



DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION

Your File #: H2024.005-
ZONE (Area "H"
Zoning Bylaw
3065)

eDAS File #: 2024-02725

Date: May 22, 2024

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

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 3065 for:
Electoral Area "H"**

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



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

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. 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. 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.

Wastewater Servicing:

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.

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.



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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