

December 15, 2021

Krista Gilbert, Planning Technician  
Regional District of East Kootenay  
19 – 24 Avenue South  
Cranbrook BC V1C 3H8

Sent via email: [kgilbert@rdek.bc.ca](mailto:kgilbert@rdek.bc.ca)

Ms. Gilbert:

**Re: OCP and Zoning Amendment - Galloway Lands Proposal. File No - P 721 124**

Thank you for the opportunity to provide feedback on the OCP and Zoning Bylaw amendment for the proposed Galloway Lands development. It is understood that the applicant is seeking amendments for four properties within Area A from RR-60 and RR-8 to RR-1 and PG-2 to permit a subdivision of 75 rural residential lots serviced by individual onsite drinking and wastewater systems. In addition, the proposal includes restricting two family residential use and containing all development (except wells) to identified building sites.

We support community development that is aligned with [healthy built environment principles](#). These principles have evidence-based links to positive population health outcomes and healthy communities. The principles include complete compact and connected neighbourhood design, accessible and connected transportation networks, preservation of the natural environment and mitigation of environmental hazards as well as housing that meets the needs of the community.

The proposal incorporates some of these principles; however, we have concerns with the incongruence between the housing needs in the area and the housing types proposed in this development. We see an opportunity to better meet the housing needs and alleviate some of the issues that may arise with proposed onsite septic and drinking water systems by using/providing community systems.

**Housing:**

As outlined in [RDEK's Housing Needs Assessment](#), key concerns related to housing in this area include:

- Lack of affordability in both rental and ownership markets
  - Lack of affordability in the housing market combined with inflation of prices from secondary homes and short-term rentals has led to people having to move away

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.

from the region to find affordable housing. This affects community well-being and local businesses.

- Lack of diversity in housing types available  
Housing currently available is designed for independent, individual, or small family living, making it even harder for larger families, students, people in need of supports, seniors and low to medium income earners to obtain appropriate and safe housing.

These two issues are leading to a lack of workforce housing, which also poses challenges for industry and businesses across the region. Housing challenges are a key issue facing industry and businesses not only for minimum-wage earners but also for higher income earners creating labour shortages across the region. A dampened economy indirectly affects all community members because there are fewer resources for achieving the things needed to live healthy lives.

It is evident based on this data and information, that new housing in the area should incorporate a diversity of housing types and tenures to improve affordability and better meet the needs of both seasonal and year round residents. The applicant is proposing to limit density to only single-family dwellings by prohibiting two-family dwellings, which are allowed in the current zone. This lack of proposed diversity would have implications on housing affordability and accessibility because it does not align with the identified housing needs of the community. Although it is proposed that secondary suites will be allowed, it is a concern that the main units and suites will be used for short term rentals rather than long term tenancy due to the proximity to Fernie Alpine Resort. The rise of short term rentals is already putting pressure on the housing market and making it difficult for people who work in Fernie and at the Resort to live in the area.

#### Housing Recommendations:

We recommend not approving the OCP and Zoning Bylaw amendments to allow 75 single family residential lots *as proposed* on the subject properties due to the proposed design being contrary to current and projected housing needs in the area. However, if the decision is made to allow the development as proposed we recommend the following as ways to mitigate impacts and contribute to addressing housing needs in the community:

- Continue to ensure two-family homes are permitted on the RR-1 zone on the subject parcels. Further, consider and support ways in which additional housing forms (triplex, row housing, etc.) can be accommodated in the development design on the subject land.
- Require/accept a contribution to an affordable housing fund to develop appropriate housing in another location.

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.

- Consider complementary short term rental legislation to balance tourism growth with regional housing needs. This could include permitting short term rentals or permitting short term rentals to be allowed in primary residences only.

### **Drinking Water and Wastewater Servicing:**

Another important aspect of healthy environments and healthy housing is the long term sustainability of drinking water and wastewater servicing from financial and environmental health sustainability perspectives at the level of individuals and of community. Health research and our experience indicates that larger community water systems, in particular those owned and operated by local governments, are best able to provide consistently good quality drinking water. We assume it would be similar for community wastewater systems too. The main reason is the governance structure of larger organizations with higher capacity for asset management, ongoing maintenance and operator knowledge. Although, the decision making for a private individual water systems is simple, property owners rarely have the depth of knowledge or interest to ensure their drinking water and wastewater systems are adequately treated and maintained. Individual water systems are exempt from the requirements of the *BC Drinking Water Protection Act*. The collective cost to install and maintain multiple individual systems can quickly equate to that of a community system, which could capitalize on economies of scale. Community systems also allow drinking water sources and wastewater points of contamination to be further separated and better managed.

