



Your File #: X2024.001-
 ZONE (SSMUH)
eDAS File #: 2024-02019
Date: April 24, 2024

Regional District Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

Re: Proposed Text Amendment Bylaw 2800.37, 2024 & 2781.01, 2024

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Penticton Development Services at (250) 712-3660.

Yours truly,

Rob Bitte
Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231

Lauri Feindell

Subject: FW: Bylaw Referral (Project No. X2024.001-ZONE)

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: April 30, 2024 3:57 PM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: RE: Bylaw Referral (Project No. X2024.001-ZONE)

You don't often get email from alc.referrals@gov.bc.ca. [Learn why this is important](#)

Hello Lauri,

I hope you're doing well. We appreciate the opportunity to review and provide comments on the RDOS bylaw; however, given the current workload at the Commission, would it be possible for the ALC to get an extension to comment on the RDOS Small-Scale Multi-Unit Housing Bylaw to May 24th?

Thank you,



Claire Buchanan, MRM (she/her)
Regional Planner – Okanagan & Interior | Agricultural Land Commissioner
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 236.468.2034
claire.buchanan@gov.bc.ca | www.alc.gov.bc.ca

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May 17, 2024

Christopher Garrish,
Senior Manager of Planning
Regional District of Okanagan-Similkameen
101 Martin Street,
Penticton, BC, V2A 5J9

Sent via email: planning@rdos.bc.ca

Dear Christopher Garrish:

**Re: OCP and Zoning Amendments to implement the requirements of Provincial Bill 44
Housing Statutes (Residential Development) Amendment Act**

File: X2024.001-ZONE for Bylaws 3062, 2781.01, 2800.37

File: H2024.005-ZONE for Bylaw 3065

Thank you for the opportunity to provide comments on the above named OCP and Zoning amendments to achieve compliance with the new Small Scale Multi-Unit Housing legislation. 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 commend the RDOS policies which direct infill development toward settlement areas with community utility servicing (or potential for). I recommend and support policies and processes that ensure self-sufficiency of parcels with onsite servicing.

Balancing Aspects of Healthy Housing:

Healthy housing is affordable, safe from hazards, appropriate and in a location that meets our needs. In rural settings, due to longer travel distances and onsite servicing, the location of housing can have a significant effect on a 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 in areas 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. Guiding

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.



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 commercial areas) transportation costs are less, and less greenhouse gas is emitted for daily travel.

Wastewater Servicing:

My understanding is that secondary suites would only be permitted on all parcels less than 1 hectare if the sewerage system for the secondary suite is the same as the one servicing the principal dwelling or the parcel is connected to community sewer system. Similarly, an accessory dwelling would only be permitted on parcels less than 1-hectare if the parcel is connected to a community sewer system, unless the parcel is zoned Commercial, Tourist Commercial or Industrial, then an accessory dwelling is permitted as long as there is no other dwelling. Small Holding 1, 2 and 3 Zones allow up to 3 dwellings (principal + secondary + accessory) on parcels ≤ 1 -hectare subject to subdivision requirements, which is only if connected to community sewer. However, I am unclear if/how the subdivision requirements would apply to existing lots ≤ 1 hectare.

The proposed minimum parcel sizes and density proposed in all the above named draft Bylaws do not go against the *BC Sewerage System Regulation* [B.C. Reg. 326/2004] (SSR) or the *BC Sewerage System Standard Practice Manual*. However, in terms of onsite servicing, it seems to me the way the policies are currently written, which is based on whether or not a parcel can connect to community sewer or meets minimum parcel size, would limit communities' flexibility for achieving a balance between increasing number of housing units and environmental public health protection. In some cases due to natural characteristics of the land, 1-hectare would not be large enough to ensure a self-sufficient parcel. In other cases, it would be more than needed, for example if the parcel is connected to a community water system. For this reason, I recommend including provisions in the bylaw that confirm land for future sewerage needs because all systems have the potential to fail in the lifetime of the building. This would ensure longterm self-sufficiency of parcels serviced by sewerage systems.

