

Lesley Gibbons

From: Naramata Fire Chief
Sent: December 21, 2023 8:30 AM
To: Ben Kent
Subject: Re: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

Hi Ben

This proposal doesn't affect our service.

Thanks for asking

Happy Holidays 🤖

Dennis Smith, Fire Chief
Naramata Volunteer FD
naramatafc@rdos.bc.ca
250-462-5023

From: Ben Kent <bkent@rdos.bc.ca>
Sent: Tuesday, December 19, 2023 9:57 AM
To: ALC.Referrals@gov.bc.ca <ALC.Referrals@gov.bc.ca>; philip.gyug@gov.bc.ca <philip.gyug@gov.bc.ca>; shawn@apexresort.com <shawn@apexresort.com>; apexfirerescue@gmail.com <apexfirerescue@gmail.com>; AMFD Firechief <firechief@amfd.org>; miyoung29@telus.net <miyoung29@telus.net>; firechief@evfa.ca <firechief@evfa.ca>; Kaleden Fire <kaledenfire@shaw.ca>; Keremeos Dept <fire@nethop.net>; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; okfallschief@gmail.com <okfallschief@gmail.com>; ofdchief@oliver.ca <ofdchief@oliver.ca>; fire@osoyoos.ca <fire@osoyoos.ca>; fire@penticton.ca <fire@penticton.ca>; pvfd@nethop.net <pvfd@nethop.net>; rrobinson@summerland.ca <rrobinson@summerland.ca>; Jody Woodford <tulfd@nethop.net>; Willowbrook Fire Chief <Tony.lannella.WVFD@hotmail.com>; HBE@interiorhealth.ca <HBE@interiorhealth.ca>; clerk@keremeos.ca <clerk@keremeos.ca>; referral@oib.ca <referral@oib.ca>; anna.warwick.sears@obwb.ca <anna.warwick.sears@obwb.ca>; james.littley@obwb.ca <james.littley@obwb.ca>; admin@oliver.ca <admin@oliver.ca>; tosoyoos@osoyoos.ca <tosoyoos@osoyoos.ca>; development@penticton.ca <development@penticton.ca>; prince@nethop.net <prince@nethop.net>; jcvitko@sd53.bc.ca <jcvitko@sd53.bc.ca>; drichardson@365.sd58.bc.ca <drichardson@365.sd58.bc.ca>; sd67@sd67.bc.ca <sd67@sd67.bc.ca>; info@summerland.ca <info@summerland.ca>; kmckenzie@nethop.net <kmckenzie@nethop.net>; blirrigationd@gmail.com <blirrigationd@gmail.com>; gbush@nethop.net <gbush@nethop.net>; HID@nethop.net <HID@nethop.net>; k.i.d@shaw.ca <k.i.d@shaw.ca>; kid@nethop.net <kid@nethop.net>; Glenda Stewart-Smith <dominothedog@icloud.com>; miltg@telus.net <miltg@telus.net>; osoyoosirrigationdistrict@gmail.com <osoyoosirrigationdistrict@gmail.com>; James D'Andrea <jim@nobleridge.com>; similkameen.improvement.district@gmail.com <similkameen.improvement.district@gmail.com>; skahaestateswater@gmail.com <skahaestateswater@gmail.com>; wvrodgers@persona.ca <wvrodgers@persona.ca>; referrals@usib.ca <referrals@usib.ca>
Cc: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

Re: Project No. X2023.011-ZONE – Regulating Private Water and Sewer Utilities
Official Community Plan, Zoning Bylaw, Subdivision Servicing Bylaw and Development Procedure Bylaw Amendment
Bylaws

Find attached a Referral sheet for RDOS strategic project X2023.011-ZONE – Regulating Private Water and Sewer Utilities

Please review and forward any comments to planning@rdos.bc.ca by **January 23, 2024**.

If you have any questions please contact me.

Kind Regards,



Ben Kent, MPL • Planner I
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737
www.rdos.bc.ca • bkent@rdos.bc.ca

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**DEVELOPMENT SERVICES
PRELIMINARY BYLAW
COMMUNICATION**

Your File #: X2023.011-ZONE
eDAS File #: 2023-05936
Date: December 28, 2023

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

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 3046, 2023 for:
Regional District Okanagan Similkameen Private Utilities Regulation**

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

Lesley Gibbons

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: December 29, 2023 2:53 PM
To: Ben Kent
Subject: RE: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

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

It does not appear that ALC interests are affected by the proposed bylaw amendments associated with discouraging private community sewer systems.

