

**TO:** Planning & Development Committee

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** February 17, 2022

**RE:** Septic System Assessments (X2022.001-DPB)

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**Administrative Recommendation:**

**THAT Bylaw No. 2500.24, being a bylaw to amend the Development Procedures Bylaw to introduce requirements for septic system assessments for land use applications, be initiated.**

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**Purpose:**

Amendment Bylaw No. 2500.24 is proposing to clarify how a property owner preparing documentation in support of a land use application, such as a temporary use permit (TUP) application for a “vacation rental”, can prove that on-site sewage disposal for the use is capable of being met.

**Background:**

At its meeting of March 14, 2014, the Board adopted Amendment Bylaw No. 2595, 2013, which, amongst other things, introduced a policy into the Okanagan Electoral Area Official Community Plan (OCP) Bylaws of supporting “the use of a residence for short-term vacation rental where permitted by a Temporary Use Permit.”

This policy also included criteria the Board may use to assess applications for “vacation rental” uses, including the “capability of providing domestic water and accommodating on-site sewage disposal.”

While the Regional District’s *Development Procedures Bylaw No. 2500, 2011*, was subsequently amended in 2015 to introduce requirements for Health & Safety Inspections (a related assessment criteria for vacation rental applications), it was never updated to provide clarification on how on-site sewage capabilities could be verified.

As a result, the Regional District has accepted a disparate range of septic system documentation from property owners applying for “vacation rental” TUPs. This has included records of service (i.e. pumping), copies of original design drawings, as well as assessments from Registered Onsite Wastewater Practitioners (ROWPs).

Recently, it has been brought to the Regional District’s attention that only ROWPs registered as a “Planner” or “Private Inspector” with the Applied Science Technologists and Technicians of British Columbia (ATTSTBC) or a Professional Engineer (P.Eng) registered as a “Professional for Sewerage Systems” with the Association of Professional Engineers and Geoscientists of BC (APEGBC) are qualified to determine if an existing septic system is capable of handling a “vacation rental” use.

The Regional District has not previously confirmed qualifications when accepting an assessment from a ROWP in support of a “vacation rental” TUP application.

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### Board Consideration:

At the February 3, 2022 Planning and Development Committee, the committee moved to have Administration return with additional options for the confirmation of septic compliance in relation to change of use applications, such as vacation rental TUPs.

### **Public Process:**

In November 2021, Administration sought feedback on a preliminary draft of the Septic System Assessment procures from all registered ROWPs and Engineers in the Okanagan-Similkameen.

In response, five (5) ROWPs and two (2) engineers provided input. Additionally, Interior Health and the West Coast Onsite Wastewater Management Association (WCOWMA) reviewed the draft bylaw.

Most of the feedback suggested that the SSA guidelines should be simplified and rely on the Standard Practice Manual (SPM) guidelines to ensure professionals are not being asked to do work contrary to the BC Sewerage System Regulation.

### **Analysis:**

Administration understands that a “vacation rental” use can strain the capabilities of a septic system by exceeding design capacity (i.e. too many patrons staying in a dwelling unit), the irregularity and intensity of flows (i.e. heavy use on a weekend, followed by inactivity during the week), and use by persons not familiar with septic systems (i.e. rinsing grease, harmful chemicals, etc. down drains).

Residential uses differ from vacation rental uses in two ways:

1. Under the BC Sewerage Regulations, septic systems for residential homes are designed for the number of rooms and total home size, not the number of residents.

The calculations in the Standard Procedures Manual assume that larger houses have fewer residents per room. For example, a five-bedroom house is designed for a minimum of 5.5 people under the assumption that children each get their own bedroom. However, vacation rental uses, similar to a hotel, motel, or bed and breakfast, are designed per guest.

Under the current RDOS vacation rental policies, a five-bedroom home could have 10 vacation rental guests, requiring a system larger than the minimum residential system.

2. A vacation rental use regularly accommodates varying numbers of guests with varying levels of knowledge about septic systems. This is different from family visiting a residential use home on a septic system for a weekend because the septic system is consistently under stress from vacation rental use for a period of up to six (6) months.

