



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

If you are not the intended recipient of this e-mail and attachments please notify the sender by return e-mail and delete the e-mail and attachments immediately. This e-mail and attachments may be confidential and privileged. Confidentiality and privilege are not lost by this e-mail and attachments having been sent to the wrong person. Any use of this e-mail and attachments by an unintended recipient is prohibited.



Interior Health

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 \leq 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 \leq 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

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.



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 sewerage 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

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.



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

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.



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, appearing to read "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](#)

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.

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 J. Nalla

Title: Financial/Corporate Administrator

Date: May 15, 2024

Cheryl J. Nalla



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: Not applicable

ALR STATUS: [partially]

OCP DESIGNATION: Not applicable

ZONING DISTRICT: Not applicable

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

Some people who received this message don't often get email from no-reply-snpinktn@knowledgekeeper.ca. [Learn why this is important](#)

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.

syilx (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

Some people who received this message don't often get email from no-reply-snpinktn@knowledgekeeper.ca. [Learn why this is important](#)

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



Interior Health

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

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.



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).

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.

Lauri Feindell

Subject:

FW: Response - Clements, Art (2024-0624)

From: pat-clements

Sent: June 24, 2024 5:30 PM

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

Subject: Response - Clements, Art (2024-0624)

A few questions:

..How will existing septic systems handle to extra waste?

..How will our water be able to handle more demand? And the cost to the ratepayers. Bad enough our garbage is going to double with no consultation.

..Will the property be subject to inspection or just park an RV on your property, rent it out & not consider the character of the neighborhood?

..there are already properties who are insightly, add a trailer and what have you got.

Some neighborhoods just DON'T need to be densified according to the Government of the day. Are we adding more homeless/marginalized to a rural setting with no services?

..Is P.I.B. in favour of this so close to their lands? I have my doubts on that one. Have they even been consulted?

We believe this is a short sighted, knee jerk reaction to the Governments wish for more housing.

It won't provide services for people if they don't have vehicles to get where the services are offered and God knows the BC Transit system isn't the answer as very few people use it now or the last time it was tried here.

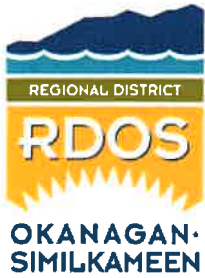
Mark us totally opposed to this bylaw change.

Patricia & Arthur Clements, 709 Bartlett Drive, West Bench

Sent from my Galaxy

W questions:

Xtra wasye



Feedback Form

Regional District of Okanagan-Similkameen

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

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

TO: Regional District of Okanagan-Similkameen **FILE NO.:** X2024.001-ZONE

FROM: Name: Hilda Reimer
(please print)

Street Address: _____

Date: July 4, 2024

RE: **Small-Scale Multi-Unit Housing (SSMUH) Implementation
OCP Amendment Bylaw No. 3062, 2024**

My comments / concerns are:

- I do support the proposed amendments to the Electoral Area OCP bylaws.
- I do not support the proposed amendments to the Electoral Area OCP bylaws.

Please provide any comments you wish the Board to consider.

The part of this set of bylaw changes to which I am opposed is the the full deletion of our LH1s zoning on Raven Hill Road. When we purchased it was with the Regal Ridge vision of upper scale housing that also then included dark skies and a quiet retreat back to nature. I would like to maintain the primary residence of our lots to be from the ground up houses → NOT mobile homes. Also I am NOT in favour of allowing kennels and or greenhouse operations as these ventures defeat the purpose of why we built and moved up to Raven Hill in 2009 → comfortable quiet country living with optimum night sky viewing.

In conclusion, while I understand the need to create more housing for our population, I do not agree with the other changes (the deletion of) that are being proposed for LH1s

This Feedback Form should be completed and returned to the Regional District prior to the close of the public hearing on **July 4, 2024**. NOTE: submitted comments will be made public as part of an RDOS Board Agenda.

My name is David Tauzer and I live at

I want to register my disagreement with the proposed changes to the OCP and to our zoning bylaws. I understand the mandate of the Province to address housing, and respect their effort to make some radical legislative changes to local government, but I fundamentally disagree with the attempt to find a "cookie cutter" solution. Urban development is different than rural development and these changes make no distinction.

I was a member of the OCP CAG for Area E the past few years, and involved in many discussions about "village character". Throughout there were strong voices expressing the desirability of maintaining the vibrancy of our small settlement. We were time and again told that our zoning bylaws were our protection that would safeguard to some extent this character. Now, with little warning, little public awareness and a hurried agenda, major changes are proposed to these safeguards. This disturbs me and leaves me feeling again that the Planners, now on a push from the Provincial government, are bulldozing our OCP with some other agenda.

The Development Permit language in the OCP was widely discussed and finally determined to describe the type of density and character the Naramata Village Centre could accommodate while maintaining a Village character as well as increasing the vibrancy of our downtown core. It allows a look and feeling of a small village while supporting increased density.

The proposed higher building heights, decreased setbacks, etc. all work to urbanize the look of the village. The CAG and our own director supported lower heights in the village.

As far as I can determine, The SSMUH provides recommendations for changes to the OCPs that will lead to increased density and ultimately more housing. But these changes in our OCP should not be implemented without more community input.

The document offers strong recommendations but **does not mandate** all the changes that are being proposed to the zoning bylaws. The Province calls for some mandatory changes that need to be accepted without a public hearing. But other changes based on the recommendations of the SSMUH are not mandatory and require this public hearing. We, as a community have not been allotted adequate time to read, discuss, process and accept these proposed zoning by law changes.

I ask that you do not vote to accept the zoning changes that are not mandatory. And, I request more time to be allotted to any non-mandatory changes to our recently approved OCP.

Thank you.