Regards



Martin Collins,
Regional Planner | Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 604-953-6673 |
www.alc.gov.bc.ca

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From: Ben Kent <bkent@rdos.bc.ca>
Sent: Tuesday, December 19, 2023 9:57 AM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; Gyug, Philip AF:EX <Philip.Gyug@gov.bc.ca>; shawn@apexresort.com; apexfirerescue@gmail.com; AMFD Firechief <firechief@amfd.org>; miyoung29@telus.net; firechief@evfa.ca; Kaleden Fire <kaledenfire@shaw.ca>; Keremeos Dept <fire@nethop.net>; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; okfallschief@gmail.com; ofdchief@oliver.ca; fire@osoyoos.ca; fire@penticton.ca; pvfd@nethop.net; rrobinson@summerland.ca; Jody Woodford <tulfd@nethop.net>; Willowbrook Fire Chief <Tony.lannella.WVFD@hotmail.com>; HBE@interiorhealth.ca; clerk@keremeos.ca; referral@oib.ca; anna.warwick.sears@obwb.ca; james.littley@obwb.ca; XT:Oliver, Town ENV:IN <admin@oliver.ca>; XT:Osoyoos, Town ENV:IN <tosoyoos@osoyoos.ca>; development@penticton.ca; prince@nethop.net; jcvitko@sd53.bc.ca; XT:Richardson, Dylan ECC:IN <drichardson@365.sd58.bc.ca>; sd67@sd67.bc.ca; XT:Summerland, District ENV:IN <info@summerland.ca>; kmckenzie@nethop.net; blirrigationd@gmail.com; gbush@nethop.net; HID@nethop.net; k.i.d@shaw.ca; kid@nethop.net; Glenda Stewart-Smith <dominothedog@icloud.com>; miltg@telus.net; osoyoosirrigationdistrict@gmail.com; James D'Andrea <jim@nobleridge.com>; similkameen.improvement.district@gmail.com; skahaestateswater@gmail.com; wvrodgers@persona.ca; referrals@usib.ca

Cc: Lauri Feindell <lfeindell@rdos.bc.ca>

Subject: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Project No. X2023.011-ZONE – Regulating Private Water and Sewer Utilities
Official Community Plan, Zoning Bylaw, Subdivision Servicing Bylaw and Development Procedure Bylaw Amendment
Bylaws

Find attached a Referral sheet for RDOS strategic project X2023.011-ZONE – Regulating Private Water and Sewer
Utilities

Please review and forward any comments to planning@rdos.bc.ca by **January 23, 2024**.

If you have any questions please contact me.

Kind Regards,



Ben Kent, MPL • Planner I
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737
www.rdos.bc.ca • bkent@rdos.bc.ca

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RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

- | | |
|---|---|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below | <input checked="" type="checkbox"/> Interests Unaffected by Bylaw |
| <input type="checkbox"/> Approval Recommended Subject to Conditions Below | <input type="checkbox"/> Approval Not Recommended Due to Reasons Outlined Below |

Signature: Jordy Bosscha
Signer ID: STNAPN6HQM...

Agency: Keremeos & District VFD

Date: January 4, 2024

Signed By: Jordy Bosscha

Title: Fire Chief

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☐ Approval Recommended for Reasons
Outlined Below

☒ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended Due
to Reasons Outlined Below

Signature: _____



Signed By: MANA COULSON

Agency: VILLAGE OF KENILWORTH

Title: CAO

Date: JANUARY 4, 2023



Okanagan Indian Band

12420 Westside Road • Vernon, BC, • V1H 2A4

Telephone: 250-542-4328 • Facsimile 250-542-4990

Email: okibreferrals@okanagan.org

"This correspondence will not be construed so as to prejudice, limit, or derogate from any rights, claims or interests in respect of any Aboriginal title, rights and interests of Okanagan or Syilx Nation recognized and affirmed under Section 35 of the Constitution Act, 1982 and nothing in this letter indicates acceptance by Okanagan of federal or provincial Crown jurisdiction over or ownership of land, water or other resources within the Territory."

Project Name:

X2023.011-ZONE – Regulating Private Utilities

FN Consultation ID:

X2023.011-ZONE

Consulting Org Contact:

Chris Garrish

Consulting Organization:

[Regional District of Okanagan Similkameen](#)

Date Received:

Tuesday, December 19, 2023

Attention: Chris Garrish

The Territorial Stewardship Division would like to acknowledge receipt of the above referral. The Okanagan Indian Band ("OKIB") has conducted a desktop review of the project. The location of the project to which the referral relates is within Syilx (Okanagan Nation) territory, and may have impacts on Syilx Aboriginal Title and Rights, which OKIB holds as part of the Syilx. However, the project is located outside the OKIB's Area of Responsibility as a member of the Syilx. At this time, we defer to the Penticton Indian Band, Osoyoos Indian Band and Lower Similkameen Indian Band for a more in depth review. Please keep us informed of any updates or changes to the project as this may change our assessment and our view on the need for further consultation with OKIB.

liml?mt | Thank You

Julie Richard
Referrals Management Clerk
Territorial Stewardship Division
Okanagan Indian Band
12420 Westside Road
Vernon BC, V1H 2A4
Office: 250-542-7132
Cell: 250-309-5217



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:

X2023.011-ZONE - Regulating Private Utilities

FN Consultation ID:

X2023.011-ZONE

Consulting Org Contact:

Planning RDOS

Consulting Organization:

Regional District of Okanagan Similkameen

Date Received:

Tuesday, December 19, 2023

File number:

X2023.011-ZONE

January 11, 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: X2023.011-ZONE

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132. Mail payment to ATTN: Maryssa Bonneau, Penticton Indian Band Natural Resources Department 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8. Please include this letter when sending.