One-hectare (2.5 acres) has been used as a *guideline* minimum size for parcels serviced by both onsite water and sewerage because regardless of site constraints (e.g. slopes, soil conditions, depth and distance to ground and surface water, etc), this size is *likely* sufficient to maintain appropriate distances between sewage and water sources. If servicing consists of community water and onsite sewerage then 0.2-ha (0.5 acres) has been the guideline minimum parcel size used. These minimum parcel sizes protect health and allow simpler, more affordable sewerage systems to be constructed well into the future. As parcel size decreases and/or density increases there is greater potential for negative environmental health impacts from over-developing. In terms of the *BC Sewerage System Regulation* and *Standard Practices Manual*, only the *immediate needs* of the development must be considered (i.e. there is no legislated requirement to ensure there is land suitable for a back-up dispersal area in the future at time of development). This is the reason it is important

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to include healthy public policies, such as the above guideline minimum parcel sizes and provisions that confirm land for back-up sewerage dispersal fields.

Also of note when considering infill of existing 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 second dwelling or more would likely increase the daily amount of sewage produced to more than a 4-bedroom house, and possibly also decrease the amount of land available for a back-up sewerage dispersal field (i.e. from footprint of accessory dwelling and parking). Meaning, more sewage added to the property than for which it was originally sized. In the event of a malfunction there would be fewer options on the parcel for a replacement system to correct a health hazard.

We support achieving the right balance between more 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. **As such, I recommend with respect to onsite sewage servicing** creating policies and/or practices that require technical review and confirmation of self-sufficiency (i.e. primary and back-up areas); especially, for any parcels less than 1-hectare in size. The absolute minimum parcel size with onsite sewerage servicing should be the size needed for primary and back-up sewerage dispersal areas for all uses of the property; of course larger is better. Further, If the land available for a back-up dispersal field is limited then I recommend requiring a covenant to protect identified land from being used for any purpose that would prevent it from being used for sewerage in the future (e.g. building, swimming pool, parking, driveway – anything that compacts the soil).

For example, the Columbia Shuswap Regional District (CSRD) [Secondary Dwelling Units – Proposed Zoning Amendments](#) (scroll down to “Proposed General Regulations for SDUs) includes the following wording:

“(d) be serviced by an on-site sewerage disposal system in accordance with the Sewerage System Regulations of the Public Health Act and it must be demonstrated that there is a suitable back up field area on the *parcel* unless a *community sewer system* is available in which case connection to the *community sewer system* is required. For lots less than 1 ha the back up field area is required to be protected by a Section 219 covenant.”

Drinking Water Servicing:

The BC *Drinking Water Protection Act* (DWPA) applies to all water systems serving two or more connections. The DWPA does not apply to secondary suites within principal dwelling, but it does apply to principal + accessory dwelling(s)). Despite this, Interior Health, by policy as a resource decision, generally does not issue permits for water systems servicing two connections on one parcel. Note: we always investigate complaints and three connections would require permits. Regardless of whether the DWPA is

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administered for these very small water systems, the *BC 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. In August 2013 the Union of BC Municipalities Small Water System (SWS) Working Group released [‘Recommendations for Addressing Key Small Water System Challenges’](#), and 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 may also increase the number and size of small water systems, which has the potential to increase the number of people exposed to poorer drinking water quality. 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 RDOS.
- Limit multiple dwellings (more than 2 connections/buildings) on the same property to properties serviced by a community water system which is providing potable water.
- Create policy or practices that require prior to approving any proposed new development or use confirmation potable water will be provided, especially for rental dwelling units. Again, the following is example wording from the CSRD [Secondary Dwelling Units – Proposed Zoning Amendments](#):

“(e) be serviced with potable water from either a domestic water system or a community water system”.

In conclusion, healthy housing is about affordability, suitability, quality and location. We appreciate in rural settings onsite servicing adds to the complexity of housing. 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 in these draft bylaws does not contravene Provincial sewerage and drinking water legislation. My main recommendation is to guide infill development toward areas that have, or plan to have, community water and/or wastewater systems. For areas with only onsite services I recommend larger minimum parcel sizes (e.g. >1-hectare), and for all parcels provisions

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Interior Health

that confirm longterm sustainability of wastewater servicing (land area for back-up sewage fields). Lastly, I strongly encourage policies that emphasize the need/importance of potable water, especially for tenants.

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

Sincerely,

A handwritten signature in black ink that reads "A. Ely".

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

AE/ae

Resources:

Columbia Shuswap Regional District webpage about Secondary Dwelling Units – Proposed Zoning Amendments. [Columbia Shuswap Regional District: Secondary Dwelling Units - Proposed Zoning Amendments \(civilspace.io\)](#) (scroll to “Proposed General Regulations for SDUs”).

Drinking Water Protection Act [SBC 2001] Chapter 9. [Drinking Water Protection Act \(gov.bc.ca\)](#) (See ‘water supply system’ definition).

