

Secondary Dwelling Unit and Accessory Building Bylaw Amendments

Agency and First Nation Referral Responses

Ken Gobeil

From: Jodi Pierce
Sent: January 31, 2024 7:17 AM
To: Christine LeFloch; Sheena Haines
Cc: Ken Gobeil
Subject: RE: Secondary Dwelling Units and Accessory Building Project referrals

Good morning Christine,

Sorry for the delay in responding. The Finance comments are that:

the proposed bylaws have been reviewed as per S.477 of the Local Government Act and are consistent with the CSRD's current financial plan.

Thanks,

Jodi Pierce, CPA, CGA (she/her/hers)
General Manager, Financial Services (Chief Financial Officer)
Columbia Shuswap Regional District

From: Christine LeFloch <CLefloch@csrd.bc.ca>
Sent: Wednesday, January 17, 2024 11:03 AM
To: Sheena Haines <SHaines@csrd.bc.ca>
Cc: Jodi Pierce <JPierce@csrd.bc.ca>; Ken Gobeil <KGobeil@csrd.bc.ca>
Subject: FW: Secondary Dwelling Units and Accessory Building Project referrals

Good morning Sheena and Jodi,
These projects were referred to Finance for comments in May of last year. It looks like we did not receive any comments. Originally the Secondary Dwelling Units project included OCP amendments which would have required a response from Finance with respect to Section 477 of the LGA. The OCP amendments are no longer required. However, there may be other comments related to Finance, so I wanted to check in and see if you have anything for us.

There are links in the referral email below that will take you to the Connect page which provides the background on these projects. Please note that the regulation table for Secondary Dwelling Units is not up to date. Once the Board has given first and second reading to the amended bylaws the page will be updated.

If you have any questions please let me know.

Kind regards,

Christine LeFloch
Planner III, Planning Services
Development Services
Columbia Shuswap Regional District
T: 250.833.5957 | F: 250.832.3375 | TF: 1.888.248.2773
E: clefloch@csrd.bc.ca | W: www.csrd.bc.ca



**COLUMBIA SHUSWAP REGIONAL DISTRICT**

PO Box 978 SALMON ARM BC V1E 4P1
Telephone: 250.832.8194 Fax: 250.832.1083

FILE NO.

DATE RECEIVED:

OPERATIONS MANAGEMENT

Function	Comments	Reviewed By
UTILITIES		
EMERGENCY MANAGEMENT		
FIRE SERVICES		
SOLID WASTE AND RECYCLING		
PARKS AND COMMUNITY SERVICES		
ADMINISTRATION		



October 25, 2023

Ken Gobeil, Senior Planner and Christine LeFloch, Planner III
Columbia Shuswap Regional District
555 Harbourfront Drive NE, PO Box 978
Salmon Arm, BC, V1E 4P1

Sent via email: plan@csrd.bc.ca

Dear Ken Gobeil and Christine LeFloch:

Re: Electoral Areas B, C, D, E, F, G Secondary Dwelling Units and Accessory Building Projects

Thank you for the opportunity to provide comments on the Secondary Dwelling Units and Accessory Building Projects. I understand there are numerous proposed changes to nine zoning bylaws and three Official Community Plans in order to increase the opportunities for secondary dwelling units in all residential zones across most of the CSRD region. The intent is to increase the diversity of the housing stock and number/proportion of affordable dwelling units, which have been identified as needs in recent housing needs assessments. However, we know that in order to provide healthy housing options at a community level, consideration must also be given to protection from environmental hazards and location within the community. The location of housing, in particular, has a ripple effect on many other aspects of health and wellbeing in the community. We wholeheartedly support efforts to increase the number and diversity of housing units in appropriate locations while balancing the need to protect the public from sewage contamination and waterborne disease. As such, I recommend directing infill development toward settlement areas with community utility servicing (or potential for) and creating policies and processes that ensure self-sufficiency of parcels with onsite servicing.