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.

liml̓amt,

Madison Terbasket
Interim Referrals Coordinator
Penticton Indian Band
Natural Resources
email: mterbasket@piib.ca
office: 250-499-9866
address: 841 Westhills Drive
Penticton, British Columbia
Canada V2A 0E8

Lesley Gibbons

From: Marty Vanderhelm [REDACTED]
Sent: January 14, 2024 8:03 PM
To: Planning
Subject: Attn Ben Kent re RDOS Board Strategic Project X2023.011-ZONE

Follow Up Flag: Follow up
Flag Status: Flagged

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Ben, Thanks for taking the time to explain the focus of the proposed bylaw. We at the Allison Lake Improvement District have no further comment on the proposal.

Marty Vanderhelm
Chairman, Allison Lake Improvement district.

Lesley Gibbons

From: Fox, Alison AF:EX <Alison.Fox@gov.bc.ca>
Sent: January 16, 2024 10:42 AM
To: Ben Kent
Cc: Zabek, Chris AF:EX
Subject: RE: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Ben,

I have reviewed the above-noted referral and have determined that as long as the bylaws do not result in any future sewer extensions running through the ALR, the Ministry of Agriculture and Food's interests are unaffected. Thanks for the opportunity to review the bylaws.

Alison

Alison Fox, P.Ag.
Land Use Agrologist
Strengthening Farming Program
BC Ministry of Agriculture and Food
778 666-0566
Alison.Fox@gov.bc.ca

Ministry Mission: World leading stewardship of land, farm and food systems for the health and prosperity of British Columbians

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P Please consider the environment before printing this email.

From: Gyug, Philip AF:EX <Philip.Gyug@gov.bc.ca>
Sent: Tuesday, December 19, 2023 10:21 AM
To: Fox, Alison AF:EX <Alison.Fox@gov.bc.ca>
Subject: FW: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

From: Ben Kent <bkent@rdos.bc.ca>
Sent: Tuesday, December 19, 2023 9:57 AM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; Gyug, Philip AF:EX <Philip.Gyug@gov.bc.ca>; shawn@apexresort.com; apexfirerescue@gmail.com; AMFD Firechief <firechief@amfd.org>; miyoung29@telus.net; firechief@evfa.ca; Kaleden Fire <kaledenfire@shaw.ca>; Keremeos Dept <fire@nethop.net>; Naramata Fire Chief <NaramataFC@rdos.bc.ca>; okfallschief@gmail.com; ofdchief@oliver.ca; fire@osoyoos.ca; fire@penticton.ca; pvfd@nethop.net; rrobinson@summerland.ca; Jody Woodford <tulfd@nethop.net>; Willowbrook Fire Chief <Tony.lannella.WVFD@hotmail.com>; HBE@interiorhealth.ca; clerk@keremeos.ca; referral@oib.ca; anna.warwick.sears@obwb.ca; james.littley@obwb.ca; XT:Oliver, Town ENV:IN <admin@oliver.ca>; XT:Osoyoos, Town

ENV:IN <tosoyoos@osoyoos.ca>; development@penticton.ca; prince@nethop.net; jcvitko@sd53.bc.ca; XT:Richardson, Dylan ECC:IN <drichardson@365.sd58.bc.ca>; sd67@sd67.bc.ca; XT:Summerland, District ENV:IN <info@summerland.ca>; kmckenzie@nethop.net; blirrigationd@gmail.com; gbush@nethop.net; HID@nethop.net; k.i.d@shaw.ca; kid@nethop.net; Glenda Stewart-Smith <dominothedog@icloud.com>; miltg@telus.net; osoyoosirrigationdistrict@gmail.com; James D'Andrea <jim@nobleridge.com>; similkameen.improvement.district@gmail.com; skahaestateswater@gmail.com; wvrodgers@persona.ca; referrals@usib.ca

Cc: Lauri Feindell <lfeindell@rdos.bc.ca>

Subject: Bylaw Amendment Referral - Regulating Private Utilities | File No. X2023.011-ZONE

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Re: Project No. X2023.011-ZONE – Regulating Private Water and Sewer Utilities
Official Community Plan, Zoning Bylaw, Subdivision Servicing Bylaw and Development Procedure Bylaw Amendment Bylaws

Find attached a Referral sheet for RDOS strategic project X2023.011-ZONE – Regulating Private Water and Sewer Utilities

Please review and forward any comments to planning@rdos.bc.ca by **January 23, 2024**.

If you have any questions please contact me.

Kind Regards,



Ben Kent, MPL • Planner I
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737
www.rdos.bc.ca • bkent@rdos.bc.ca

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Lesley Gibbons

From: Chris Allen [REDACTED]
Sent: January 16, 2024 11:38 AM
To: Planning
Subject: Private Utilities Regulation Review
Attachments: 240116-Landform Sewer Response.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)
Please accept the attached written submission in relation to:

Private Utilities Regulation Review
Public Information Meeting, Jan. 16, 2024

CA

Chris Allen
Architect AIBC, LEED® AP

Landform Architecture Ltd.,
[REDACTED]



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.:** X2023.001-SDS

FROM: Name: Chris Allen, Landform Architecture
(please print)

Street Address: [REDACTED]

RE: Subdivision and Development Servicing Bylaw No. 2900, 2024

My comments / concerns are:

☐

I do support the proposed bylaw.