Health Hazards Regulation [B.C. Reg. 216/2011]. [Health Hazards Regulation \(gov.bc.ca\)](#) (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 \(gov.bc.ca\)](#). (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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RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 3062, 2781.01 & 2800.37

- Approval Recommended for Reasons Outlined Below
- Interests Unaffected by Bylaw
- Approval Recommended Subject to Conditions Below
- Approval Not Recommended Due to Reasons Outlined Below

Re: FILE NO. X2024.001 -ZONE, AMENDMENT TO BYLAWS 3062, 2781-01 & 2800.37

APPROVAL NOT RECOMMENDED DUE TO THE REASONS OUTLINED BELOW:

The Board of Trustees wishes to advise that these amendments would place substantial increase in demand for water to our system. The District does not have the capabilities to support this proposed density increase due to provincial policy not to fund any infrastructure projects of improvement districts.

If the Province wishes local governments to implement these changes then they must also consider the impact to local taxpayers, and must also consider financial support to expand existing infrastructure to support this type of density increase, and demand to our systems.

We are presently denying any requests for additional water from our system. The Province is asking us to implement conservation of our water resources on the one hand, and yet this policy will require a substantial increase in demand to the same resources.

This bylaw will give residents the false illusion that additional density will be available within our district when in fact any increase that requires additional water resources is not available at the present time.

We would recommend that zoning within our district boundaries remain the same, until the Province provides funding to address the demands this zoning will place on our infrastructure and our ability to conserve our water resources.

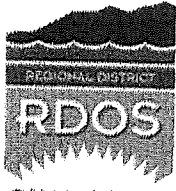
Agency: KEREMEOS IRRIGATION DISTRICT

Prepared By: Cheryl E. Narla

Title: Financial/Corporate Administrator

Date: May 15, 2024

Cheryl E. Narla



Bylaw Referral

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 / Email: planning@rdos.bc.ca

OFFICE USE ONLY

Date: April 17, 2024

Bylaw: 3062, 2781.01 & 2800.37

File: X2024.001-ZONE

You are requested to comment on the attached bylaw for potential effect on your agency's interests. We would appreciate your response **WITHIN 30 DAYS**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

Please email your reply to planning@rdos.bc.ca by **May 17, 2024**.

PURPOSE OF THE BYLAWS: The Regional District is initiating a series of amendments to its Official Community Plan (OCP) and Zoning bylaws in order to ensure compliance with recently adopted amendments to the *Local Government Act* related to Small-Scale Multi-Unit Housing (SSMUH).

LEGAL DESCRIPTION: Not applicable

CIVIC ADDRESS: Not applicable

PID: Not applicable

AREA OF PROPERTY AFFECTED:	ALR STATUS:	OCP DESIGNATION:	ZONING DISTRICT:
Not applicable	[partially]	Not applicable	Not applicable

OTHER INFORMATION: The Regional District is statutorily required to ensure that its OCP and Zoning bylaws comply with the "small-scale multi-family housing" provisions found at Section 481.3 of the *Local Government Act* by **June 30, 2024**.

Additional information, including "clean" and "annotated" versions of OCP Amendment Bylaw No. 3062, Zoning Amendment Bylaw Nos. 2781.01 and 2800.37 as well as staff reports and other supporting documentation are available on the Regional District's website: <https://www.rdos.bc.ca/development-services/planning/strategic-projects/ssmuh>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected" no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this bylaw.

Christopher Garrish MCIP, RPP
Senior Manager of Planning

Agency Referral List

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Agricultural Land Commission (ALC) | <input checked="" type="checkbox"/> Keremeos Irrigation District | <input checked="" type="checkbox"/> School District No. 53 |
| <input checked="" type="checkbox"/> Interior Health Authority (IHA) | <input checked="" type="checkbox"/> Kaleden Irrigation District | <input checked="" type="checkbox"/> School District No. 58 |
| <input checked="" type="checkbox"/> Ministry of Agriculture | <input checked="" type="checkbox"/> Vaseux Lake Irrigation District | <input checked="" type="checkbox"/> School District NO. 67 |
| <input checked="" type="checkbox"/> Penticton Indian Band (PIB) | <input checked="" type="checkbox"/> Lower Similkameen Indian Band | <input checked="" type="checkbox"/> Apex Mountain Resort |
| <input checked="" type="checkbox"/> Osoyoos Indian Band (OIB) | <input checked="" type="checkbox"/> Upper Similkameen Indian Band | |
| | <input checked="" type="checkbox"/> Ministry of Transportation and Infrastructure | |

