

Regulating Private Utilities

Planning & Development Committee
(October 19, 2023)

Regulating Private Utilities

Background:

- Kaleden is a “Rural Growth Area” under the RGS Bylaw and the Board currently:
 - “supports extension of community sewer services to Kaleden”; and
 - supports a land use review of Kaleden “... concurrent with longer-term sewer service planning ...”
(OCP policies)



Regulating Private Utilities



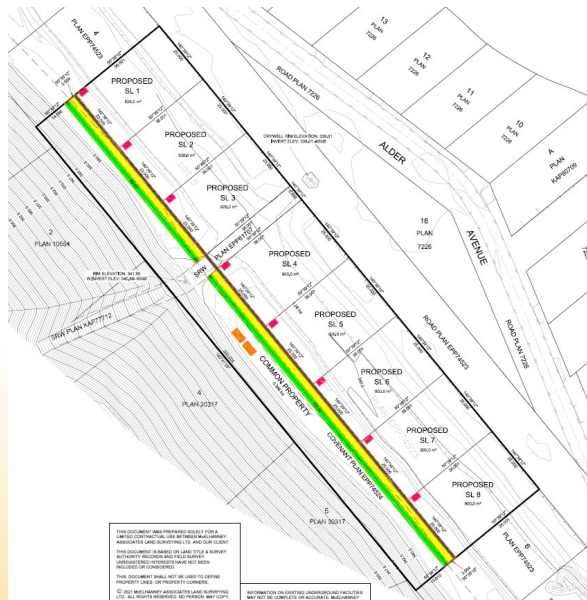
Background:

- Kaleden Sanitary Sewer Extension Project
- Referendum defeated by a vote of 91 to 65 (June 2021)

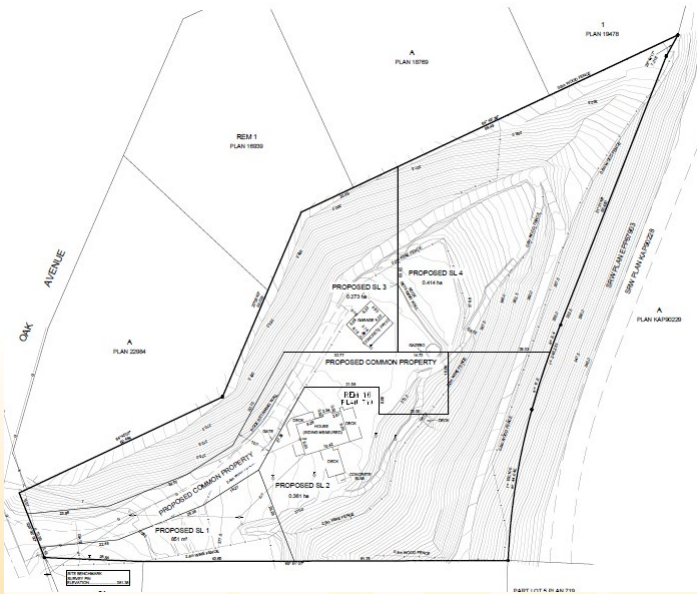
Regulating Private Utilities

Background:

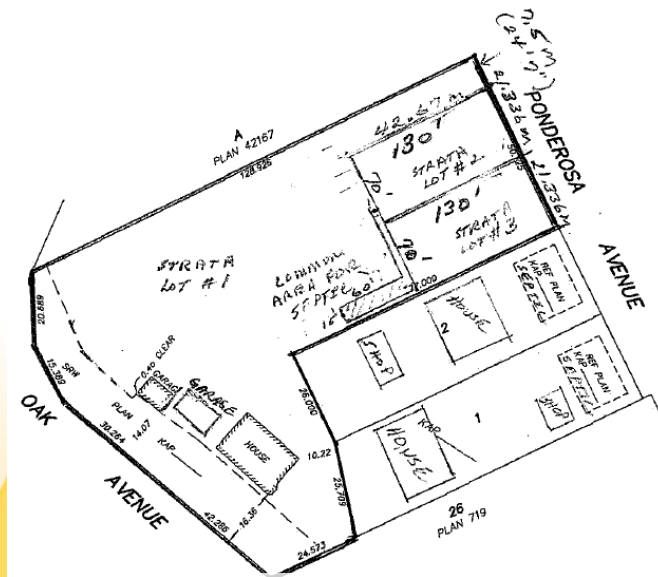
- Four (4) subdivision referrals received following referendum.
- All proposed the creation of individual strata sewer systems.