☒

I do not support the proposed bylaw.

Written submissions received from this information meeting will be considered by the
Regional District Board prior to 1st reading of Bylaw No. 2900, 2024.

Refer to attached letter.

Specifically responding to Administrative Report of October 19, 2023

"Regulating the creation of new private utilities"

Feedback Forms must be completed and returned to the Regional District
prior to noon on the day of the applicable Regional District Board meeting.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

Jan. 16, 2024

To: Regional District of Okanagan Similkameen
From: Chris Allen, Landform Architecture
Penticton
Re: Subdivision and Development Servicing Bylaw No. 2900, 2024

**In particular, Administrative Report of October 19, 2023
"Regulating the Creation of Private Utilities"**

I am writing to confirm that I do not support the proposed bylaw, and outline some of the reasons why.

When we first started Landform Architecture in 2006, our office was located in Naramata, and a large proportion of our work has always remained in Naramata. This has included numerous projects in the village core, including homes on 8th Street, Ellis Avenue, 3rd Street, and Village Heights Place, projects for the Naramata Inn and the Naramata Centre, and public washrooms at Manitou Park. Most recently we completed the Anna Avenue townhomes on the former packing house property.

Our focus is on sustainably designed buildings that minimize impacts on the natural environment. The most effective way to achieve this goal is to densify existing communities, and build on brownfield sites. Over the past two decades we have been advocating for sewage treatment in the village of Naramata, to allow for housing infill and the associated commercial services that would allow for a vibrant community.

In 2019 we were retained, along with Modus planning from Vancouver, and Archineers Engineering from Kelowna, to prepare a master plan for the Naramata Centre lands. Following a design charrette that included a wide cross section of Naramata residents, a vision was adopted that proposed rental housing, affordable housing, and community buildings. The key to realizing these goals was wastewater treatment. Four options were outlined, from utilizing excess capacity on the current septic system, to expanding the two main septic fields for the campus, and finally partnering with the RDOS to provide village scale wastewater treatment.

In 2021 we were retained by the owners of the former packing house site at the centre of Naramata to develop a master plan for the property, renamed the Wine Vault. In keeping with the Naramata Official Community Plan guidelines for Naramata Village Centre, we envisioned a mixed use community that allowed for wine storage and warehousing, a grocery store, commercial spaces, hospitality, and a mix of housing. The first phase of work was market housing, across from the newly expanded Wharf Park, and 9 condominium units were completed in 2023. This was serviced by a community sewer system adjacent to First Street, which is topped with a wildflower meadow and public art. We are currently working on the mixed use buildings along Robinson Avenue.

Again, it was clear in developing these plans that a village scale wastewater treatment plant would allow for better utilization of these lands. The wine vault owners joined the Naramata Inn and Naramata Centre in a series of meetings with RDOS planning and engineering staff to explore opportunities and discuss cost sharing to realize such a system, and even offered land where such a facility could be located. However, it became clear that this would be a longer term proposition, and in the meantime an adequate level of density could be achieved with well designed septic systems.

The current Private Utilities Regulation Review proposes to prohibit new private community sewer systems. This would be a massive step backwards in attempts to revitalize the Naramata village.

As I have outlined, we have long been in support of a Community Sewer System in Naramata which is owned and operated by the Regional District. However, there is currently no funding, no engineering, no location and no timeline for such a facility.

In the meantime, Naramata is designated in the Regional Growth Strategy as a Rural Growth Area, with supporting policies to "promote compact development", and "give priority to infill development".

To realize this policy, the current Area E OCP includes objectives for the Naramata Village Centre that include "Support mixed-use, commercial/office/residential uses, including development that includes multi-family uses", and "Encourage the inclusion of residential uses above ground floor commercial uses".

These proposed bylaw changes would run counter to those objectives. It is extremely difficult to create mixed use buildings or place residential uses above ground floor commercial without connection to a "Community Sewer". Therefore, the proposed bylaw changes would have the effect of freezing compact and infill development in the village. This would severely limit opportunities for new housing, particularly affordable housing, which is generally multi-family in form.

There are a few ways such an outcome could be avoided:

- Specifically exclude the village of Naramata from these restrictions, given that it is a designated Rural Growth Area

- Limit the change to only what was requested in the OBWB formal statement, and require that new private wastewater systems provide security to ensure maintenance and replacement of the system to protect community water

- Provide a clear pathway for permitting private wastewater systems that meet standards set by the RDOS, such as being financially sustainable

Thank you for your consideration.



Chris Allen, Architect AIBC
Principal, Landform Architecture Ltd.

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☐ Approval Recommended for Reasons
Outlined Below

☒ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended Due
to Reasons Outlined Below

Signature: _____



Signed By: _____

Rod Rising

Agency: Town of Osageos.