Balancing Aspects of Healthy Housing:

Housing is a key determinant of health. The research compiled by the BC Centre for Disease Control in the [Healthy Built Environment Linkages Toolkit](#) shows housing has a significant influence on our physical and mental health, social well-being, and indirectly influences our ability to achieve what we need to live a healthy life. Healthy housing is affordable, safe from hazards, appropriate and in a location that meets our needs. In rural settings, due to typically longer travel distances and onsite servicing, the location of housing has an effect on a

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community's ability to achieve sustainability and climate change goals. Quality in rural settings includes considering water and wastewater servicing. Disease causing micro-organisms and environmental chemical contaminants, such as nitrates and phosphates, from onsite sewerage sources can/do cause negative impacts to the environment and health. As development density increases the likely cumulative impact of wastewater from onsite systems increases. Healthy housing in rural settings in large part is about balancing the density of development.

We advocate the most appropriate location for increasing development density is toward areas, which are serviced by community water and/or wastewater systems, or for which there are plans or visioning for community services. As density increases community systems become most appropriate for servicing, and to be feasible they need to reach adequate economies of scale. Guiding development toward clusters of development (settlement areas) will help to achieve necessary economies of scale. In addition, when housing is located near daily destinations and amenities (e.g. schools, workplaces and food retail/commercial areas) transportation costs are less, and less greenhouse gas is emitted for daily travel.

The CSRD Electoral Area F (North Shuswap) OCP is a good healthy planning practice example of a rural OCP because it includes a vision of sustainability and clustering development:

"Along the shoreline of Shuswap Lake rural landscapes will predominate, separated by village-like settlements."

In addition:

"The long-term sustainability of Shuswap Lake is vital... we are fully committed to making choices that protect the quality of the Lake...."

Directing (infill) development toward village-like settlements enables many community goals to be achieved. For example, it minimizes greenhouse gas emissions. Objective 3 in section 2.3 Climate Change suggests to "consider the impacts of climate change and greenhouse gas emissions in all land use decision-making." Less people would live in wildfire and flood interface areas, which are safety concerns. Section 11.1 General Land Use in the Managing Growth chapter summarizes this well:

"By directing growth to the Settlement Areas, there will be less impact on the rural and natural areas of the community, thereby protecting agricultural land and natural habitat, and preserving the area's highly valued rural character. This settlement pattern will also facilitate shorter vehicle trips, as well as encourage more walking, bicycling and, potentially, the introduction of public transit."

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This statement is followed-through with objective 2: “direct growth and development in an organized and desirable manner, reinforcing established settlement patterns and discouraging development outside these settled areas.” I strongly recommend following healthy public policies, such as these Area F sustainability and clustering development policies.

Wastewater Servicing:

My understanding is the changes to the Zoning bylaw would allow the following secondary dwelling units (SDU) for various parcel sizes with onsite water and wastewater servicing.

Parcel Size with Onsite Servicing	Secondary Dwelling Regulation
<0.4 ha	1 attached <u>or</u> 1 detached SDU
>0.4 ha	1 attached <u>and</u> 1 detached SDU
>20 ha	1 attached SDU per single detached dwelling

These minimum parcel sizes do not go against the BC *Sewerage System Regulation* [B.C. Reg. 326/2004] (SSR) or the BC Sewerage System Standard Practice Manual. One hectare (2.5 acres) minimum parcel size is used as a *guideline* minimum size. For most scenarios this amount of land, regardless of site constraints (e.g. amount of sewage generated, slopes, surface water, etc), is likely sufficient to maintain appropriate distances between sewage and water sources. This protects health and allows simpler, more affordable onsite sewerage systems to be constructed well into the future. The smaller the parcel size, especially in a rural neighbourhood of smaller parcel sizes, the fewer appropriate locations for sewerage dispersal fields would be available. At the time of designing and constructing a sewerage system only the *immediate needs* of the development (amount of wastewater generated by proposed house, business, etc) needs to be considered (i.e. there is no legislated requirement to ensure there is land suitable for a back-up dispersal area in the future). It is prudent to consider future sewerage needs because all systems have the potential to fail in the lifetime of the building. As parcel size goes down and/or density goes up there is greater potential for negative environmental health impacts from over-developing a lot (or multiple lots in a rural neighbourhood). Since 2006 when the 1-hectare minimum parcel size guideline came into practice, managing/ensuring the self-sufficiency of rural parcels has been less resource intensive because less technical review is required because 1-hectare is usually sufficient space.