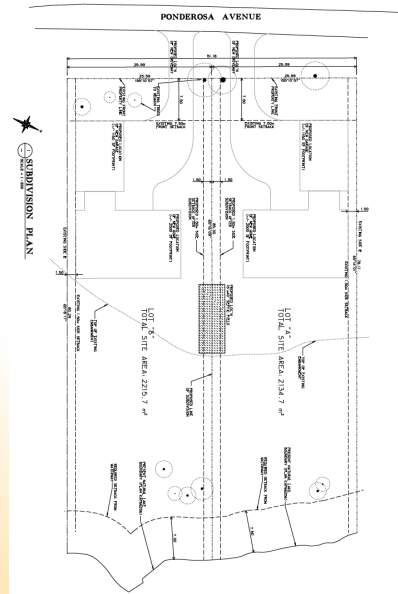
8-lot Strata



4-lot Strata



3-lot Strata



2-lot Strata

Regulating Private Utilities

Background:

- Electoral Area “I” Advisory Planning Commission (APC) resolved to recommend the following (March of 2022):

That the RDOS Board make a comprehensive review of Bareland Strata Bylaws to be performed in 2023, particularly concerning properties not serviced by sewer.

- The APCs concern is understood to be related to small lot subdivision and the creation of private sewer systems.

Regulating Private Utilities

Background:

- Administrative response to APC resolution is considered by P&D Committee of the Board in May of 2022:
 - RDOS does not have a “Bareland Strata Bylaw” to review;
 - Undertaking a zoning review is more appropriate option; and
 - Prohibiting private utilities would require more research.
- Recommended that a “Kaleden Zone Review” be considered as a strategic project in 2023.

Regulating Private Utilities

Background:

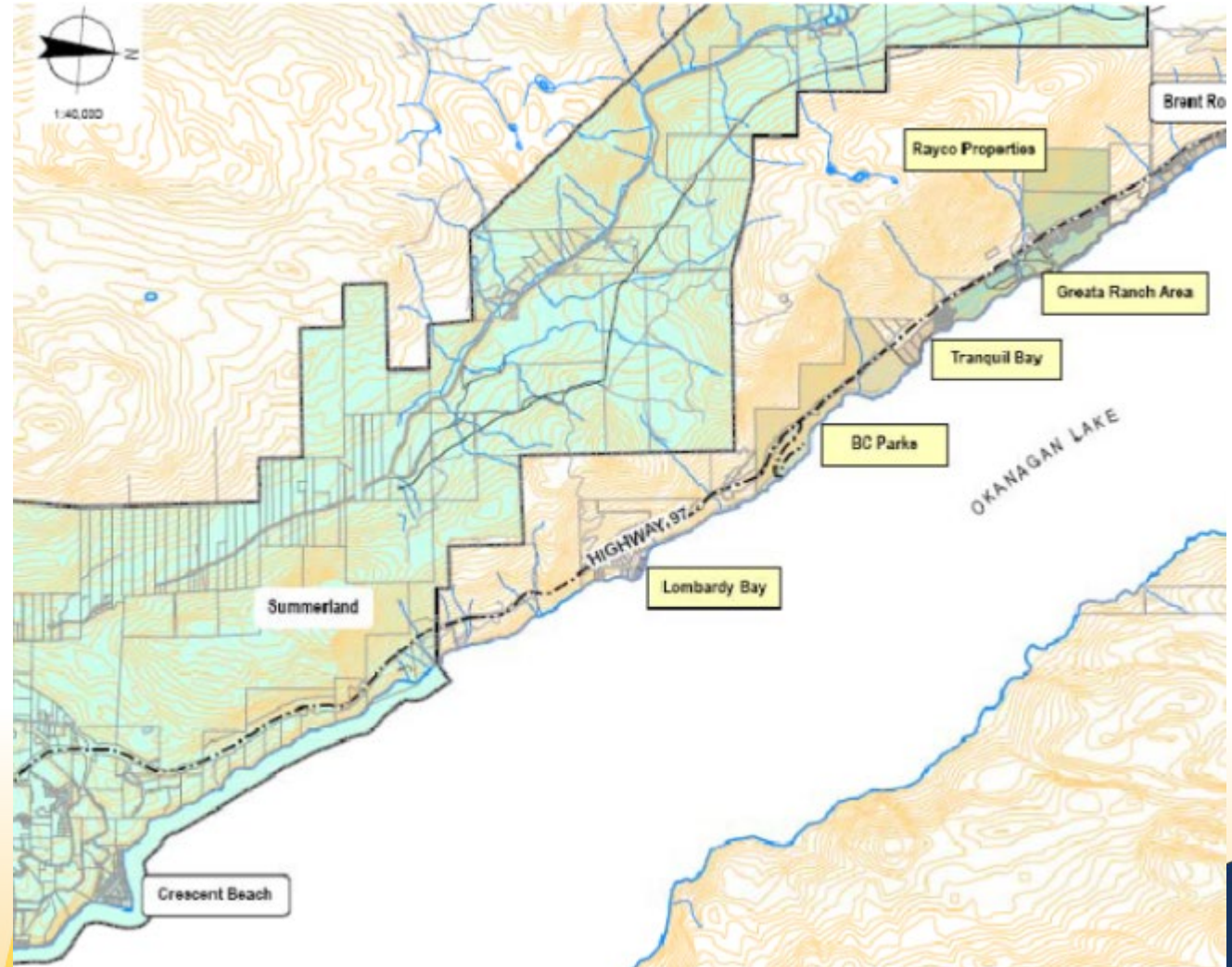
- Greata Ranch is currently a “Rural Growth Area” under the RGS Bylaw and the Board currently:
 - “Will ensure any new development in the designated Rural Growth Area provide community services pursuant to the Regional District’s Subdivision Servicing Bylaw.”
(OCP policies)