Title: CAO.

Date: JANUARY 17, 2024.

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☒ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended Due
to Reasons Outlined Below

Amendment Bylaws No 3045, 3406, 2000.18, & 2500.33:

Approval Recommended for Reasons Outlined Below -

These amendments confirm that improvement districts (such as KID) with utilities are publicly operated systems, and also discourage the development of private systems, including strata corporations, for the provision of water and sewer services. These amendments reduce the concerns previously expressed by KID with regard to proposed strata developments within the community of Kaleden.

Signature: Cheryl E. Della

Agency: Kaleden Irrigation District

Date: January 18, 2024

Signed By: Cheryl E. Della

Title: Financial / Corporate Administrator

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☐ Approval Recommended for Reasons Outlined Below

☒ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to Conditions Below

☐ Approval Not Recommended Due to Reasons Outlined Below

Signature: Myles Radchenko

Signed By: MYLES RADCHENKO

Agency: Vaseuxhake Improvement District

Title: Chairperson

Date: January 22, 2024

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☒ Approval Recommended Subject to Conditions Below

☐ Approval Not Recommended Due to Reasons Outlined Below

Bylaw Referral, Bylaw No. 3045,3046,2000.18, & 2500.33

The Keremeos Irrigation District (KID) notes that their interests are unaffected by these Bylaw changes. However, the KID is very concerned about septic systems being installed particularly in our Aquifer Capture Zones. The KID would like to be notified of any developments that may affect our water quality after an application has been submitted and prior to final approval.

Signature: Charles E. Waller

Signed By: Cheryl E. Hanna

Agency: Keremeos Irrigation District

Title: Financial / Corporate Administrator

Date: January 23, 2024

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☒ Approval Not Recommended Due
to Reasons Outlined Below

We oppose the proposed bylaw amendment as we believe the extra layer of regulation will mean increased costs for water users on systems run by Private Utilities. Private Utilities are already regulated by two government agencies to ensure that they remain financially viable and running safely so this would be a superfluous step that will only cost more time and money, which all comes from the rate payer.

Further to this, the push for the Regional District to take over from private utilities is not in the best interests of Apex water customers as Apex Mountain Resort is able to run the water system on a part time basis with a 24 hours a day quick response in the case of emergencies. This is something the Regional District is unable to offer without increased expense to the water users.

We believe that all this Bylaw Amendment will achieve is to add further costs and delays.

Signature: S. Whitty

Signed By: Shawn Whitty

Agency: Apex Mountain Resort (1997) Ltd

Title: Director of Utilities

Date: 21/01/2024

Lesley Gibbons

To: [REDACTED]
Subject: RE: Area E - FW: Request for a letter of exemption for Naramata Town Center zone-please distribute request to the RDOS board

From: David Enns <>

Sent: Thursday, January 25, 2024 2:04 PM

To: Christopher Garrish <cgarrish@rdos.bc.ca>; Stephen Juch <sjuch@rdos.bc.ca>

Cc: Adrienne Fedrigo <afedrigo@rdos.bc.ca>; Chris Allen [REDACTED]; David Enns [REDACTED]

Subject: Fwd: Request for a letter of exemption for Naramata Town Center zone-please distribute request to the RDOS board

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear RDOS Board,

I am attaching a copy of a submission prepared by Chris Allen, of Landform Architecture, where he listed several reasons for **Not Supporting** the proposed Bylaw discussed in your administrative report of October 19, 2023 "Regulating the Creation of Private Utilities". In addition to this submission I would like to add the following on behalf of Mill Road Partners Corp.

In that submission, Chris referenced some of the work he completed on behalf of Mill Road Partners Corp (MRPC), the owner and developer of The Naramata Wine Vault, Anna Ave Townhomes and the current owner of all the lands that encompass the former BC Tree Fruit Packing Plant in the village of Naramata. As a small partnership of village residents, the three partners of MRPC have worked hard for the revitalization of the downtown core of Naramata to bring it back in lines of what it was once. We began the process by planning and developing a master plan first in 2018 and again, revised, in 2020 titled "Master Plan 2.0." Both envisioned a mixed use community that allowed for a mix of housing, hospitality, a rebuilt grocery store, warehousing, office space and possible hotel/resort.

The master plans have both been shared with the RDOS staff in both the planning department and the development dept via Stephen Juch and team. We have allowed full disclosure of our intentions, design and timelines since day 1 of our work on this fairly, big project. The work completed has been significant and at the highest level please refer to "Wine Vault renewal" and "Anna Ave Townhouses". The work so far has lifted the tax base significantly with regard to taxes generated on improvements made for the benefit of Area E tax role. The projects have employed local trades and firms as well as created 5 or 6 new fulltime jobs.

The next project is the rebuilding of the Naramata General Store and two ancillary mixed use buildings along Robinson Rd and 3rd St. This subdivision application is currently being submitted to the RDOS with hopes of being "shovel ready" before the end of 2024...that is unless the proposed captioned bylaws get adopted for all of the RDOS regions without exception.

