



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 26, 2022

ALC Inquiry: 52554

Michael Borair
DELIVERED ELECTRONICALLY
mborair@gmail.com

Dear Property owner,

RE: 9418 Highway 97, Osoyoos

This letter is further to correspondence, received by electronic mail on October 14, 2022, from Michael Borair. The purpose of the correspondence was to confirm whether section 23(1) of the *Agricultural Land Commission Act* (ALCA) applies to the property. Section 23(1) of the ALCA states:

Exceptions

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act*, R.S.B.C. 1960, c. 208, less than 2 acres in area.

Where applicable, section 23(1) of the ALCA provides an exception from the restrictions on the use of agricultural land set out in the ALCA and its regulations (the Agricultural Land Reserve Use Regulation and Agricultural Land Reserve General Regulation), such as the restrictions on non-adhering residential use, non-farm use, and soil and fill use.

The section 23(1) of the ALCA exception is limited and does not provide a general exemption from the ALCA or its regulations. The land remains within the Agricultural Land Reserve (the “ALR”) and the ALR notation remains on the certificate of title. For example, the exception does not apply to the ALCA’s restriction on subdivision of land in the ALR.

The Agricultural Land Commission (the “ALC”) has confirmed that the section 23(1) exception to restrictions on the use of agricultural land applies to the property based on our review of the facts:

1. Currently, the property is legally described as:
PID: 008-713-421
Lot 1 District Lot 2450S Similkameen Division Yale District Plan 16080;
2. On December 21, 1972, the property was legally described as:
Lot One, District Lot Two Thousand Four Hundred and Fifty “S”, Similkameen Division Yale District, Plane Sixteen Thousand and Eighty;
3. The subdivision plan (Plan KAP16080) which created the property was deposited at the Kamloops Land Registry Office on March 1, 1966;

4. Certificate of Title No. 276826F existed from March 28, 1966 until cancelled on January 14, 1975. During this period of time the property was the only property identified on said Certificate of Title No. 276826F; and
5. The subdivision plan (Plan KAP16080), deposited on March 1, 1966, shows the property was surveyed at 0.395 acres in size.

As stated above, the property remains in the Agricultural Land Reserve and is otherwise subject to the ALCA and its regulations

Please be advised that this does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Please note that this confirmation of "exception" from the restrictions on the use of agricultural land in the ALCA and its regulations does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment or compel a local government to re-designate or re-zone the property for non-agricultural uses. The ALC recommends that the local government exercise its authority to refuse to authorize incompatible uses on excepted parcels, or to minimize their impact on adjoining farmland as per advice provided in Ministry of Agriculture's [Guide to Edge Planning](#). Any future advice provided to the local government by the ALC as part of bylaw referral process, further described in the [ALC Bylaw Reviews: A Guide for Local Governments](#), will confirm the ALC's mandate to preserve farmland and maintain the integrity of the A.L.R.

Please direct further correspondence with respect to this letter to ALC.Okanagan@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Kim Grout, ALC Chief Executive Officer

cc: Town of Osoyoos

52554m1

Lauri Feindell

From: eDAS@gov.bc.ca
Sent: July 27, 2023 9:06 AM
To: Planning
Subject: Applicant Notification - File #2023-03392 (Task Id: 25344554)

Follow Up Flag: Follow up
Flag Status: Flagged

Date: 2023-Jul-27

Hello,

The Ministry of Transportation Approval Application 2023-03392 is available for the next step and your action. You can access the file at
<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fposse.th.gov.bc.ca%2FDAP%2FDefault.aspx%3FPossePresentation%3DApprovalApplication%26PosseObjectId%3D25312469%26PossePane%3DTasks&data=05%7C01%7Csduong%40rdos.bc.ca%7C15dd7e8560b84215300008db8ebb6966%7C8460d508e22847b6bd1706a72953acea%7C0%7C0%7C638260707795693459%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=CWPIT0z1q1hfCFQjvLcbtBdJAw87VjCHfk98vZe9VZ4%3D&reserved=0>

Thank you for your referral application for this TUP at 9418 Hwy 97.

Please note that the Ministry does not have any endorsement for a TUP and therefore has no objections, however, the land owner should be made aware that any proposed access to the Ministry highway (in this case there appears to be two proposed access points) requires an access permit.