In terms of maintaining environmental health sustainability with onsite servicing, the less dense the better. In general, 1 hectare is thought to be enough land to protect drinking water sources from wastewater contamination. However, at the time of subdivision the site parameters and constraints for each proposed lot are reviewed in detail, and final lot sizes are adjusted based on the site constraints of the land. In reviewing the provided information we noted the following:

- *Proposed setback and site constraints:*  
Based on the [BC Health Hazards Regulation \(B.C. Reg. 216/2011\)](#) and indicated in the Western Water Associates Ltd (WWAL) report, there is a required 30m setback from septic fields to all wells and fresh water bodies. Site constraints such as prevailing bedrock and slope may create additional limitations than would normally be expected. Best practice may be to have greater than 30m setback distances.
- *Proposed covenant for Type 2 systems:*  
A Type 1 sewerage system is composed of a septic tank and dispersal field only and treatment occurs via natural processes in the septic tank and soil. It is the simplest type of onsite sewerage treatment and, where site and soil conditions allow, is ideal given that it

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.

does not rely on complex engineered components and, as such, maintenance is minimal. It is standard practice to use the least complex method of sewerage treatment allowed by site and soil conditions to reduce the burden of maintenance on a homeowner thereby reducing the likelihood of failure. It will be required that all lots proposed at the time of subdivision be capable of sustaining Type 1 treatment with a backup field area.

- *Individual drinking water wells:*

The BC Ministry of Health [Guidance Document for Determining Groundwater at Risk of Containing Pathogens](#) identifies concerns with pathogen contamination of wells drilled shallower than 15m deep and wells within 300m of a septic field. WWAL's report identified a few different potential issues with ground water quality and quantity, including elevated levels of iron, sulphur (aesthetic parameters – possible corrosion and discolouration) and manganese (health hazard at concentrations greater than 0.12 mg/L). As such, individual wells may require treatment equipment and maintenance to operate safely and effectively.

Servicing Recommendations:

Our overall recommendation with respect to servicing is to explore either connecting to an existing community water system, such as City of Fernie Water System currently servicing The Cedars Subdivision, or developing new community water and/or wastewater systems. We recognize community systems can be very costly and the number of housing units would likely need to increase for such infrastructure to be feasible. However, if this development is considered in the larger community context, having community infrastructure would best support the housing needs of the community, as well as financial and environmental health sustainability. This development offers an opportunity to increase the number and diversity of housing units in an area relatively close to amenities with a community vision to connect this rural area to town through an active transportation route.

If the development moves forward as proposed with onsite servicing, we offer the following for consideration:

- We concur with WWAL's recommendation to consider onsite wastewater location early in the project to avoid a scenario where appropriate setbacks cannot be met.
- We recommend not allowing the proposed covenants to require owners to install Type 2 sewerage systems because these covenants are not consistent with best practice nor logical from a public health perspective, and would unnecessarily add to housing cost.
- We recommend further investigation by a hydrogeologist be conducted to evaluate groundwater and aquifer conditions, determine risk of contamination and the feasibility and sustainability of individual wells for each property.

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.

In summary, we recommend not approving the OCP and Zoning amendments to allow 75 rural residential parcels restricted to single family dwellings serviced by onsite drinking water and wastewater systems. The main reason being that it does not contribute to the identified housing needs of the community. We suggest this development offers an opportunity to supply the community with more diverse housing forms and tenure types, especially if community drinking water and/or wastewater infrastructure were also proposed. If the OCP and Zoning amendments are approved then we offered considerations and recommendations for supporting the community and future residents as best as possible.

We are committed to collaborating with the Regional District of East Kootenay to support healthy community planning. If you have any questions, comments or require more resources please feel free to contact us using our team email [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca).

Sincerely,



Kady Hunter, MPH  
Community Health Facilitator  
Healthy Communities, Healthy Families



Anita Ely, BSc, BTech, CPHI(C)  
Specialist Environmental Health Officer  
Healthy Communities, Healthy Families



Marion Masson, CIPHI(c)  
Specialist Environmental Health Officer  
Environmental Management



Jennifer Beverley, CPHI(C)  
Specialist Environmental Health Officer  
Drinking Water Systems Program

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.