <shawn@apexresort.com>

**Sent:** August 11, 2022 9:33 AM

**To:** Shannon Duong <sduong@rdos.bc.ca>; 'HBE' <HBE@interiorhealth.ca>; 'Referrals' <Referrals@fortisbc.com>; sd67@sd67.bc.ca; apexfirerescue@gmail.com

**Subject:** RE: Bylaw Referral - RDOS File No. I2022.013-ZONE - Zoning & OCP Amendment - Electoral Area "I"

Hi Shannon,

Apex has no problem with this change.

**Shawn Whitty**

Operations Manager

Apex Mountain Resort

250-490-5680

[shawn@apexresort.com](mailto:shawn@apexresort.com)

## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2800.17 & 2683.07, 2022

- 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: \_\_\_\_\_

*P. See*

Agency: \_\_\_\_\_

*Apex Mountain Resort*

Date: \_\_\_\_\_

*Aug 16/2022*

Signed By: \_\_\_\_\_

*James Shalman*

Title: \_\_\_\_\_

*General Manager*

**Lauri Feindell**

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**Subject:** FW: [External Email] - Bylaw Referral - RDOS File No. I2022.013-ZONE - Zoning & OCP Amendment - Electoral Area "I"  
**Attachments:** I2022.013-ZONE - Bylaw Referral Sheet.pdf

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**From:** Referrals <Referrals@fortisbc.com>  
**Sent:** August 11, 2022 9:28 AM  
**To:** Planning <planning@rdos.bc.ca>  
**Subject:** FW: [External Email] - Bylaw Referral - RDOS File No. I2022.013-ZONE - Zoning & OCP Amendment - Electoral Area "I"

Property Referral #2022-1219

Hi,

FortisBC has no gas lines in the area and therefore has no concerns.

**Josh Harder**  
**Property Services Assistant**  
**Lands**  
**FortisBC Energy**  
16705 Fraser Highway | Surrey BC V4N 0E8  
778.578.8038 xt.58038 | [joshua.harder@fortisbc.com](mailto:joshua.harder@fortisbc.com)

## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2800.17 & 2683.07, 2022

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: Anita Ely

Signed By: Anita Ely

Agency: Interior Health

Title: Specialist Environmental Health Officer

Date: August 19, 2022

**Lauri Feindell**

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**Subject:** FW: Bylaw Referral - RDOS File No. I2022.013-ZONE - Zoning & OCP Amendment - Electoral Area "I"

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**From:** HBE <HBE@interiorhealth.ca>  
**Sent:** August 11, 2022 2:04 PM  
**To:** Planning <planning@rdos.bc.ca>  
**Subject:** RE: Bylaw Referral - RDOS File No. I2022.013-ZONE - Zoning & OCP Amendment - Electoral Area "I"

Afternoon Shannon,  
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.

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

Regards,

**Mike Adams**

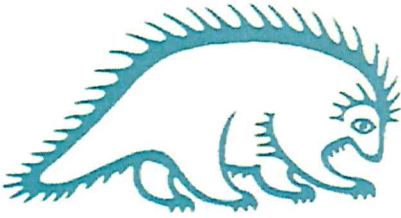
Team Leader, Healthy Community Development  
**Interior Health**  
[www.interiorhealth.ca](http://www.interiorhealth.ca)



Interior Health

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We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate and work together. 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.



# 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:**

I2022.013-ZONE

**FN Consultation ID:**

**Consulting Org Contact:**

Chris Garrish

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Monday, August 15, 2022

Attention: Chris Garrish

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band 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 Okanagan Indian Band (“OKIB”) holds as a member 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.

Regards,

Colleen Marchand

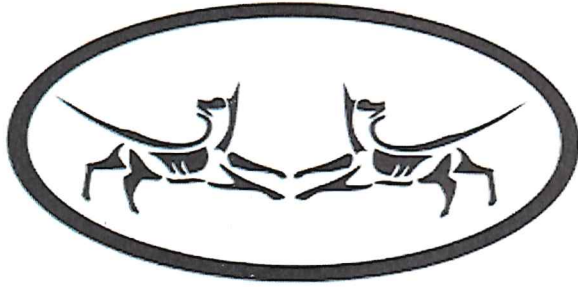
Director, Territorial Stewardship Division

250.542.7132 (office)

250.306.9796 (cell)

[Colleen.Marchand@okanagan.org](mailto:Colleen.Marchand@okanagan.org)

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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:**

I2022.013-ZONE

**FN Consultation ID:**

L-220819

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Monday, August 15, 2022

August 19, 2022

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-220819

Referrals Processing Fee

Sub Total \$ 500.00

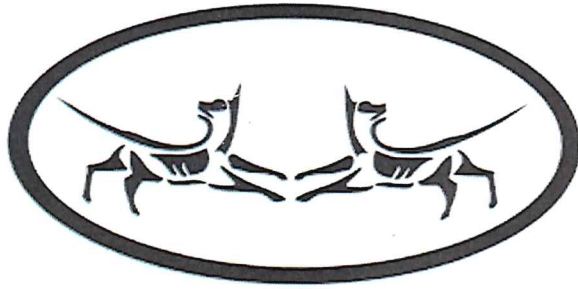
Tax \$ 0.00

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



**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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**FN Consultation ID:**

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**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan Similkameen](#)

**Date Received:**

Monday, August 15, 2022

August 19, 2022

Attention: Planning RDOS

File number:

RE: 40 (forty) day extension

Thank you for the above application that was received on 2022-08-15T00:00:00.

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.

limlæmt,

Madison Terbasket  
Office Administrator  
Penticton Indian Band  
Natural Resources

email: [referrals.clerk@pib.ca](mailto:referrals.clerk@pib.ca)

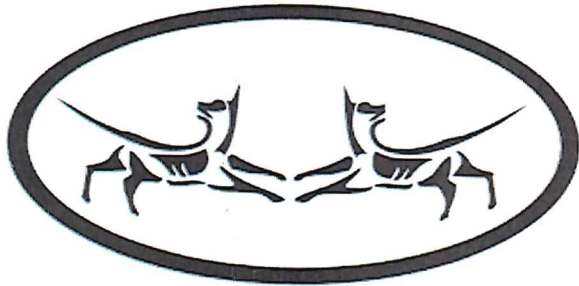
work: (250) 492-0411

address: 841 Westhills Drive S 80 C 19

Penticton, British Columbia

Canada V2A 0E8





**Penticton Indian Band**  
Natural Resources Department  
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I appreciate your co-operation.

lilməmt,

Madison Terbasket  
Office Administrator  
Penticton Indian Band  
Natural Resources

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