Also of note when considering possible impacts from infill of rural parcels is that for several decades technical reviews of residential subdivision proposals have used the estimated amount of daily sewage produced by a 4-bedroom, single family residence as a standard. Adding a

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secondary and/or accessory dwelling(s) may (likely?) increase the daily amount of sewage produced to more than a 4-bedroom house, and decrease the amount of land available for a back-up sewage dispersal field (e.g. footprint of accessory dwelling and parking). Meaning, more sewage added to the system than for which it was designed, which would increase the likelihood it would malfunction and cause an immediate health hazard, and fewer options on the parcel for a replacement system to correct a health hazard.

We support achieving the right balance between reducing barriers for diverse housing units and protecting environmental health from sewage contamination. As parcel size decreases and density increases more technical review and administrative oversight is needed to ensure long-term sustainability of onsite sewerage servicing. **As such, I recommend with respect to sewage servicing the following:**

- Guide infill development more toward areas with existing or planned community drinking water and/or sewer systems, particularly those owned and operated by CSRD (good governance);
- Create policy or practices that require prior to approving any proposed new development or use technical review and confirmation of self-sufficiency of the subject parcel in terms of onsite sewerage servicing (i.e. primary *and back-up* areas); especially, any parcels less than 1-hectare in size. For example, require as development permit area or building inspection criteria a compliance inspection from an Authorized Persons under SSR which identifies/confirms a back-up area.

Absolute minimum parcel size with onsite sewerage servicing is the size needed for primary and secondary (back-up) sewerage dispersal areas taking into account all uses of the property. If the land available for a back-up dispersal field is very limited then require the identified land to be protected by a covenant that would prevent it from being used for any purpose that would prevent it from being used as a sewerage dispersal field in the future (e.g. building, swimming pool, parking, driveway – anything that compacts the soil).

Drinking Water Servicing:

The BC Drinking Water Protection Act (DWPA) applies to all water systems serving two or more connections. Despite this, Interior Health, by policy as a resource decision, generally does not engage owners of secondary rental suites and carriage homes with permitting. Note: we always investigate complaints. Regardless of whether the DWPA is administered for these very small

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water systems, the Health Hazards Regulation (HHR) requires landlords to provide potable water to tenants: Section 7 (2):

“A landlord must not rent a rental unit that is not connected to a water supply system unless the landlord can provide the tenant with a supply of potable water for domestic purposes.”

The DWPA defines potable water as “... water provided by a domestic water system that

- (a) meets the standards prescribed by regulation, and
- (b) is safe to drink and fit for domestic purposes without further treatment”.

It is well known that small water systems often are not able to provide safe, reliable drinking water. The burden of legislative requirements, which are based on what is needed to provide potable water, cause small water systems to be unsustainable. For more detailed information about the challenges faced by small water systems in providing potable water and meeting legislative requirements see [Section 7: Small Systems of PHO Report \(2015\)](#) (page 82 of pdf). In August 2013 the Union of BC Municipalities Small Water System (SWS) Working Group released [‘Recommendations for Addressing Key Small Water System Challenges’](#). Challenge #1 is about how different sizes and types of systems face different challenges, and the committee recommends:

“any changes [to SWS categories and regulatory requirements] should be... well thought-out... so that they do not inadvertently make the SWS situation worse by furthering the proliferation of unsustainable SWS....”

Challenge #3 states “the creation of new SWS should be based on their ability to be sustainable....” Further, this working group states:

“reducing regulatory oversight for SWS... may encourage the proliferation of new unsustainable SWS.... It will be critical to ensure that when a new system is created, whether through subdivision or other means, it is created based on the principles of sustainability.”

One of the recommendations for controlling the creation of small unsustainable water systems is “encourage cooperation, amalgamation or expansion of existing systems to build economies of scale within systems as an alternative to creating new systems.”

Increasing the number of housing units per parcel serviced by onsite drinking water (e.g. well or surface water source) would also increase the number of very small potentially unsustainable

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water systems that would face challenges in providing potable water. **With this in mind I recommend with respect to drinking water servicing the following:**

- Guide infill development more toward areas with community drinking water systems, particularly those owned and operated by CSRD.
- Limit multiple dwellings on the same property to properties serviced by a water system which is providing potable water. This will help to address the issues of housing, provision of safe water, and water sustainability through economies of scale.
- Create policy or practices that require prior to approving any proposed new development or use confirmation potable water will be provided.

