

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** February 2, 2023  
**RE:** Development Variance Permit Application — Electoral Area “E” (E2022.059-DVP)

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## Administrative Recommendation:

**THAT Development Variance Permit No. E2022.059-DVP, to allow a holding tank as a method of on-site sewage disposal at 4545 Mill Road, Naramata, be approved.**

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Legal: Lot 22, Plan Kap3889, District Lot 211, SDYD Folio: E-02283.000

OCP: Low Density Residential (LR) Zone: Low Density Residential One (RS1)

Variance Request: to allow a holding tank as a method of on-site sewage disposal

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## Proposed Development:

This application is seeking a variance to the prohibition against using holding tanks as a method of on-site sewage disposal system that applies to the subject property in order to facilitate construction of a single detached dwelling.

In support of this request, the applicant has stated that:

- this variance would allow us to build a single family home...which is consistent with the neighbouring properties.
- for us to obtain Riparian Report approval there must be sufficient compensation of trees and vegetation. The property will have a net gain in trees plants and grasses.
- we are requesting the use of a holding tank because our sewerage engineer is not satisfied that we can get sufficiently treated discharge and the furthest distance the septic can be placed from the lake is 10 metres. Without the holding tank, the lot would be unbuildable.
- currently each lot has a smaller holding tank on it but we have no idea how old they are or what their condition is. This variance would bring the current systems into compliance.
- on November 1<sup>st</sup>, Interior Health issued our permits for holding tanks for each lot.

## Site Context:

The subject property is approximately 285 m<sup>2</sup> in area, is situated on the south side of Mill Road and is bounded by Okanagan Lake to the south. The property is currently developed with a small cabin. The surrounding pattern of development is characterised by residential parcels and agriculture.

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**Background:**

The property was created on July 22, 1947, while available Regional District records indicate that building permits have not previously been issued for this property. BC Assessment has classified the property as “Residential” (Class 01).

The property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) designation. It is zoned Low Density Residential One (RS1) which lists single detached dwelling as a principal permitted use.

The property is within the floodplain associated with Okanagan Lake, which requires that no building or structure be located within 7.5 metres of the natural boundary of the lake. This provision is not triggered by the current application, however any future development of this parcel will require a variance to this section of the zoning bylaw.

**Riparian Area Protection Regulation (RAPR):**

Under the *Riparian Area Protection Regulation* (RAPR), a property that is subject to undue hardship meets the riparian protection standard if the development:

- i) will not occur in the streamside protection and enhancement area, other than in a part of that area that is already an area of human disturbance, and*
- ii) will be situated and otherwise designed so as to minimize any encroachment into the Streamside Protection and Enhancement Area (SPEA).*

**Sewerage System Regulation:**

Interior Health Authority (IHA) regulates sewage disposal systems to maintain public health and safety under the Public Health Act. Under this regulation, a permit to construct a holding tank may be issued only if:

a holding tank is adequate to deal with the domestic sewage originating from the structure, and the use of the holding tank will not, if the maintenance plan is followed, cause a health hazard.

IHA requires that plans and specifications for a new holding tank must be prepared by an Authorized Person (e.g. a Registered Professional Engineer). A copy of the holding tank permit approved by IHA on November 1, 2022, has been submitted with this application, as well as copies of the supporting documents provided to Interior Health.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule ‘4’ of the Regional District’s Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on January 16, 2023. All comments received are included as a separate item on the Board’s Agenda.

**Analysis:**

Holding tanks are prohibited under the Subdivision Servicing Bylaw because they are generally not considered a sustainable method for sewage management. IHA notes that holding tanks “can be considered as a temporary measure or in situations where other systems would result in a health hazard”.

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**Riparian Regulations:**

A Qualified Environmental Professional (QEP) was retained for this project due to the parcel being located entirely within the WDP area associated with Okanagan Lake. A memo from the QEP has been submitted with this application indicating that the provincial RAPR Undue Hardship Protocol requires the applicant pursue all applicable variances from the Regional District in order to minimize encroachment into the SPEA.

**Holding Tank Approvals:**

In order to proceed with the hardship protocol, the applicant retained a Registered Professional Engineer to replace the existing holding tank on the property. A letter from the Professional Engineer has been submitted with this application recommending the use of a holding tank to address the challenges present on this site. In his professional opinion, a septic tank should not be implemented on the site as required by the RDOS bylaw because “the lake setback will only be approximately 10m to the dispersal area as opposed to the typical 30m setback required by the Health Regulation”.

The supporting documents submitted in support of this DVP include design plans sealed by the Professional Engineer and a signed pump and haul contract with Superior Septic Services Inc., which has agreed to pump up to 3000 gallons from the holding tank within 24 hours notice. The proposed holding tank has been further designed with high level alarm systems that will notify when the tank has reached 75% and 90% capacity.

IHA is not an enforcement agency, and it does not monitor the operation of holding tanks unless an issue arises and is reported. There is concern that should any issues arise with this sewage disposal system, there is potential for untreated sewage to enter the lake.

**Summary:**

The variance is seen to be appropriate to address the challenges associated with developing this site. It upholds the intent of the regulations that restrict the use of holding tanks and proper approval has been provided by the regulating authority.

The proposed variance is further seen to mitigate potential environmental impacts or health hazards. The involvement of multiple registered professionals in preparing development plans for this site is seen to be consistent with the professional reliance model used throughout the province. Administration further cautions that if the proposed variance is denied, less desirable sewage disposal methods may be required in order to develop this site.

**Alternative:**

1. That the Board deny Development Variance Permit No. E2022.059-DVP.

**Respectfully submitted**

Ben Kent  
Ben Kent, Planner I

**Endorsed by:**

  
C. Garrish, Planning Manager

**Attachments:** No. 1 – Site Photo (Google Streetview – 2012)



Attachment No. 1 – Site Photo (Google Streetview)





Attachment No. 2 – Aerial Photo





Attachment No. 3 – Aerial Photo (2017)