I would like to formally request exemption of the "Naramata Town Center" zone so that the process that started 6 years ago, can be finished as per the attached master Plan 2.0 (shared with your office on numerous occasions). Sewer systems be adopted at some point in the future.

At the very least, we would request a letter from the RDOS confirming that the current rebuild of the Naramata General Store and Mixed use Buildings can proceed with a Community Sewer under the current bylaw and will not be subject to a variance requirement should these changes prohibiting Community

Thank you for your consideration and please feel free to ask for any supporting documents.

Best,
David Enns



Partner Mill Road Partners Corp
Naramata General Store
Naramata Wine Vault

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. No. 3045, 3046, 2000.18 & 2500.33

☒ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended Due
to Reasons Outlined Below

Thank you for the opportunity to review this referral. In reviewing this referral, we are in support of the proposed bylaw changes to minimize the creation of private water systems and sewage systems. Encouraging public utilities over private would be more sustainable, allow better access to resources, and accomodate future growth.

Signature: 

Signed By: Janelle Rimell

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: January 26, 2024



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.:** **X2023.011-ZONE**

FROM: Name: Schalk van Heerden
(please print)

Street Address: [REDACTED]

Date: February 1st, 2024

RE: **"Private Utilities Regulation Review"**
Official Community Plan Amendment Bylaw No. 3045
Zoning Amendment Bylaw No. 3046
Subdivision Servicing Amendment Bylaw No. 2000.18
Development Procedures Amendment Bylaw No. 2500.33

My comments / concerns are:

- ☒ I do support the proposed Private Utilities Regulation Review amendment bylaws.
☐ I do not support the proposed Private Utilities Regulation Review amendment bylaws.

Please provide any comments you wish the Board to consider.
Written submissions will be considered by the Regional District Board
prior to 1st reading of Amendment Bylaw No.

No comments.

Feedback Forms must be completed and returned to the Regional District
prior to noon on the day of the applicable Regional District Board meeting.

Lesley Gibbons

From: Roger Mayer [REDACTED]
Sent: February 25, 2024 11:19 AM
To: Ben Kent
Cc: Tim Roberts
Subject: Re: Sewer and Water Bylaw
Attachments: Sewer Water Bylaw Referral.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Ben,

Just some comments on the RDOS Sewer and Water Bylaw. I was away when the public meeting was held on this issue.

The referral has only gone out to local government and associated organizations, but it has not had any input from the people it will directly impact. I.e. Developers and residents it would broadly impact.

I do not believe a one size fits all proposal will be the best option in all circumstances, and any legislation should allow flexibility. The biggest problem with many private utilities is when a separate company owns the utility, and if you had property owners owning the utility they would have a much better ability to fix any problems that arise. Some legal requirements on reserve funds to replace the system would also be effective.

Local government does not have to get involved in every system that has problems. It is for the regulators to enforce the regulations, and the fact that there are problems within systems is not limited to Private systems. You could show similar problems with Local government systems as well, so the power point report is a little bias.

This type of policy will only thwart many potential developments and only further restrict housing needs within the RDOS.

Roger Mayer
Keremeos



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.: X2023.011-ZONE

FROM: Name: ROGER MAYER
(please print)

Street Address: [REDACTED]

Date: FEB 24 / 2024

RE: "Private Utilities Regulation Review"
Official Community Plan Amendment Bylaw No. 3045
Zoning Amendment Bylaw No. 3046
Subdivision Servicing Amendment Bylaw No. 2000.18
Development Procedures Amendment Bylaw No. 2500.33

My comments / concerns are:

- ☐ I do support the proposed Private Utilities Regulation Review amendment bylaws
- ☒ I do not support the proposed Private Utilities Regulation Review amendment bylaws

Please provide any comments you wish the Board to consider.
Written submissions will be considered by the Regional District Board
prior to 1st reading of Amendment Bylaw No.

A MAJOR FLAW IN THIS REFERRAL IS
THERE HAS BEEN NO DISCUSSION WITH THE
DEVELOPMENT COMMUNITY.

GOVERNMENT IS NOT THE ULTIMATE BEST SOLUTION
HERE AS THE RDOS IS USUALLY A VERY EXPENSIVE
OPTION AND THIS POLICY WILL ~~STILL~~ THWART
DEVELOPMENT. MAKING HOUSING MUCH MORE EXPENSIVE.
A BETTER APPROACH WOULD BE TO MAKE SURE HOME OWNERS
HAVE CONTROL OF THEIR UTILITY SYSTEMS.

Feedback Forms must be completed and returned to the Regional District
prior to noon on the day of the applicable Regional District Board meeting.

NOTE: All representations will be made public when they are included in the Board Agenda.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

Lesley Gibbons

From: Craig, Joshua MUNI:EX <Joshua.Craig@gov.bc.ca>
Sent: June 11, 2024 2:02 PM
To: Ben Kent; Nichols, Kris MUNI:EX; Martin, Madelaine MUNI:EX; Van Ommen, David MUNI:EX
Cc: Correspondence Services MUNI:EX; Correspondence Unit ENV:EX; Williams, Lesya MUNI:EX
Subject: FW: Regional District Okanagan-Similkameen Prohibiting Private Utilities By-law

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

Hi Ben,

I've Cc'd Kris Nichols in MUNI's Land Use and Planning Unit as he may have some input.