Lastly, I wish to inform you that we are aware the Ministry of Health is currently advocating with their provincial government agency partners, including the Ministry of Housing, to address long running challenges stemming from legislation on 'micro' water systems. We are supporting this work and advocating for clarification on the goals and objectives to ensure safe, sustainable drinking water for all citizens, including in rural settings, through our involvement on the Health Authority Drinking Water Operations Work Group (provincial level working group with reps from each health authority). We are hopeful more direction from the Province will be provided soon with regards to balancing the need for housing units with the need for safe, reliable water and achieving regulatory requirements.

In conclusion, we recognize healthy housing as a very important determinant of health outcomes. Healthy housing is about affordability, suitability, quality and location. We appreciate in rural settings the already complex issue of housing is made more complex with travel distances and onsite/small system sewage and drinking water servicing. We support efforts to increase the number and diversity of housing units in appropriate locations while balancing the need to protect the public from sewage contamination and waterborne disease. The wording of the draft Zoning bylaw does not cause contravention of Provincial legislation with respect to sewerage and drinking water. Listed above are recommendations to mitigate potential health hazards for infill development serviced by onsite systems. Our main recommendation is to guide infill development toward areas that have, or plan to have, community water and/or wastewater systems, especially those owned and operated by CSRD or member municipalities.

Should you have any questions please don't hesitate to call me at 250-253-3679 or email me at anita.ely@interiorhealth.ca.

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Sincerely,

Anita Ely, BSc, BTech, CPHI(C)
Specialist Environmental Health Officer
Healthy Communities, Healthy Families

AE/ae

Resources:

BC Centre for Disease Control. Healthy Built Environment Linkages Toolkit: making the links between design, planning and health, Version 2.0. Vancouver, B.C. Provincial Health Services Authority, 2018. <http://www.bccdc.ca/health-professionals/professional-resources/healthy-built-environment-linkages-toolkit> .

Drinking Water Protection Act [SBC 2001] Chapter 9. [Drinking Water Protection Act \(gov.bc.ca\)](http://gov.bc.ca/legislation/dwpa) (See 'water supply system' definition).

Health Hazards Regulation [B.C. Reg. 216/2011]. [Health Hazards Regulation \(gov.bc.ca\)](http://gov.bc.ca/legislation/hhr) (See Section 7).

Office of the Provincial Health Officer. Progress on the Action Plan for Safe Drinking Water in British Columbia 2015. [pho-drinkingwater2015-web.pdf \(gov.bc.ca\)](http://gov.bc.ca/legislation/pho-drinkingwater2015-web.pdf). (See Section 7: Small Systems starting page 82 of pdf).

Union of BC Municipalities Small Water System Working Group. Recommendations for Addressing Key Small Water System Challenges (August 2013). [Microsoft Word - UBCM Recommendations Paper Track Changes Dec 8.doc](#)

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COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1

Staff Contact: Christine LeFloch (clefloch@csrd.bc.ca,
Ken Gobeil plan@csrd.bc.ca

FILE: Secondary
Dwelling Units and
Accessory Buildings

DATE: May 1, 2023

REFERRAL RESPONSE

RECOMMENDATION:

Please check one. Where indicated or required, please explain your answer below.

☐ Approval recommended for reasons outlined below

☐ Interests unaffected by bylaw

☒ Approval recommended subject to conditions below

☐ Approval not recommended due to reasons outlined below

☐ No objections

RESPONSE TEXT:

The Rocky Mountain District of MOTI has interests in the second phase involving Revelstoke. Before this phase is ready to be launched the ministry would require a chance to look at the areas in depth to see if the current infrastructure will support the additional traffic.

Signed By: Debbie Keely

Title Development Officer

Date: May 30, 2023 Agency: Ministry of Transportation Infrastructure, Rocky Mtn District

From: [Christine LeFloch](#)
To: [Christine LeFloch](#)
Subject: FW: Secondary Dwelling Units and Accessory Buildings Project
Date: January 17, 2024 11:54:15 AM
Attachments: [image001.png](#)

From: Keely, Debra MOTI:EX <Debra.Keely@gov.bc.ca>
Sent: Wednesday, January 17, 2024 11:45 AM
To: Christine LeFloch <CLeFloch@csrd.bc.ca>
Cc: Ken Gobeil <KGobeil@csrd.bc.ca>
Subject: RE: Secondary Dwelling Units and Accessory Buildings Project

Hi Christine.