For these reasons, Administration supports a professional confirming the design capability of a septic system when a change of use is proposed and is recommending that a Septic System Assessment (SSA) prepared by a qualified ROWP or Engineer and minimum reporting requirements be introduced into the Development Procedures Bylaw.

Conversely, and in response to the direction provided by the P&D Committee at its meeting of February 3, 2022, two (2) other options are available to the Board, and include:

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**Alternative No. 1 – Simple Review**

A ROWP Planner, ROWP Inspector, or Professional Engineer who is a sewerage professional completes a “Simple” desktop review in which sewerage records from Interior Health are reviewed in order to confirm the current design, calculate the required design, and give their professional opinion regarding the new use.

This option would not provide the location of the septic system, any options to improve the system, or confirm that the system is in good working order upon renewal.

**Alternative No. 2 – Delete Septic Review Requirement**

An amendment to the Electoral Area OCP Bylaws is initiated in order to delete the vacation rental assessment criteria related to the “capability of providing domestic water and accommodating on-site sewage disposal” as part of a TUP application.

This means that neither the property owner nor the RDOS would be aware of any potential concerns with the size of their system or impacts of uneducated guests. There may be public health risks associated with allowing vacation rentals on waterfront properties where an insufficient system may leach into the lake.

This would save property owners approximately \$350-750 for an initial desktop review when applying for a vacation rental TUP, but could cost significantly more to remove and replace a system that fails.

**Alternatives:**


.1 THAT prior to first reading of Bylaw No. 2500.24, the bylaw be amended to incorporate the following:

i) *TBD.*

.2 THAT Bylaw No. 2500.24 not be initiated; and

THAT the Electoral Area “A”, “C”, “D”, “E”, “F” & “I” Official Community Plan (OCP) Bylaws be amended to remove the criterion to assess a vacation rental’s capability of accommodating on-site sewage disposal.

**Respectfully submitted:**



D. DeVries, Planner I

**Endorsed By:**



C. Garrish, Planning Manager

**Attachments:** No. 1 – Comparison of Septic System Assessment Options

No. 2 – Comparison of Requirements by Option

No. 3 – Comparison of Costs

Attachment No. 1 – Comparison of Septic System Assessment Options

Amendment Bylaw No. 2500.24	Alternative No. 1	Alternative No. 2
<p><b>3.14 Septic System Assessment (General Provisions)</b></p> <p>.1 Where a Septic System Assessment is specified as an application requirement by this bylaw or is requested as Development Approval Information, it shall be in the form of a report prepared, signed and sealed by an Authorized Person who is defined in the BC Sewerage System Regulation.</p> <p>.2 A Septic System Assessment shall include the following:</p> <p>a) An assessment of the proposed or existing onsite septic system for suitability with the new use that is consistent with the most current BC Sewerage System Standard Practice Manual and includes:</p> <ul style="list-style-type: none"> <li>i) identification of the proposed or existing onsite septic system as either a Type 1, 2, or 3;</li> <li>ii) a review of all existing permits, filing documents, and/or maintenance records available;</li> <li>iii) identification of the daily design flow of the system as currently installed or proposed; and</li> <li>iv) estimation of the daily design flow required for the intended use using the maximum flow rate.</li> </ul> <p>b) A summary statement from the Authorized Person concluding whether the proposed or existing septic system is suitable for the intended use in their professional opinion;</p> <p>c) a site map drawn to an identifiable scale that includes the following information:</p> <ul style="list-style-type: none"> <li>i) the location and size of each existing or proposed septic system on the property;</li> <li>ii) the location of all buildings and structures to be serviced by each existing or proposed septic system, including any paving or landscaping that may impact the septic field(s).</li> </ul>	<p><b>3.14 Septic System Assessment (General Provisions)</b></p> <p>.1 Where a Septic System Assessment is specified as an application requirement by this bylaw or is requested as Development Approval Information, it shall be in the form of a report prepared, signed and sealed by an Authorized Person who is defined in the BC Sewerage System Regulation.</p> <p>.2 A Septic System Assessment shall include the following:</p> <p>a) An assessment of the proposed or existing onsite septic system for suitability with the new use that is consistent with the most current BC Sewerage System Standard Practice Manual and includes:</p> <ul style="list-style-type: none"> <li>i) identification of the daily design flow of the system as currently installed or proposed; and</li> <li>ii) estimation of the daily design flow required for the intended use using the maximum flow rate.</li> </ul> <p>b) A summary statement from the Authorized Person concluding whether the proposed or existing septic system is suitable for the intended use in their professional opinion.</p>	<p>[Not applicable – Septic System Assessment requirement is not introduced into bylaw]</p>