The regional district should contact the offices below that likely have roles in permitting the development of private utilities.

Note that [section 306 of the Local Government Act](#) authorizes the regional district to adopt bylaws that "regulate and prohibit the design and installation of drainage and sewerage works provided by persons other than the regional district,".

If that is the intent of the RDOS, you may wish to seek legal counsel to draft a bylaw that effectively achieves this. I'm not aware of any similar authorization for water systems.

The RD should contact their regional Ministry of Transportation and Infrastructure office as it is this office that reviews and approves rural subdivision requests: [Regional & District Contacts for the Ministry of Transportation and Infrastructure - Province of British Columbia \(gov.bc.ca\)](#)

They should also contact the Ministry of Environment (ENV) office for water licenses: [Water Licences & Approvals - Province of British Columbia \(gov.bc.ca\)](#)

They will also deal with ENV for waste water discharge issues: [Waste discharge authorizations - Province of British Columbia \(gov.bc.ca\)](#)

Please contact me if you have questions or require more information.

Regards,

Joshua Craig, CPA
Director
Local Government Finance
Ministry of Municipal Affairs

Ph: 778-698-3231 Fax 250-387-7972
Joshua.Craig@gov.bc.ca

From: Correspondence Services MUNI:EX <MUNI.ExecutiveCorrespondence@gov.bc.ca>
Sent: Friday, June 7, 2024 3:27 PM
To: Williams, Lesya MUNI:EX <Lesya.Williams@gov.bc.ca>
Cc: Correspondence Services MUNI:EX <MUNI.ExecutiveCorrespondence@gov.bc.ca>; De Medeiros, Mafalda MUNI:EX <Mafalda.DeMedeiros@gov.bc.ca>
Subject: FW: Regional District Okanagan-Similkameen Prohibiting Private Utilities By-law

Hi again,

Would this fall under LGIF to respond to? Or another LG branch? Thank you for your advice!

Best,

Morgan Newman
Correspondence Coordinator
Executive Correspondence Services
Ministry of Municipal Affairs

From: Correspondence Unit ENV:EX <Correspondence.Unit@gov.bc.ca>
Sent: Friday, June 7, 2024 2:12 PM
To: Correspondence Services MUNI:EX <MUNI.ExecutiveCorrespondence@gov.bc.ca>
Subject: FW: Regional District Okanagan-Similkameen Prohibiting Private Utilities By-law

Hello MUNI,

The below was sent to a member of our Compliance & Enforcement division staff (Jurgen Deagle - *Protection Officer, Compliance and Environmental Enforcement*) and, after review, it has been suggested that MUNI might be better placed to respond to their inquiry as it relates to municipal water and sewerage infrastructure. Can you confirm if MUNI can respond OBO ENV and BCC ENV CU on the response?

Thank you!

Willow Goodman (she/her)
Correspondence Analyst
Deputy Minister's Office | Ministry of Environment & Climate Change Strategy
☎ (236) 455-4548 | ✉ willow.goodman@gov.bc.ca

 **Please consider the environment before printing**

*I respectfully acknowledge that I live and work in the territory of the Lekwungen-speaking peoples.
Today, Lekwungen refers to the Songhees and Esquimalt First Nations Communities and their descendants.*

This e-mail may contain privileged and confidential material and its transmission is not a waiver of that privilege. It is intended for the sole use of the person to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited

From: Ben Kent <bkent@rdos.bc.ca>
Sent: Friday, May 31, 2024 10:20 AM
To: Deagle, Jurgen ENV:EX <Jurgen.Deagle@gov.bc.ca>
Subject: RE: 2024-05-28 Building Restrictions Vintage Views Development

Hi Jurgen,

This is unrelated to your request below, but the Regional District has recently been undertaking a set of bylaw amendments that contemplate prohibiting the creation of new private community utility systems.

At a previous meeting in April, our Board of Directors requested that we refer these amendments to the Provincial ministry with jurisdiction over utility systems and we have been unsuccessful in finding an appropriate contact to provide comment.

Given the subject matter of your email below, I am hoping that you might know an appropriate contact person within your Ministry who could review and provide referral comments on our proposed bylaws?

For reference, additional information including the draft bylaws is available at the following webpage:
<https://www.rdos.bc.ca/development-services/planning/strategic-projects/private-utilities/>

I appreciate any assistance you can provide on this matter.

Best regards,



Ben Kent, MPL, RPP, MCIP • Planner II
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250-490-4109 • tf. 1-877-610-3737
www.rdos.bc.ca • bkent@rdos.bc.ca

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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.: X2024.011-ZONE

FROM: Name: Schalk van Heerden

(please print)

Street Address: [REDACTED]

Date: 19 March 2025

RE: "Private Utilities Regulation Review"

Official Community Plan Amendment Bylaw No. 3045

Zoning Amendment Bylaw No. 3046

Subdivision Servicing Amendment Bylaw No. 2000.18

Development Procedures Amendment Bylaw No. 2500.33

My comments / concerns are:



I do support the proposed Private Utilities Regulation Review amendment bylaws.