The land owner can contact our office, or submit an access permit application online here:

Application is online, you will need a Basic BCeID if you don't already have one.

Application ? right hand side ?Apply Online?

<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fposse.th.gov.bc.ca%2FDAP%2F&data=05%7C01%7Csduong%40rdos.bc.ca%7C15dd7e8560b84215300008db8ebb6966%7C8460d508e22847b6bd1706a72953acea%7C0%7C0%7C638260707795693459%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=vcnYeu2DiljuopD8Gu4G7YYj25Ghzh16Zs%2FT91TmlgE%3D&reserved=0>

Information

<https://can01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.gov.bc.ca%2Fgov%2Fcontent%2Ftransportation%2Ffunding-engagement-permits%2Fpermits%2Faccess&data=05%7C01%7Csduong%40rdos.bc.ca%7C15dd7e8560b84215300008db8ebb6966%7C8460d508e22847b6bd1706a72953acea%7C0%7C0%7C638260707795693459%7CUnknown%7CTWFpbGZsb3d8eyJWljoimC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=VuqZGL5sB2VNumMyo5HaHK3nSMC1XtGiaXPUacPaVX4%3D&reserved=0>

If you have any questions please feel free to contact me.

Sincerely,

Damian Kusiak
Development Officer
(778) 476-9007
damian.kusiak@gov.bc.ca



TUP 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:	July 7, 2023
Folio:	A-06070.005
File:	A2023.017-TUP

You are requested to comment on the attached Temporary Use Permit (TUP) 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 **August 7, 2023**.

PURPOSE OF THE TEMPORARY USE PERMIT:

This application seeks approval for a Temporary Use Permit (TUP) to allow for the retention of one (1) mobile home and three (3) recreational vehicles (RVs) for residential use, a food truck for use as a year-round food service operation, and the outdoor storage of a food truck which is mobile and operated off-site.

LEGAL DESCRIPTION: Lot 1, District Lot 2450S, SDYD, Plan 16080

CIVIC ADDRESS: 9418 Highway 97

PID: 008-713-421

AREA OF PROPERTY AFFECTED:
1,598 m²

ALR STATUS:
Yes

OCP DESIGNATION:
Commercial Tourist (CT)

ZONING DISTRICT:
Tourist Commercial (CT1)

OTHER INFORMATION:

The subject property is understood to currently contain one mobile home (unoccupied and unused), three RVs, two mobile vendors (i.e., one food truck operated on-site year-round, and one food truck operated off-site), and associated infrastructure, and accessory storage structures.

While "tourist accommodation" is a permitted principal use within the applicable CT1 Zone under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the proposed use of the mobile home and RVs as residences is not captured by this allowance.

Of the three RVs, one is used by the business operators for residential purposes in relation to the on-site food truck, one is used by a business employee for residential purposes in relation to the mobile food truck, and one is used primarily for business-related storage and occasionally for residential purposes by family members of the business operators. The Zoning Bylaw prohibits the use of RVs for residential purposes.

Additionally, while "accessory dwelling" is a permitted accessory use, the mobile home is not seen to be accessory to any principal use on the property and mobile homes are only permitted as an accessory dwelling on parcels greater than 4.0 ha.

The Zoning Bylaw permits "mobile vendors" as an accessory building or structure in the Tourist Commercial zones; however, the subject food truck appears to constitute a principal use on the property, which is not permitted under the Zoning Bylaw.

The property is serviced by a community water system (i.e., the Town of Osoyoos Rural Water District System #8) and on-site septic system. It is understood that the RVs and on-site year-round food truck are connected to the community water system, while the mobile home is not connected to the community water system or the on-site septic system. Despite having an on-site septic system, the RVs are not connected to that septic system and instead, the waste water holding tanks in the RVs are pumped out weekly by private septic professionals.

The subject property is located within the Agricultural Land Reserve (ALR) but has historically been used for commercial purposes (a former restaurant and food truck) and is less than 2.0 acres in size.

BC Assessment has classified the property as "Business and Other" (Class 06).

Additional information can be found at the following location: [A2023.017-TUP | RDOS](#)

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 Permit.