SUBMISSIONS FOR PUBLIC HEARING, JULY 4, 2024

July 3, 2024

My name is Cheryl Berry. I live in Naramata.

I oppose the proposed changes to the OCP set out in Bylaw 3062, 2024 and the Zoning changes set out in Bylaw No. 2800.37, 2024

Zoning Bylaw 2800.37, 2024

There is a housing shortage/affordability issue in BC, but the proposed changes to the Area E OCP and Zoning for RS1 and RM1 will not address the housing issues.

The South Okanagan (and Area E in particular) has many empty homes and Short Term Rentals (STR's). More that 42% of Area E households are owned by owners who have their principal residences elsewhere. These issues are eroding our community fabric as vacationers do not support our school or contribute much to our community. The empty homes are owed by the wealthy few who can afford to have a Naramata home for their occasional vacation use. Many of the STR homes are occasionally used by the owners for vacations and rented out as STR's to fund their vacation homes. Some Naramata homes are purchased to simply be run as a STR business (the owners never stay in them). These issues need to be addressed before we add density to our community. The proposed changes to the OCP and Zoning Bylaws will feed our existing problems and add more STRs and empty homes. These issues are likely present in your communities too.

In order to address the housing shortage/affordability, the Province has brought forward the Small Scale Multi-Unit Housing (SSMUH) policy and legislation.

Under the SSMUH Policy , page 2,

“Local governments **are required to** update their zoning bylaws to permit the prescribed minimum SSMUH densities on single family and duplex lots.” It also states that local governments **should consider** applying this manual, and updated zoning bylaw requirements to ...improve the ease with which SSMUH can be developed.”

Because the proposed changes to OCP's and Zoning will change the character of our communities without creating affordable homes, I submit that the mandatory zoning bylaw changes should be separated from the optional ones. Only the mandatory changes should be made.

What changes are mandatory?

If I read the Policy Manual and the Local Government Act correctly,

s. 481.3(3) A local government must exercise the powers under section 479 to permit the use and density of use necessary to accommodate one or both of the following:

a. at least one additional housing unit within a detached dwelling that would otherwise be a single family dwelling;

b. at least one additional housing unit within another building on the same parcel or parcels of land on which a detached single-family dwelling is located.

I believe that the aforementioned part is mandatory.

SSMUH requirement for a minimum of 3 to 6 units on a lot are **exempted** if the land is not connected to a sewer system serviced by a regional district or municipality: Sections 481.3(4) and Sections 481.4. (The RD must give the Minister a written notice that identifies the land and provision under which the exemption is exercised.)

The sewer exemption I just mentioned likely covers much of the RD area.

Looking at the Proposed Bylaw 2800.37, 2024, most of it is optional, not mandatory.

Certainly the set-backs, maximum heights and building sizes are not mandatory changes. These are all set out in the SSMUH Policy Manual as suggestions. The suggested amendments are suitable perhaps for urban development but not rural South Okanagan areas.

S. 16.1 – (page 12) LOW DENSITY RESIDENTIAL ZONES

16.1.5.iii. Interior side parcel lines proposed at 1.2 m, currently 1.5 m

iv. Exterior side parcel lines proposed 3 m, currently 4.5 m

Most concerning is the proposed change in Maximum Heights

16.1.6.a. Max height of 11 m, was 10 m. This will allow 3 story homes, something our community has always opposed.

Maximum floor area limit of 125 sq m (1345 sq ft) for secondary suites proposed to be deleted.

MEDIUM DENSITY RESIDENTIAL ONE (RM1) ZONE (page 23)

17.1.4 – Proposed 75 Dwelling units per hectare (up from 60)- I'm not sure, but I think this is exempted.

17.1.5 Setbacks

a. Building and structures

	Proposed	Current
Front parcel line	6 m	7.5 m
Rear parcel line	3 m	4.5 m
Exterior side parcel	3 m	4.5 m

b. Accessory buildings

Front parcel line	6 m	7.5 m
Exterior side parcel	3 m	4.5 m

17.1.6 Maximum Heights

a.	15 m	12 m
----	------	------

This allows 4 story apartment buildings with very modest set-backs.

These zoning changes are not appropriate for our small communities in the South Okanagan. The building sites will be crowded and tall and we will lose our precious, cooling trees and green spaces. These changes would be more suitable in urban settings.

Along with many others, I worked on the OCP Review process for Area E for over 2 years. We were repeatedly told that the Zoning would save our community's character and beauty. Now, only three months after our OCP was passed, these significant changes to the Zoning (that are not required by the SSMUH) are being proposed.

Almost no one in our community (and perhaps your community) knows of these proposed changes or today's vote. There was just over one week's notice and hundreds of pages of material to review. I believe that there would be a groundswell of opposition to the changes that I have highlighted if there had been time to engage the community. I hope that you share these concerns on behalf of your communities.

I respectfully request that you vote to abandon the proposed changes to Zoning in so far as they are not mandatory. They will bring about unwanted, short-sited, permanent changes to our communities that will not solve the housing affordability/shortage issues.

Re Bylaw 3062, 2024

OCP Changes proposed for Area E

Concerning the changes proposed in 5 i, ii and iii, they should be abandoned unless they are mandatory. (these are the density sections for low and medium density areas).

The proposed changes to the Naramata Village Centre Development Permit Area in 5 v are unwelcome and unnecessary.

Through our OCP process, consensus is clear that our residents want to maintain rural charm and character, a hallmark of Naramata.

The proposed changes delete the reference to upper floor setbacks, large ground floor windows, entrances from public rights of way and other beautifying features.

None of these proposed changes are mandatory and they will negatively impact our community's appearance forever.

I ask that you vote to abandon sections 5 (v) of Bylaw 3062 and other non-mandatory sections in this Bylaw.