I do not support the proposed Private Utilities Regulation Review amendment bylaws.

Please provide any comments you wish the Board to consider.
Written submissions will be considered by the Regional District Board
prior to 1st reading of Amendment Bylaws listed above.

See email to Andrew Reeder sent May 2023 regarding perceived risks (financial & physical) posed by private sewer systems. The comments were made i.t.o. the Liquid Waste Water discussions in Naramata at that time. Since then, citizens in other Electoral Areas have in fact been confronted with exactly those potential risks having manifested. Those risks are real!

For clarity, the infographic depicts the contractual relationships (or not) between individual home owners, strata corporations, developers, and service providers. In the event of systems failure, all the citizens within an entire Area accordingly suffer the consequences, and the original developer(s) have no accountabilities or liabilities.

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prior to noon on the day of the applicable Regional District Board meeting.

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Tuesday, March 18, 2025 at 09:04:37 Pacific Daylight Time

Subject: Naramata LWMP - additional risks
Date: Wednesday, May 31, 2023 at 15:10:59 Pacific Daylight Time
From: [REDACTED]
To: areeder@rdos.bc.ca <areeder@rdos.bc.ca>
Attachments: SewerSystemsRisks.pdf

Andrew

I was quite drawn to your comments during this morning's meeting regarding the risks of failure of private sewer treatment plants.

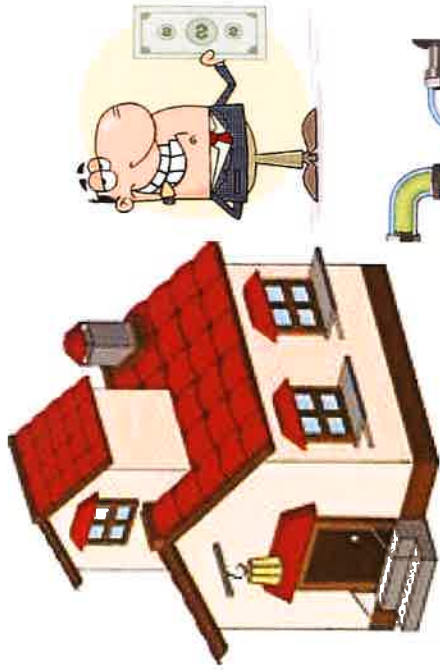
When articles like "[RDOS mulls takeover of troubled sewer system](#)" appear in local newspapers, as proof of the risks actually manifesting itself in our region, coupled with a combined privately owned and operated sewage "treatment" being installed on the hillsides with a capacity close to what RDOS is researching for the Village Settlement Area of Naramata, is that not enough motivation to raise any serious concerns?

Part failure is seemingly already evident. The report on [Drainage Related Issues](#) in Naramata stated: "*The septic field water reports to surface on the KVR due to the presence of bedrock at and near surface*" (p.24 item #1).

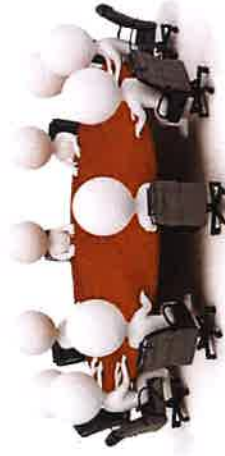
Looking at the various developments above Naramata, and the contractual arrangements between home owners and developer/service provider(s), I believe there are real risks awaiting the citizens. A very primitive depiction is attached to show how the developer has succeeded in shielding his business from any future liabilities. (One has to acknowledge the ingenuity thereof?!)

I thought I'll share this with you -- perhaps you'll comprehend this in the context of additional risks for the Naramata community sewerage system, either to take over more "run-into-the-ground" facilities, or provision for possible increase of the input into the LWMP?

Schalk van Heerden
Naramata
[REDACTED]



**“KETTLE RIDGE” or
“OUTLOOK” Private Home Owner**



Strata Corporation

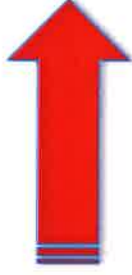
BUDGET

- Contingency Reserve Fund : less than \$2,000 p.a./member
- **Zero** provision for sewer services (*independent 3rd party*)

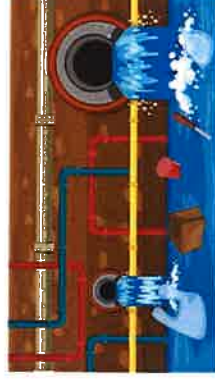
**“Kettle Ridge Sewer Services Company Ltd.”
“NB Waste Water Utility Corp.”**



**Limited Liability!
No Guarantees?**



- Connection Fee
- Availability of Service
- Cost of Ongoing Service



Zero Assets?



No Guarantees?

SEWAGE TREATMENT PLANT



Owner of Assets?

Risks of non-performance, catastrophic failure, demise of “Owner”, all revert back to community or local government?