 Shannon Duong, Planner II

Agency Referral List

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Agricultural Land Commission | <input checked="" type="checkbox"/> Interior Health Authority | <input checked="" type="checkbox"/> Town of Osoyoos |
| <input checked="" type="checkbox"/> FortisBC | <input checked="" type="checkbox"/> Osoyoos Fire Department | <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure |

RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. A2023.017-TUP

Approval Recommended for Reasons
Outlined Below

Interests Unaffected

Approval Recommended Subject to
Conditions Below

Approval Not Recommended
Due to Reasons Outlined Below

The Osoyoos Fire Department has some concerns about the unused mobile home in the rear of the property. It is uninhabited and not used at this time. It appears that some work is taking place as some siding and walls have been removed. If this mobile home is not being used now or in the near future, it would be advantageous to have it removed to remove a fire load in a small area.

Signature: _____

Signed By: Rob Huttema

Agency: Osoyoos Fire

Title: Deputy Fire Chief

Date: July 18 2023



TUP 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:	July 7, 2023
Folio:	A-06070.005
File:	A2023.017-TUP

You are requested to comment on the attached Temporary Use Permit (TUP) 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.

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AREA OF PROPERTY AFFECTED:
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ZONING DISTRICT:
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OTHER INFORMATION:

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The property is serviced by a community water system (i.e., the Town of Osoyoos Rural Water District System #8) and on-site septic system. It is understood that the RVs and on-site year-round food truck are connected to the community water system, while the mobile home is not connected to the community water system or the on-site septic system. Despite having an on-site septic system, the RVs are not connected to that septic system and instead, the waste water holding tanks in the RVs are pumped out weekly by private septic professionals.

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 Shannon Duong, Planner II

Agency Referral List

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|--|---|---|
| <input checked="" type="checkbox"/> Agricultural Land Commission | <input checked="" type="checkbox"/> Interior Health Authority | <input checked="" type="checkbox"/> Town of Osoyoos |
| <input checked="" type="checkbox"/> FortisBC | <input checked="" type="checkbox"/> Osoyoos Fire Department | <input checked="" type="checkbox"/> Ministry of Transportation & Infrastructure |

RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. A2023.017-TUP

Approval Recommended for Reasons
Outlined Below

Interests Unaffected

Approval Recommended Subject to
Conditions Below

Approval Not Recommended
Due to Reasons Outlined Below

1. Recreational vehicles are not manufactured or designed as year-round residences and do not qualify as a mobile home.
2. If a Temporary USE Permit is issued, it may set a precedent for others within the RDOS and the Town of Osoyoos to do the same.
3. Water services to the subject property were disconnected in 2019. The current property owners have connected illegally to the Town's irrigation water system. Administration was unaware of this connection, and the property owners have not been paying for the service.

Signature: Gina MacKay
9SMXS2
Date: 2023.07.28 10:25:01 -07'00'

Signed By: Gina MacKay
Title: Director of Planning & Development Services

Agency: Town of Osoyoos
Date: _____

CERTIFIED RESOLUTION

Certified a true copy of a resolution passed by the Council of the Town of Osoyoos at the Regular Open Meeting of Council of July 25, 2023.

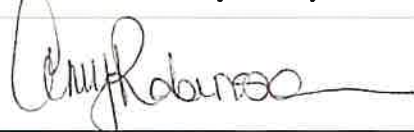
**Moved by Councillor Poturica
Seconded by Councillor Bennett
That Council direct Administration to respond to the RDOS
Temporary Use Permit Referral
(A2023.017-TUP) as follows:**

APPROVAL NOT RECOMMENDED for the following reasons:

- 1. Recreational vehicles are not manufactured or designed as year-round residences and do not qualify as a mobile home.**
- 2. If a Temporary Use Permit is issued, it may set a precedent for others within the RDOS and the Town of Osoyoos to do the same.**
- 3. Water services to the subject property were disconnected in 2019. The current property owners have connected illegally to the Town's irrigation water system. Administration was unaware of this connection, and the property owners have not been paying for the service.**

CARRIED

Dated this 27th day of July 2023.