Regulating Private Utilities

Background:

- Electoral Area “F” Liquid Waste Management Plan (2009) supports an 11km sewer extension from Summerland’s sewer system to Greata Ranch.
- This options has not been acted upon.



Regulating Private Utilities



Regulating Private Utilities

Background:

- It is understood that Summerland may no longer be prepared to extend a connection from its sewer system to Greata Ranch.
- Development of Greata Ranch and adjacent properties in the growth area may proceed through the development of private utility infrastructure.
- Summerland prohibits the development of private utilities through its land use bylaws (i.e. must connect to District services).

Regulating Private Utilities

Background:

- Okanagan Basin Water Board (OBWB) employs a “1.0 ha Policy” in its grant funding criteria.
- The Policy is understood to apply to subdivisions, accessory dwellings and private utilities.
- RDOS has been deemed “somewhat compliant” with Policy due to its approach to “community sewer” and allowance of private systems.



Regulating Private Utilities

Background:

- RGS Bylaw: *Encourage publically operated utilities and discourage the establishment of private utilities and services.*
- OCP Bylaws:
 - *Discourage the development of private systems for the provision of water and sewer services. (Objective)*
 - *Strongly discourages the creation of new private community sanitary sewer utilities. (Policy)*

Regulating Private Utilities

Background:

- Zoning Bylaw: [Not regulated]
- Subdivision Servicing Bylaw:
 - *“community sewer system” means a system of sewage collection, treatment and disposal ... operated and maintained by a provincial or local government ... or a strata corporation ... or an incorporated company.*

Regulating Private Utilities

Background:

- *essential services are best provided by government, where citizens can elect representatives interested in their well-being and will operate the service in the most effective and efficient manner possible.*
- *potable water and sanitary sewerage systems are determined to be essential to a high quality of life ...*



Water and Sewer Utility Acquisition Policy

Regulating Private Utilities

Sewer dispute halts development in Heritage Hills

Struggling Skaha sewer system takes step towards Regional District ownership

The RDOS has approved up to \$150k to study the Heritage Hills systems

Sewer owner rejects claim system at risk of 'catastrophic failure'

Some areas of Sage Mesa on permanent boil water notice

Water quality advisory and notice issued for the Sage Mesa area

'It's a disgrace': Willowbrook, B.C. residents without drinking water for two years, no end in sight

Regulating Private Utilities

Statutory Authority:

The board may, by bylaw:

- make different provisions for “different standards of works and services provided”;
- “regulate and prohibit the design and installation of ... sewerage works provided by persons other than the regional district ...”; and
- “regulate and prohibit in relation to a regional district service other than a regulatory service.”



Regulating Private Utilities

Considerations:

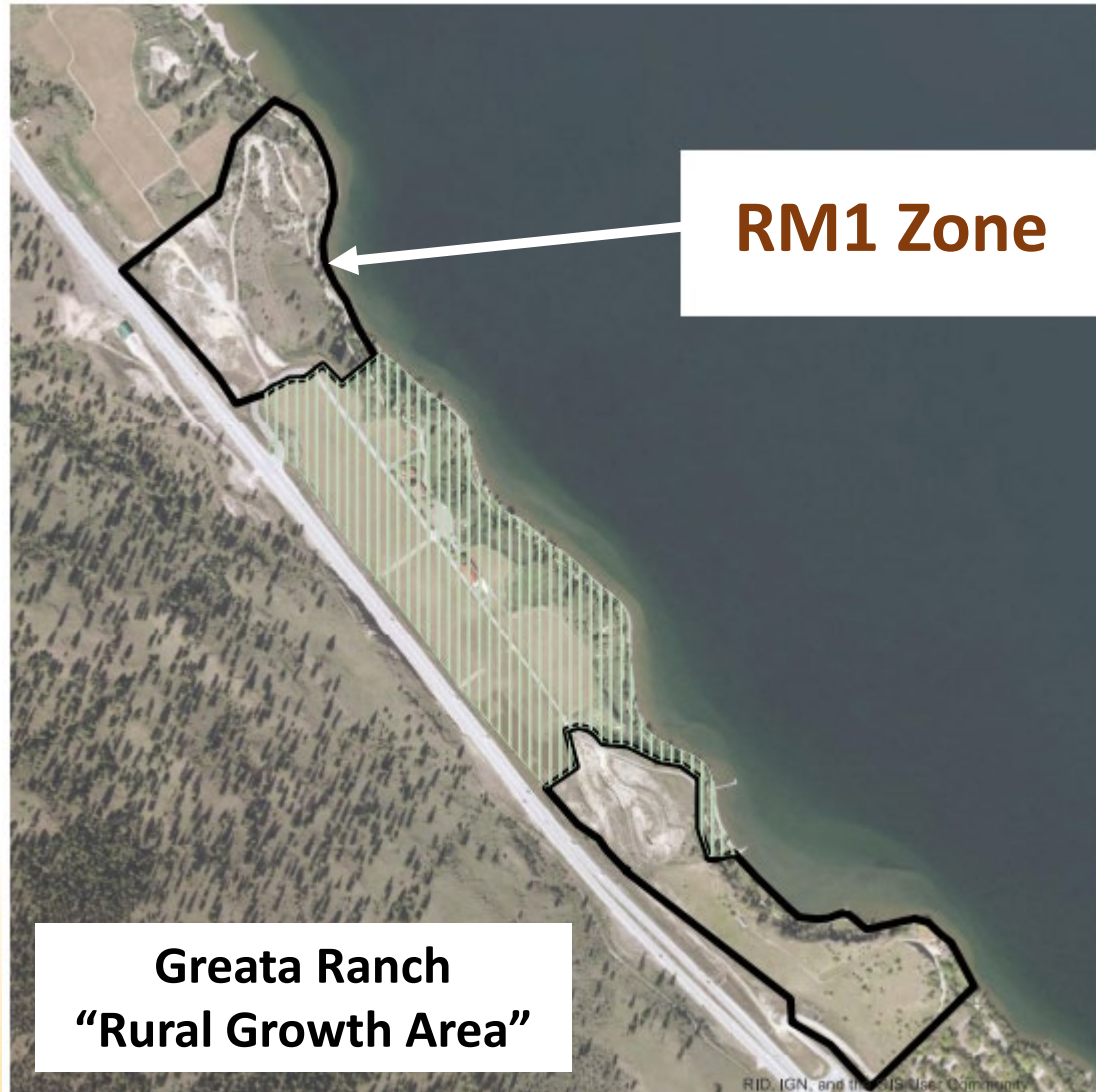
- There is seen to be a strong rationale for the Board to regulate in favour of publicly operated utility systems versus those operated by business or strata corporations or other private utilities.
- Required amendments would affect the electoral area Official Community Plans, Zoning and Subdivision Servicing bylaws.
- Principal change would be to the definitions of community water and sewer systems (i.e. prohibit private and strata systems).
- Kaleden Zone Review *may* no longer be necessary.

Regulating Private Utilities

Issues:

- Proposals to create new private utilities in future or to expand existing private systems would require Board approval (i.e. DVP).
- May result in pressure on Regional District to assume ownership of new systems in order to facilitate development.
- Criteria will likely be required to establish minimum thresholds for viability before Regional District will consider assuming ownership of a new system (i.e. must serve a minimum of 50 or 100 units, etc).

Regulating Private Utilities



Examples of existing medium density zoning that will require community water and sewer to be developed.

Regulating Private Utilities

Next Steps:

- Direction will inform drafting of new Subdivision Servicing Bylaw.
- If supported, proposed to run amendments separate from new Subdivision Servicing Bylaw due to OCP component and requirement for “early and on-going” consultations.
- Public Engagement in Q4 2023, and present feedback to P&D Committee in Q1 2024 and seek further direction.

Regulating Private Utilities

Questions?