

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: December 4, 2025

RE: Development Variance Permit Application — Electoral Area “E” (E2025.027-DVP)

Administrative Recommendation:

THAT Development Variance Permit No. E2025.027-DVP, to allow a holding tank as a method of on-site sewage disposal at 4535 Mill Road, be approved.

Legal: Lot 21, Plan KAP3889, District Lot 211, SDYD Folio: E-02282.000

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1)

Variance Requests: to allow a holding tank as a method of on-site sewage disposal.

Purpose:

This application is seeking a variance to the prohibition against using holding tanks as a method of on-site sewage disposal system that applies to the subject property in order to facilitate construction of a single detached dwelling.

Specifically, it is being proposed to vary the on-site sewage disposal regulation that applies to the subject property in order to allow a holding tank as a method of on-site sewage disposal.

In support of this request, the applicant has stated that:

- *We are requesting the use of holding tanks as a method of sewage disposal. This was recommended by our sewer engineer and Qualified Environmental Professional, including a permit from Interior Health.*
- *All documents are part of the application as well as neighbour approval. This will support a small family cottage, as recommended by Interior Health regulations and our engineers.*
- *As stated we have already been approved for this variance (E2022.059-DVP). We purchased custom built tanks and surveyed the property but were held up installing the tanks until remaining RDOS variance and Provincial permits were completed. This took some time as the Province was very backed up coming out of Covid 19 and now the BCGEU job action as well. These issues have now been resolved.*
- *Under the original DVP (E2022.059-DVP) we felt we had completed “Substantial Construction” to maintain the validity of the variance before the DVP expiration date but RDOS Planning Department recommended us to reapply as to not have any grey areas.*

Strategic Priorities: Operational

Background & Analysis:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 22, 1947, while BC Assessment has classified the property as “Residential” (Class 01).

Available Regional District records indicate that building permits have not previously been issued for this property.

Official Community Plan:

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 3010, 2023, the subject property is currently designated Low Density Residential (LR), which supports the development of single detached dwellings, duplexes, secondary suites, accessory dwellings.

The property is also the subject of a Watercourse Development Permit (WDP) designation, an objective of which is to ensure development within riparian areas is consistent with the *Riparian Area Protection Regulation* (RAPR).

Under the RAPR, a property that is subject to undue hardship meets the riparian protection standard if the development:

- will not occur in the streamside protection and enhancement area, other than in a part of that area that is already an area of human disturbance, and
- will be situated and otherwise designed so as to minimize any encroachment into the Streamside Protection and Enhancement Area (SPEA).

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Low Density Residential One (RS1) which lists “single detached dwelling” as a permitted principal use.

Under Section 10.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake, which requires that no building or structure is located within 7.5 metres of the natural boundary of the lake.

While this provision is not triggered by the current application, a floodplain exemption application will be required before a building permit may be issued for the single detached dwelling associated with the proposed holding tank.

Subdivision and Development Servicing Bylaw:

Under Section 4.2.2.3 of the Regional District’s Subdivision and Development Servicing Bylaw No. 2900, 2024, “holding tanks are not permitted as a method of on-site sewage disposal.”

Interior Health Authority (IHA) is the agency responsible for implementing the Sewerage System Regulation, which regulates sewage disposal systems to maintain public health and safety under the Public Health Act. Under this regulation, a permit to construct a holding tank may be issued only if:

- a holding tank is adequate to deal with the domestic sewage originating from the structure, and
- the use of the holding tank will not, if the maintenance plan is followed, cause a health hazard.

In accordance with this regulation IHA requires that plans and specifications for a new holding tank must be prepared by an Authorized Person (e.g. a Registered Professional Engineer).

On November 1, 2022, a permit to construct a sewerage holding tank on the property was issued by Interior Health.

Board Consideration:

The subject property has been the subject of multiple previous Development Variance Permit applications (E2022.058-DVP, E2023.033-DVP and E2024.011-DVP) in relation to the use of holding tanks as a method of on-site sewage disposal, and the construction of a single detached dwelling.

Analysis:

In general, the purpose of regulating on-site sewage disposal standards under the Subdivision Servicing Bylaw is to ensure that new parcels created through subdivision are provided with adequate sewage disposal. When an existing parcel is being developed, this bylaw also requires conformance with these standards before a building permit is issued.

Holding tanks are prohibited under this bylaw because they are generally not considered a sustainable method for sewage management. However, IHA notes that holding tanks “can be considered as a temporary measure or in situations where other systems would result in a health hazard”.

Riparian Regulations

In this instance, the subject property is located within the SPEA and any development of the site must proceed under the RAPR Undue Hardship Protocol.

This protocol requires the applicant to pursue all applicable variances from the Regional District to minimize encroachment into the SPEA before submitting a hardship application to the Province.

The applicant previously received approvals from the Regional District to authorize the use of holding tanks (E2022.058-DVP) and to reduce parcel line setbacks for a new single detached dwelling in order to minimize development within the SPEA (E2024.011-DVP).

The applicant has indicated that due to delays associated with the subsequent provincial hardship approval, Development Variance Permit E2022.058-DVP has lapsed.

Accordingly, the applicant is requesting that the proposed holding tanks be approved through the issuance of a new Development Variance Permit, in order to allow the previously authorized development of the site to proceed.

Holding Tank Approvals

The proposed holding tanks have been designed by an Authorized Person (i.e. a Registered Professional Engineer), and approved by IHA. A letter from the Authorized Person has been submitted with this application recommending the use of a holding tank to address the topographical challenges present on this site.

Specifically, the Authorized Person notes that a septic tank should not be implemented on the site as required by the RDOS bylaw because “the lake setback will only be approximately 10m to the dispersal area as opposed to the typical 30m setback required by the Health Regulation”.

Instead, the Authorized Person states that “a holding tank with a solid maintenance plan is by far the best solution to allow responsible development of these lots”.

The proposed holding tanks have been designed with high level alarms and a signed pump and haul contract was included with the IHA approval.

Alternative:

Conversely, Administration recognises that the use of holding tanks is generally not considered a sustainable method of sewage disposal.

IHA is not an enforcement agency, and as such administration understands that it does not monitor the operation of holding tanks unless an issue arises and is reported. There is concern that should any issues arise with this sewage disposal system, there is potential for untreated sewage to enter the lake.

Summary:

In this instance, the variance is being requested as a result of delays to provincial development approvals and is seen to uphold the intent of the bylaw regulation.

For these reasons, Administration recommends that the requested variance be approved.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

The proposed variance has been notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Site Context:

The subject property is approximately 300 m² in area, is situated on the south side of Mill Road and is bounded by Okanagan Lake to the south. The property is currently developed with a small cabin. The surrounding pattern of development is characterised by residential parcels and agriculture.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted, in accordance with Section 2.10 of Schedule '4' of the Regional District's Development Procedures Bylaw No. 2500, 2011, until 4:30 p.m. on November 12, 2025. All comments received are included as a separate item on the Board's Agenda.

Alternatives:

1. THAT Development Variance Permit No. E2025.027-DVP, to allow a holding tank as a method of on-site sewage disposal at 4535 Mill Road, be denied.

Will a PowerPoint presentation be presented at the meeting? No

Respectfully submitted

"Ben Kent"

Ben Kent
Planner II

Endorsed by:



C. Garrish
Senior Manager of Planning

Endorsed by:



A. Fillion
Managing Director, Dev. & Infrastructure

Attachments: No. 1 – Aerial Photo (2025)

Attachment No. 1 – Aerial Photo (2025)