Amy Robinson
Deputy Corporate Officer

Lauri Feindell

Subject: FW: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A" - Fortis Property Referral #2023-937 - Due Aug 7

From: Guerreiro, Celina <celina.guerreiro@fortisbc.com>

Sent: July 14, 2023 8:03 AM

To: Planning <planning@rdos.bc.ca>

Subject: RE: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A" - Fortis Property Referral #2023-937 - Due Aug 7

Microsoft Word Some people who received this message don't often get email from celina.guerreiro@fortisbc.com. [Learn why this is important](#)

Good day,

With respect to the above noted file, FortisBC Energy Inc. (Gas) has reviewed the subject proposal and has no objections or concerns. **Note that there is an existing gas service line to the current premise. If an abandonment or alteration is required due to demolition, renovation or building on the gas meter line location, please contact: 1-888-224-2710 or visit FortisBC.com([here](#)) to guide an online application in order to initiate the planning process.**

If you have any questions or concerns, please do not hesitate to ask!

Thank you,

Celina Guerreiro, QEP, P.Ag, CTech
Planning & Design Technologist, Zone 5
Main: 1-250-868-4544
celina.guerreiro@fortisbc.com



FortisBC Energy Inc.
1975 Springfield Rd.
Kelowna, Bc
V1Y 7V7

From: Referrals <Referrals@fortisbc.com>

Sent: Monday, July 10, 2023 9:12 AM

To: Zone 5 Property Referrals <Zone5PropertyReferrals@fortisbc.com>

Subject: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A" - Fortis Property Referral #2023-937 - Due Aug 7

Fortis Property Referral #2023-937

Please review the attached / below and provide your comments directly to planning@rdos.bc.ca by August 7, 2023.

If a Statutory Right of Way is required, please copy referrals@fortisbc.com in on your response so that we may update our records.

Thank you,

Liz Dell
Lands Department, Property Services Assistant
16705 Fraser Highway | Surrey BC V4N 0E8
P: 778-578-8038 / liz.dell@fortisbc.com

From: Shannon Duong <sduong@rdos.bc.ca>
Sent: Friday, July 7, 2023 4:19 PM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; HBE <HBE@interiorhealth.ca>; tosoyoos@osoyoos.ca; Referrals <Referrals@fortisbc.com>; fire@osoyoos.ca
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: [External Email] - Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A"

CAUTION: This is an external email.
Do not respond, click on links or open attachments unless you recognize the sender.

Re: Temporary Use Permit Application No. A2023.017-TUP

Application Webpage: [A2023.017-TUP | RDOS](#)

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by the above noted Temporary Use Permit (TUP) application.

Please find attached a referral for the Temporary Use Permit and a link above to the draft permit and related documents. Please review this information and if you have any questions, please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward them to planning@rdos.bc.ca by **August 7, 2023**.

Regards,



Shannon Duong, MRM • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4384 • tf. 1.877-610-3737 • f. 250-492-0063
www.rdos.bc.ca • sduong@rdos.bc.ca

I acknowledge that I work within the traditional, unceded territory of the syilx people in the Okanagan Nation.

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/ or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

Lauri Feindell

Subject: FW: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A" - Fortis Property Referral #2023-937 - Due Aug 7

From: Guerreiro, Celina <celina.guerreiro@fortisbc.com>

Sent: July 17, 2023 12:32 PM

To: Planning <planning@rdos.bc.ca>

Subject: RE: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A" - Fortis Property Referral #2023-937 - Due Aug 7

Some people who received this message don't often get email from celina.guerreiro@fortisbc.com. [Learn why this is important](#)

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Thank you,

**Celina Guerreiro, QEP, P.Ag, CTech
Planning & Design Technologist, Zone 5**

Main: 1-250-868-4544

celina.guerreiro@fortisbc.com



FortisBC Energy Inc.

1975 Springfield Rd.

Kelowna, Bc

V1Y 7V7

From: Referrals <Referrals@fortisbc.com>

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To: Zone 5 Property Referrals <Zone5PropertyReferrals@fortisbc.com>

Subject: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A" - Fortis Property Referral #2023-937 - Due Aug 7

Fortis Property Referral #2023-937

Please review the attached / below and provide your comments directly to planning@rdos.bc.ca by August 7, 2023.

If a Statutory Right of Way is required, please copy referrals@fortisbc.com in on your response so that we may update our records.

Thank you,

Liz Dell
Lands Department, Property Services Assistant

16705 Fraser Highway | Surrey BC V4N 0E8
P: 778-578-8038 / liz.dell@fortisbc.com

delete all copies of the message including removal from your hard drive, Thank you.