Lauri Feindell

From: Penticton Indian Band Natural Resources Department <no-reply-snpinktn@knowledgekeeper.ca>
Sent: April 19, 2024 2:23 PM
To: Planning
Subject: X2024.001-ZONE (Small-Scale Multi-Unit Housing Amendments)
Attachments: consultation-response-84233-z-240419-x2024001-zone-20240419-1422.pdf

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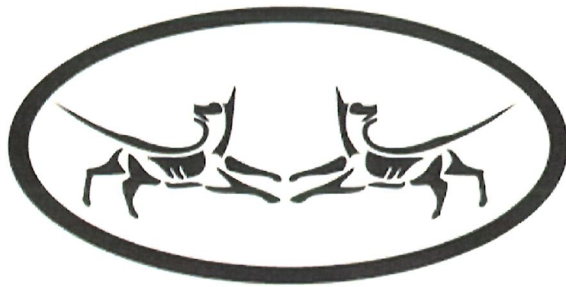
Hello Planning RDOS,

The proposed project falls within the Okanagan/syilx territory and the Penticton Indian Band's area of responsibility. All lands and resources within the vicinity of this referral are subject to unextinguished Okanagan/syilx Nation Aboriginal Title and Rights.

Please review attached letter.

Please do not reply to this email message. Replies to this message will not be received as this is a no-reply email address. Please contact me at:

Madison Terbasket
Interim Referrals Coordinator
Penticton Indian Band
Natural Resources
email: mterbasket@pib.ca
office: 250-492-0411 Ext: 241
address: 841 Westhills Drive
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:

X2024.001-ZONE (Small-Scale Multi-Unit Housing Amendments)

FN Consultation ID:

Z-240419-X2024.001-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, April 18, 2024

April 19, 2024

WITHOUT PREJUDICE

Attention: Planning RDOS

File number: X2024.001-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was received on 2024-04-18.

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, snpink'tn (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.

siylx (Okanagan Nation) Title includes snpink'tn right to proactively use and manage our resources. In Tsilhqot'in, the Supreme Court of Canada emphasizes the need to seek the consent of the title-holding Aboriginal group, and warns, without consent for a project, the proponent risks having the project cancelled. The obligation to seek free, prior and informed consent is further required by the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP requires that Indigenous peoples shall be consulted and cooperated with in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Please note that not receiving a response regarding a referral from snpink'tn in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Respectfully,

Madison Terbasket

Referrals Coordinator

Lauri Feindell

From: Penticton Indian Band Natural Resources Department <no-reply-snpinktn@knowledgekeeper.ca>
Sent: April 19, 2024 2:23 PM
To: Planning
Subject: X2024.001-ZONE (Small-Scale Multi-Unit Housing Amendments)
Attachments: consultation-response-84233-z-240419-x2024001-zone-20240419-1422.pdf

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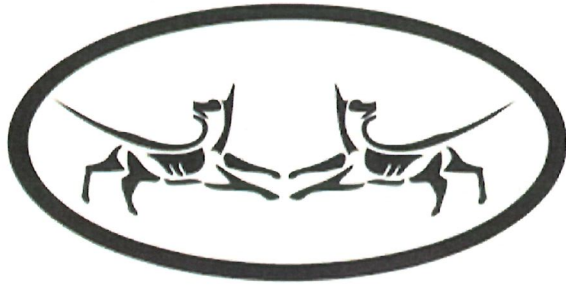
Hello Planning RDOS,

The proposed project falls within the Okanagan/syilx territory and the Penticton Indian Band's area of responsibility. All lands and resources within the vicinity of this referral are subject to unextinguished Okanagan/syilx Nation Aboriginal Title and Rights.

Please review attached letter.

Please do not reply to this email message. Replies to this message will not be received as this is a no-reply email address. Please contact me at:

Madison Terbasket
Interim Referrals Coordinator
Penticton Indian Band
Natural Resources
email: mterbasket@pib.ca
office: 250-492-0411 Ext: 241
address: 841 Westhills Drive
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:

X2024.001-ZONE (Small-Scale Multi-Unit Housing Amendments)

FN Consultation ID:

Z-240419-X2024.001-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Thursday, April 18, 2024

File number:

X2024.001-ZONE

April 19, 2024

WITHOUT PREJUDICE

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: Z-240419-X2024.001-ZONE

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

We accept cash and cheque via mailing as well as EMT. Our mailing address is 841 Westhills Drive Penticton BC, V2A 0E8. Our EMT is PIBPayments@pib.ca.