Thank you for this opportunity to look this over.

The ministry is happy to see the section detailing the number of off-street parking for additional SDUs. This will help to stem some of the road congestion that would magnify the already crowded road system in Revelstoke.

I look forward to seeing the bylaw after third reading in spring.

Debbie Keely

Development Services Officer

Rocky Mountain District

Debra.Keely@gov.bc.ca



Ministry of
Transportation
and Infrastructure



**COLUMBIA SHUSWAP
REGIONAL DISTRICT**

MINUTES

**Electoral Area B
Advisory Planning Commission**

DATE: Wednesday, May 17, 2023
TIME: 12:00 noon
PLACE: Revelstoke Community Centre
Boulder Room, 600 Campbell Ave
Revelstoke, BC

Members Present:

Brian Gadbois:	Chair
Jim Maitre:	Member
Mike Cummings	Member
Daren Corneliusen	Member
Janis Hooge	Secretary

CSRD Representatives Present:

Ken Gobeil	Senior Planner
Christine LeFloch	Planner III

Guests

Brian Gawiuk	CSRD resident
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Call to Order: 12:04pm

1. Secondary Dwelling Units: Presentation from Christine LeFloch

Secondary Dwelling Units: [Information Webpage](#)

Summary:

- CSRD-wide initiative based on the Housing Needs Assessment that was required by the provincial government; aimed at creating more housing units to help address the housing crisis; bylaws for phase 1 were done in March 2023 ([LINK](#))
- phase 2 will include Area B – draft bylaws have not been to the board yet; the goals are to create flexibility for extra dwellings (suites, carriage houses, discrete structures); bylaws around the CSRD vary from one area to the next and the planners are currently trying to standardize them and create more consistency from one area to the next
 - previously, secondary suites needed to be less than 90 sq metres, proposed to be up to 140 sq metres

Questions from APC:

- *question: Whether the property needs to be owner-occupied to have these additional suites? Or whether they could be used as investment properties and/or short-term rentals vs providing affordable long term rental opportunities?*
 - CL clarified that short-term rentals would not be allowed; also, that ALR regulations take precedence over policies initiated by the CSRD
- *question: Whether the extra dwelling is only allowed if primary resident is the owner;*
 - CL answered that she didn't think that there was a way to restrict this but that she would look into it.
- *question: Groundwater use for commercial accommodation?*
 - CL answered that short-term rentals are considered commercial use
- *questions: Monitoring the aquifer in the vicinity of the Airport Bench area?*
 - CL replied no, water monitoring is the jurisdiction of the province, not the CSRD; property owners are required to submit a declaration with a building permit application to 'declare' that water is sufficient.
- *Further discussion on the meaning of a declaration rather than a valid report.*
 - CL clarified that a hydrogeologist report can be a requirement during subdivision review. A drinking water permit from Interior Health is required when there are more than two dwellings on a single water system.
- *question: Affordability of long term rentals? Whether this is a cost-effective way to add extra housing given the expense of building, giving examples of staff housing projects in the city.*
 - CL replied that the Bylaw amendment is intended is to provide flexibility
- *question: Defining short term rentals?*
 - CL answer was that anything under 30 days is a short term rental; further discussion regarding the housing insecurity of seasonal rentals;
- *question: Water quality and sewage, especially for those areas that are on smaller lots, and whether it would be possible to coordinate water regulations between the CSRD and the province for the sake of maintaining the viability wells for CSRD residents?*

-CL replied that the province will be releasing new legislation in the fall that would permit up to 4 dwelling units on lots where currently only a single dwelling unit is permitted. These new regulations will likely direct the bulk of this density to areas that have existing servicing infrastructure, rather than the rural areas.