Hello Shannon,

Marion Masson, the EHO that reviewed the referral and is most familiar with administering holding tank requirements is away and will return on Monday. Jannine Kowalchuk, her colleague on the same team explained that her understanding is if the recreational vehicle/food truck is mobile and goes to a sani-dump to empty its tanks it does not require a holding tank permit. However, if the vehicle stays fixed in one location and the sewage pumper truck comes to pump-out the sewage from the RV/food truck holding tank then a permit for the holding tanks on the RV/food truck are required.

The *Food Premise Regulation* requires the mobile food truck to have a source of potable water and an approved method of sewage disposal. Very little information is provided with the application package. However, the site layout depicts a "BBQ patio" and "tables". This suggests the food truck mostly (always?) operates in a fixed location next to the patio. The site layout also depicts "septic" located in the same location as the "old mobile home". Perhaps the sewerage from all the RVs and food truck go to this septic system. However, even if this is the case, a record of sewerage system filing is needed for this situation to not be in non-compliance with the *Sewerage System Regulation* (SSR). Any changes to a sewerage system (ie change in flow from RVs & food truck versus old mobile home) requires a re-assessment and filing, which should be in our records, but is not. As such, our comments come back to the same as were originally provided yesterday. The applicant needs to demonstrate compliance with the SSR.

Further, they also need to provide potable water to the food service establishment (ie food truck) and to any tenants, as per the *Health Hazards Regulation*. The owners of the irrigation water system cannot provide water for domestic purposes without having an operating permit and providing potable water under the *Drinking Water Protection Act* (DWPA). Therefore, even if there are no tenants or a food truck on the parcel, using the irrigation system as source water is still not permitted until an operating permit issued under the DWPA is issued to the irrigation system owners that would allow the system to provide water for domestic (drinking) water purposes. Alternatively, they could connect to another permitted water system or create a new water system, which would require construction and operating permits to be in compliance with DWPA. Regardless of the scenario they are in non-compliance with the legislation and requirement to provide potable water.

With these drinking water and sewerage considerations in mind, our recommendation to not approve the Temporary Use Permit until safe, adequate water and wastewater servicing has been confirmed/permitted still applies.

We welcome working collaboratively with the RDOS and the applicant to ensure a safe environment at the subject parcel. Michele Arthur, Environmental Health Officer is the best first IH contact at an operational level for RDOS staff members or the applicant to contact to understand what is needed for the various permits mentioned, and to confirm if/when the permit(s) and record of sewerage filing have been issued. Ms. Arthur's email is copied above and her work phone number is 250 – 267 – 6394.

Sincerely,

Anita Ely (she, her, hers)

Specialist Environmental Health Officer
Healthy Community Development

Salmon Arm Health Centre
851 16th St NE, Box 627, Salmon Arm, BC V1E 4N7
c: 250-253-3679
e: anita.ely@interiorhealth.ca



www.interiorhealth.ca

Interior Health



Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tšilhqot'in Nations where we live, learn, collaborate and work together.

The contents of this e-mail, including its attachments, are intended for the exclusive use of the recipient and may contain confidential or privileged information. If you are not the intended recipient and received this in error, you are notified that taking any action in reliance on the contents or this information is strictly prohibited. Please notify the sender by reply e-mail immediately and permanently delete this e-mail and its attachments, along with any copies thereof. Be advised that copies of your response to this email may be stored outside of Canada, not in the custody or control of Interior Health and subject to the laws of other countries.

From: Shannon Duong <sduong@rdos.bc.ca>
Sent: Wednesday, August 09, 2023 6:52 PM
To: HBE [IH] <HBE@interiorhealth.ca>
Subject: RE: IH Response: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A"

CAUTION! This email originated from outside of Interior Health. Do not click links or open attachments unless you recognize the sender, their email address, and know the content is safe. If you suspect this is a phishing or fraudulent email please forward it to spam@interiorhealth.ca.

Hi Anita,

Thank you for your teams response. I'll be passing this information on to the applicant, as well as making sure that the comments are provided to the Board for their consideration.

I was reviewing your comments below regarding sewerage and just wanted to clarify that the holding tanks referenced in the referral, to my understanding, refer to the holding tanks within the RVs (as opposed to a holding tank which would be installed on-site). That being said, I'm wondering if your comments would remain the same or would need to be updated prior to forwarding your email on.

Thanks,



Shannon Duong, MRM • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4384 • tf. 1.877-610-3737 • f. 250-492-0063
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I acknowledge that I work within the traditional, unceded territory of the syilx people in the Okanagan Nation.