Amendment Bylaw No. 2500.24	Alternative No. 1	Alternative No. 2
<p>d) If under section 3.14.1 (b) the Authorized Person finds that the system is not suitable for the intended use, then the report shall also include:</p> <ul style="list-style-type: none"> <li>i) any repairs, maintenance, or improvements required to make the system suitable for the intended use such that a health hazard is not likely to occur; or</li> <li>ii) a suggested design for a replacement system that would be suitable for the intended use.</li> </ul>		
<p><b>.9 Septic System Assessment</b> (TUP Application Requirement)</p> <p>(a) A Septic System Assessment prepared in accordance with the requirements of Section 3.14 of this bylaw, shall be submitted to the Regional District, for the following types of uses:</p> <ul style="list-style-type: none"> <li>i) “vacation rental”, when the subject property is not connected to a community sewer system.</li> </ul> <p>(b) A Septic System Assessment report is not required where the applicant can demonstrate that a Septic System Assessment report has previously been provided to the Regional District for the proposed use and:</p> <ul style="list-style-type: none"> <li>i) all conditions in the report have been met; and</li> <li>ii) the intended use is the same as that which was considered in the report; and</li> <li>iii) A Registered Onsite Wastewater Practitioner (ROWP) registered as a “Maintenance Person (MP)” with the Applied Science Technologists &amp; Technicians of British Columbia (ASTTBC) has provided a statement that the system has been maintained in accordance with the applicable plan and is in good working order after the change of use.</li> </ul> <p>(c) Despite sub-section (a), a Septic System Assessment may be required as Development Approval Information by the Regional District for any other use.</p>	<p><b>.9 Septic System Assessment</b> (TUP Application Requirement)</p> <p>(a) A Septic System Assessment prepared in accordance with the requirements of Section 3.14 of this bylaw, shall be submitted to the Regional District, for the following types of uses:</p> <ul style="list-style-type: none"> <li>i) “vacation rental”, when the subject property is not connected to a community sewer system.</li> </ul> <p>(b) A Septic System Assessment report is not required where the applicant can demonstrate that a Septic System Assessment report has previously been provided to the Regional District for the proposed use and:</p> <ul style="list-style-type: none"> <li>i) all conditions in the report have been met; and</li> <li>ii) the intended use is the same as that which was considered in the report.</li> </ul> <p>(c) Despite sub-section (a), a Septic System Assessment may be required as Development Approval Information by the Regional District for any other use.</p>	<p>[Not applicable – Septic System Assessment requirement is not introduced into bylaw]</p>

Attachment No. 2 – Comparison of Requirements by Option

Measures in report	Option No. 1 Full Review	Option No. 2 Simple Review	Option No. 3 Remove from OCP
<b>First Application</b>			
Type of system	✓	X	X
Review records	✓	X	X
Current Capacity	✓	✓	X
Required Capacity	✓	✓	X
Professional opinion	✓	✓	X
Site map	✓	X	X
Suggestions to improve	✓	X	X
<b>Renewal</b>			
Working condition	✓	X	X

Attachment No. 3 – Comparison of costs

	Option No. 1 Full Review	Option No. 2 Simple Review	Option No. 3 Remove from OCP
<b>First Application</b>	\$500-750	\$350-500	\$0
<b>Renewal</b>	\$600-1000 +	\$0	\$0
+ Maintenance may cost more depending on any work to be completed			