- Point made re: extra traffic, especially given the limitations on the main roadway and its location in riparian-adjacent areas where there are impacts to wildlife, especially turtles and toads, and whether this initiative is just contributing to urban sprawl; residents in this area are completely car-dependent since there is no transit available.
- Point made that there is limited parking on some parcels, which already results in spillover of vehicles onto the roadway
- Point made that rural Revelstoke values need to be communicated to the board, and that increasing revenue generating ability will only drive prices up more to the point where they are unreachable for most residents; the idea of a 'mortgage-helper' is only valid if it is the owner's primary residence rather than an investment property or a second home.
- Discussion on the adequacy of existing wells/septic systems – many of which do not meet existing, or any, septic requirements but until 2017 there were no inspection requirements for these → idea was brought up that the addition of extra dwellings would require updating the septic capacity, or for any long term rentals proposed for conversion to TUP for vacation rental or purpose built for STR use; discussion on the relevance of the water situation in Nicholson
- *Questions on the capacity of the power grid for more users, especially given the increasing demand for electric vehicles;*
-KG replied that utility companies monitor their capacity and set developer requirements/costs. BCH-(BC Hydro) reviews capacity and implications during subdivision and necessary improvements are made.
- Further discussion re: the definition of 'long term rental' in Revelstoke, where many vacationers come and stay for weeks, and vacationers would technically qualify as 'long-term' tenants
- Christine LeFloch clarified the summary of what was heard:
 - density should be concentrated in the city, where there is infrastructure.
 - concern for non-owner operation of multiple properties
- KG brought up the option for the online survey

2. Accessory Buildings: Presentation from Ken Gobeil 1:11pm

Accessory Buildings: [Information Webpage](#)

Summary:

- Area B has newer zoning bylaws, new larger maximum size for accessory buildings to accommodate dwelling units e.g. suite over garage; over a certain parcel size there would be no maximum size, as there would be less impact on the neighbours this could result in an increase in accessory building size in Area B; examples are garage, shop, etc and clarifies what portion of the attic/crawlspace would be counted as floor area; the idea of the bylaw amendment is that there is potential to use existing buildings as long as they meet requirements for accommodating a dwelling (i.e. safety

issues)

Questions from APC:

- *question about driveway regulations with extra dwellings;*
-KG replied that driveways are only reviewed during subdivision planning, but it may be something that can be included in the zoning amendments. Driveways for multiple units need to be 6m running width, and max grade is 15% for single dwellings and 12.5% for multiple dwellings.
- *Question re: retention of shade trees?*
-KG answered that a FireSmart assessment checklist is included on the development permit application.

3. New Business:

4. Adjournment: 2:00pm

CERTIFIED CORRECT

Brian Gadbois

Brian Gadbois - Chair



Scw'exmx Tribal Council (STC)

Title and Rights Stewardship

#202-2090 COUTLEE AVENUE

P.O. BOX 188, MERRITT, BC V1K 1B8

Phone (250) 378-4235 Fax (250) 378-9119

Referrals e-mail: referrals@scwexmxtribal.org

e-mail: administration@scwexmxtribal.org



June 7, 2023

TR_2023_7539

Columbia Shuswap Regional District
555 Harbourfront Drive NE
PO Box 978
Salmon Arm, BC V1E 4P1

Attn: Karen Riopel

Re: Proposed Changes to CRSD Bylaws - Secondary Dwelling Units and Accessory Buildings for Residential Properties


Dear Ms. Riopel:

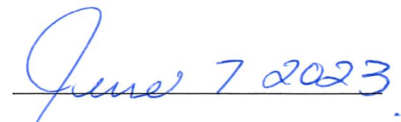
Scw'exmx Tribal Council (STC)/Title & Rights Stewardship (TRS) has received the notification for proposed changes to CSRD Bylaws for Residential Properties. STC/TRS is providing an initial response letter on behalf of STC participating member bands. STC/TRS would like to *defer* this project to the appropriate First Nations for their review and comment.

The referral process should not be understood to fulfill the province's duty to consult and accommodate, nor should our response to this referral be used to abrogate, limit, or define our Aboriginal Title or Rights.

Thank you for your participation and cooperation in this matter.

Sincerely,


Jordon Joe
Executive Director
Scw'exmx Tribal Council


Date

/SVarley

Disclaimer Clause

This response is not a legal document therefore any and all of the previous mentioned information shall only be used in an informative manner. This document is also a guideline for the client(s) and the Scw'exmx Tribal Council on behalf of the Nooaitch Band, and Shackan Band to take further action or make recommendations if necessary.

Without Prejudice Clause

This response has been prepared and submitted without prejudice to Aboriginal Title or Rights issues. It does not attempt to define or limit the Aboriginal Title or Rights of any First Nation. This report is not considered consultation for the purpose of defining or limiting the Aboriginal Title and Rights of any First Nation (Band). This report does not relinquish any part of its current or future claims to Aboriginal Title or Rights and is submitted on behalf of Nooaitch Band and Shackan Band.