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From: HBE [IH] <HBE@interiorhealth.ca>
Sent: August 9, 2023 5:54 PM
To: Shannon Duong <sduong@rdos.bc.ca>; Planning <planning@rdos.bc.ca>
Cc: Arthur, Michele [IH] <Michele.Arthur2@interiorhealth.ca>
Subject: IH Response: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A"

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Hello Shannon,

Thank you for the opportunity to comment on this TUP Referral. We forwarded the referral to our food, sewerage and drinking water teams. Below are our collective comments and recommendations.

Food Service:

We have concerns with the mobile food service being able to access a potable water source and where they can dump their waste water. As a requirement of the Food Premises Regulation, the mobile must have access to a potable water supply (i.e. Town of Osoyoos not irrigation) and be able to dispose of the wastewater from their mobile into an approved Sani-dump, on-site sewage system, or permitted holding tank. Water and adequate waste-water disposal to this mobile must all be in accordance with applicable legislation for the operation to continue.

Sewerage:

It is our understanding the current sewage disposal method for the existing buildings and food truck are holding tanks. However, we are unable to find any record of a Permit to Construct a holding tank for this property which would suggest these holding tanks may have been illegally installed. Per the *BC Sewerage System Regulation*, the owner of every parcel on which a structure is constructed or located must ensure that all domestic sewage originating from the structure is discharge into a public sewer, a holding tank that is constructed and maintained in accordance with the regulation, or a sewerage system that is constructed and maintained in accordance with the regulation. Further, the regulation requires that a permit to construct a holding tank be issued by an Environmental Health Officer prior to construction of a holding tank. As such, we recommend that proof of a sewage disposal method which meets the regulation be required prior to the issuance of this Temporary Use Permit.

Drinking Water:

The subject property is not connected to the Town of Osoyoos Water System, part of which is currently under a Boil Water Notice due to a lack of treatment to meet the province treatment objectives. It also our understanding that this property was illegally connected to the local irrigation water system, which is not considered a potable water supply as defined in *BC Drinking Water Protection Act*.

In summary, the current situation is that the subject property does not have adequate, safe water and wastewater servicing in compliance with legislation. As such, we recommend not approving this Temporary Use Permit Application until proof of a legal sewage disposal method has been provided and the property has been effectively connected to a safe and reliable potable water supply.

Please note that operating permits issued by Interior Health are required for the food service and drinking water system (if not connecting to an already permitted water system), and a permit or record of sewerage system filing are required for the holding tank or sewerage system, respectively, before any of the uses are able to operate legally.

If you have any questions, concerns or require more resources please feel free to contact me.

If the applicant would like to speak to an Environmental Health Officer about these requirements they can contact Michele Arthur, Environmental Health Officer copied in this email or work phone 250 – 267 – 6394.

Sincerely,

Anita Ely (she, her, hers)

Specialist Environmental Health Officer
Healthy Community Development

Salmon Arm Health Centre
851 16th St NE, Box 627, Salmon Arm, BC V1E 4N7
c: 250-253-3679
e: anita.ely@interiorhealth.ca



www.interiorhealth.ca

Interior Health



Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dákelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tšilhqot'in Nations where we live, learn, collaborate and work together.

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From: Shannon Duong <sduong@rdos.bc.ca>
Sent: Friday, July 07, 2023 4:19 PM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; HBE <HBE@interiorhealth.ca>; tosoyoos@osoyoos.ca; Referrals <Referrals@fortisbc.com>; fire@osoyoos.ca
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: Temporary Use Permit Referral - RDOS File No. A2023.017-TUP - 9418 Highway 97, Electoral Area "A"

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Re: Temporary Use Permit Application No. A2023.017-TUP

Application Webpage: [A2023.017-TUP | RDOS](#)

The Regional District of Okanagan-Similkameen (RDOS) is seeking input from agencies whose interests may be affected by the above noted Temporary Use Permit (TUP) application.

Please find attached a referral for the Temporary Use Permit and a link above to the draft permit and related documents. Please review this information and if you have any questions, please do not hesitate to contact me.

Once reviewed, if you have any comments/concerns, please forward them to planning@rdos.bc.ca by **August 7, 2023**.

Regards,



Shannon Duong, MRM • Planner II
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