Please have 'ATTN: Natural Resources File # [insert referral number] PC:132 ' in the notes if you are using EMT or if you are using another method, please supply the referral number with it .

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.

limlæmt,

Madison Terbasket
Interim Referrals Coordinator
Penticton Indian Band
Natural Resources
email: mterbasket@pib.ca
office: 250-492-0411
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8



May 31, 2024

Christopher Garrish,
Senior Manager of Planning
Regional District of Okanagan-Similkameen
101 Martin Street,
Penticton, BC, V2A 5J9

Sent via email: planning@rdos.bc.ca

Dear Christopher Garrish:

**Re: OCP and Zoning Amendments to implement the requirements of Provincial Bill 44
Housing Statutes (Residential Development) Amendment Act**

File: X2024.001-ZONE for Bylaws 3062, 2781.01, 2800.37

File: H2024.005-ZONE for Bylaw 3065

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Balancing Aspects of Healthy Housing:

Healthy housing is affordable, safe from hazards, appropriate and in a location that meets our needs. 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.

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The proposed minimum parcel sizes and density proposed in all the above named draft Bylaws do not go against the BC *Sewerage System Regulation* [B.C. Reg. 326/2004]. One-hectare has been used as a *guideline* minimum size at time of subdivision for parcels serviced by both onsite water and sewerage because regardless of site constraints (e.g. slopes, soil conditions, depth and distance to ground and surface water, etc). This size is *likely* sufficient to maintain appropriate distances between sewage and water sources.

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Considering the estimated amount of sewage produced by a 4-bedroom, single-family residence has been standard practice for a long time when completing a technical review of proposed subdivision applications. Adding another dwelling to an existing parcel may increase the amount of sewage produced to more than the parcel was originally sized. As density increases there is greater potential for negative environmental health impacts from over-developing. In terms of the *BC Sewerage System Regulation* and *Standard Practices Manual*, only the *immediate needs* of the development must be considered (i.e. at time of new development, such as addition of secondary dwelling unit, there is no legislated requirement to ensure there is land suitable for a back-up dispersal area if/when the existing system is were to fail.)

We support achieving the right balance between more housing units and protecting environmental health from sewage contamination. The 1-hectare minimum parcel size protects health and the environment, and allows simpler, more affordable sewerage systems to be constructed. Since *Sewerage System Regulation* requirements do not consider long-term sustainability, I recommend requiring back-up sewerage dispersal areas for all uses of the property be identified.

Drinking Water Servicing:

The *BC Drinking Water Protection Act* (DWPA) applies to all water systems serving two or more connections. The DWPA does not apply to secondary suites within principal dwelling, but it does apply to principal + accessory dwelling(s)). Despite this, Interior Health, by policy as a resource decision, generally does not issue permits for water systems servicing two connections on one parcel. Note: we always investigate complaints and three connections would require permits. Regardless of whether the DWPA is administered for these very small water systems, the *BC Health Hazards Regulation* (HHR) requires landlords to provide potable water to tenants (see [Section 7 \(2\)](#)). It is well known that small water systems often are not able to provide safe, reliable drinking water. Increasing the number of housing units per parcel may also increase the number of (very) small water systems, which would increase the number of people exposed to poorer drinking water quality.

With all of this in mind I recommend with respect to drinking water servicing the following:

- Limit multiple dwellings (more than 2 buildings) on the same property to properties serviced by a community water system which is providing potable water.
- Require any proposed new development confirm potable water will be provided, especially for rental dwelling units.

In conclusion, healthy housing is about affordability, suitability, quality and location. We appreciate in rural settings onsite servicing adds to the complexity of housing. We support efforts to increase the number and diversity of housing units in appropriate locations while balancing the need to protect the public from

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sewage contamination and waterborne disease. The wording in these draft bylaws does not contravene Provincial sewerage and drinking water legislation. My main recommendation is to guide infill development toward areas that have, or plan to have, community water and/or wastewater systems. For areas with only onsite services I recommend parcel sizes larger than >1-hectare, and for all parcels provisions that confirm land area for back-up sewage fields for all uses. Lastly, I strongly encourage policies that emphasize the need/importance of potable water, especially for tenants.

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

Sincerely,

A handwritten signature in black ink that reads "A. Ely".

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

AE/ae

Resources:

Drinking Water Protection Act [SBC 2001] Chapter 9. [Drinking Water Protection Act \(gov.bc.ca\)](#) (See 'water supply system' definition).

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

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