SIMPCW

Project Name:

MO20200000257_MP20220000285

FN Consultation ID:

SDU/Accessory Project

Consulting Org Contact:

Karen Riopel

Consulting Organization:

[Columbia Shuswap Regional District \(CSRD\)](#)

Date Received:

Friday, May 5, 2023

SimpCW First Nation (SimpCW) acknowledges the receipt of the proposed activity submitted via Nations Connect Referrals portal located within Simpcwúlecw (SimpCW Territory).

SimpCW appreciated the opportunity to review the documents provided, which summarizes the project proposal.

During this time, Simpcw will review the documents provided as per outlined in the UNDRIP Article 23 citing "Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development." In doing so, Simpcw will conduct an internal review of the submitted proposal. Once this review has been conducted, a response will be forthcoming, outlining the necessary next steps, recommendations and other concerns required.

SimpCW exercises this right under UNDRIP Article 5 "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose."

Again, Simpcw thanks you for this opportunity to provide feedback relating to the proposal.



SIMPCW

Project Name:

MO20200000257_MP20220000285

FN Consultation ID:

SDU/Accessory Project

Consulting Org Contact:

Karen Riopel

Consulting Organization:

[Columbia Shuswap Regional District \(CSRD\)](#)

Date Received:

Friday, May 5, 2023

SimpCW First Nation (SimpCW) acknowledges the receipt of the proposed activity submitted via Nations Connect Referrals portal located within Simpcwúlecw (SimpCW Territory).

SimpCW appreciated the opportunity to review and would like to provide the final follow up statement relating to the proposed project and the final recommended mitigation strategies requested.

As per UNDRIP Article 3 "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

SimpCW exercises their right as per UNDRIP Article 11. 2 "States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs."

Moreover, Simpcw Natural Resource Department (NRD) is satisfied with MO20200000257_MP20220000285 and the collaborative work relating to their proposal and support moving forward.

This response shall not denote the fiduciary duty of the Crown, and their obligations to Simpcw with respect to ongoing Title and Rights within Simpcwúlecw for compensation for ongoing historical infringement, enfranchisement of their lands by appropriate means.

SimpCW wishes you well in your future endeavours, and thanks you for the opportunity to work with you.

Best Regards,

SIMPCW NRD



1886 Little Shuswap Lake Rd • Chase BC • V0E 1M2
tel 250.679.3203 • fax 250.679.3220

Project Name:

MO20200000257_MP20220000285

FN Consultation ID:

SDU/Accessory Projec

Consulting Org Contact:

Karen Riopel

Consulting Organization:

[Columbia Shuswap Regional District \(CSRD\)](#)

Date Received:

Friday, May 5, 2023

WITHOUT PREJUDICE*1

May 18, 2023

Attn: Karen Riopel, Columbia Shuswap Regional District (CSRD)

Weytk,

Skwłáx te Secwepemcúl'ecw is in receipt of the referral for: MO20200000257_MP20220000285.

Based upon our initial review, Skwłáx te Secwepemcúl'ecw has no objection to this project. However, Skwłáx te Secwepemcúl'ecw expects Columbia Shuswap Regional District (CSRD) to continue with consultation on the project and keep Skwłáx te Secwepemcúl'ecw apprised of developments that may affect our traditional land use and access to the area encompassed by the overall project.

Any correspondence on this referral please use Nations Connect and please upload any additional information or reports to Nations Connect.

Thank you for your cooperation and correspondence.

Kukstemc,

Skwłáx te Secwepemcúl'ecw Referrals Team

*1: Please be advised that Skwłáx te Secwepemcúl'ecw has a strong prima facie Aboriginal rights and title claim to our Traditional Territory. These rights are recognized and affirmed by section 35 of Canada's Constitution. As such, Skwłáx te Secwepemcúl'ecw is entitled to high degree of meaningful consultation and accommodation for proponents who contemplate any conduct that could infringe our constitutionally protected rights. In addition, any contemplated activities in our Traditional Territory must adhere to the principles advanced in the United Nations Declaration on the Rights of Indigenous People and British Columbia's Declaration on the Rights of Indigenous Peoples Act. Such principles include the inherent rights of Indigenous peoples and the Crown's obligation to consult and cooperate with Indigenous peoples in good faith to obtain their free, prior and informed consent before the approval of any project affecting their lands, territories and/or other resources. Further, we understand that the proponent or the government may wish to impose deadlines to complete consultation and accommodation process. This, with respect, would be unacceptable. Both the process and the end result are important. Flexible and realistic timelines can be worked out by the parties. They cannot, legitimately, be

imposed unilaterally by one of the parties.



Tk'emlúps te Secwépemc

Project Name:

MO20200000257_MP20220000285

FN Consultation ID:

SDU/Accessory Project

Consulting Org Contact:

Karen Riopel

Consulting Organization:

[Columbia Shuswap Regional District \(CSRD\)](#)

Date Received:

Friday, May 5, 2023

Weytk (Hello),

This is to confirm that SDU/Accessory Project referral package regarding "MO20200000257_MP20220000285", has been received and that an initial office review of the referral package has been completed.

The initial office review indicates that the "MO20200000257_MP20220000285" is located within the traditional territory of the Secwépemc Nation, of which is represented and shared mutually by Tk'emlúps te Secwépemc and all seventeen Secwépemc bands.

Tk'emlúps te Secwépemc wishes to notify that we are deferring all comments, technical, and field related aspects of consultation on this file to Simpcw First Nation, Skwlāx te Secwepemcúlecw (Little Shuswap), Adams Lake Indian Band, and Neskonlith Indian Bands.

Tk'emlúps te Secwépemc hold and exercise inherent aboriginal title and rights respective to our shared traditional territory within the Secwépemc Nation. Tk'emlúps te Secwépemc's expressive support for Secwépemc Band initiatives through deferral of consultation, is not to abrogate our shared interests in jurisdiction or co-management within this mutual area of traditional territory.

Regards,

Karly Gottfriedson

Permitting Specialist

Tk'emlúps te Secwépemc

Salmon Valley Land Use Amendment Bylaw No. 2565

Agency and First Nations Referral Responses



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:

BL2565 Referral Request

FN Consultation ID:

L-200630-BL2565

Consulting Org Contact:

CSRD Planning

Ken Gobeil

Consulting Organization:

[Columbia Shuswap Regional District](#)

Date Received:

Wednesday, July 8, 2020

Defer Letter

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

Attention: CSRD Planning

File Number: BL2565

We are in receipt of the above referral. The proposed activity is located within Okanagan Nation Territory. All lands and resources within the vicinity of this referral are subject to unextinguished Okanagan Nation Aboriginal Title and Rights.

The Penticton Indian Band has now had the opportunity to review the proposed activity. At this time, the Penticton Indian Band will be deferring further consultation and engagement to the Okanagan Indian Band.

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

limləmt,

Maryssa Bonneau

Referrals Administrator

P: 250-492-0411

Referrals@pib.ca

From: [Referrals at Little Shuswap](#)
To: [Marianne Mertens](#)
Cc: [Ken Gobeil](#); [Rob Hutton](#); referrals@neskonlith.net; referrals@alib.ca; [Splatsin First Nation referrals](#)
Subject: RE: BL2565 Referral Request
Date: Tuesday, June 30, 2020 1:21:09 PM
Attachments: [image010.png](#)
[image011.png](#)

Weytk,

Little Shuswap Lake Band works closely with Pespesellkwe (Splatsin, Adams Lake, Neskonlith, Shuswap) on proposed activities in our shared areas. Little Shuswap Lake Band supports any decisions that the Pespesellkwe Bands make regarding this referral.

Please forward any field assessments or reports that may be generated regarding the proposed activities.

It is difficult in these unprecedented times of COVID-19. Please keep safe, healthy, and exercise all due practices to keep isolated from the spread of this deadly virus.

Kukstsemc!

Kind regards,

Warren.

Disclaimer: LSLB Business Development reserves the right to follow up independently to address potential opportunities.

Warren Fortier

Intergovernmental Relations Manager

TERRITORIAL RESOURCE STEWARDSHIP

LITTLE SHUSWAP LAKE BAND



wfortier@lslib.com

(250) 679-3203 (ext. 148)

(250) 253-7894 (cell)

From: Marianne Mertens <mmertens@csrd.bc.ca>