

## **Planning Application Information Sheet**

**Application Type:** Rezoning **File Number:** 3360-20/20210055

Bylaw(s): Central Cariboo Area Rural Land Use Amendment Bylaw No. 5357, 2021

Electoral Area: D

**Date of Referral:** November 30, 2021 **Date of Application:** October 05, 2021

Property Owner's Name(s): MCLEESE LAKE ESTATES LTD

**Applicant's Name:** McLeese Lake Estates Ltd.

**SECTION 1: Property Summary** 

**Legal Description(s):** Lot 1, District Lot 9167, Cariboo District, Plan 15561 & Lot 2, District Lot

9167, Cariboo District, Plan 15561

**Property Size(s):** 10.08 ha (24.91 ac.)

Area of Application: 10.08 ha (24.91 ac.)

**Location:** 1561 Kitsul Road

**Current Designation:** Min. Lot Size Permitted:

N/A

Current Zoning:Min. Lot Size Permitted:Settlement Area 1 (RS 1)2 hectares (4.94 acres)

Proposed Zoning: Min. Lot Size Permitted:
Special Exception RS 1-4 2 hectares (4.94 acres)

**Proposal:** To allow for a campground, recreational vehicle park use, and recreational vehicles within the mobile home park for seasonal accommodation.

**No. and size of Proposed Lots**: No new lots proposed.

Existing Buildings: Mobile Homes, RV's

**Proposed Buildings:** No new proposed structures, 25 new RV sites.

Road Name: Kitsull Road

Road Type: Paved

Within the influence of a Controlled Access Highway: Cariboo HWY 97

Services Available: Hydro, Telephone, Well, Mobile Home Park Private Water and Sewer

System.

Within the confines of the Agricultural Land Reserve: Yes - partially within

**Required to comply with the Shoreland Management Policy**: Yes - Riparian and Septic **Name of Lake/Contributing River:** McLeese Creek, Duckworth Lake, McLeese Lake

Lake Classification: High

Within Development Permit Area: No

**Adjoining Properties:** (Source: B.C.A.A.)

	Land Use:	Lot Sizes:	
(a) North	120 Vegetable And Truck	4.02 ha (9.95 ac.)	
	150 Beef	170.52 ha (421.36 ac.)	
(b) South	Unsurveyed Crown Land		
(c) East	000 Single Family Dwelling	0.40 ha (1 ac.) - 0.45 ha (1.13 ac.)	
	001 Vacant Residential Less Than 2 Acres	0.42 ha (1.04 ac.) - 0.44 ha (1.1 ac.)	
	060 2 Acres Or More (Single Family Dwelling, Duplex)	9.76 ha (24.14 ac.)	
	063 2 Acres Or More (Manufactured Home)	8 ha (19.79 ac.)	
(d) West	061 2 Acres Or More (Vacant)	32.37 ha (80 ac.)	

#### PLANNING COMMENTS

## Background:

The proposal at the McLeese Lake Estates Mobile Home Park at 1561 Kitsul Road is to rezone the property from Settlement Area 1 (RS 1) to Special Exception RS 1-4. This proposed zone for the two parcels that make up the property would amend the Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999.

The applicant proposes to add a campground, recreational vehicle park as a use within the zone. The proposal would limit the area for a campground to those parts of Lot 1, District Lot 9167, Cariboo District, Plan PGP15561 (the northern lot) that are not within the Agricultural Land Reserve. It is proposed to have a maximum of 30 campground or recreational vehicle sites. The proposed zone would also permit a maximum of 12 recreational vehicles to be used as seasonal accommodation within the mobile home park. The seasonal accommodation would occur between the dates of March 15<sup>th</sup> and November 15<sup>th</sup> annually. The proposed zone is read as follows:

## 8.7.3 Special RS 1 Zones

## 8.7.3.4 Special Exception RS 1-4 Zone (3360-20/20210055)

Notwithstanding any other provision of this bylaw to the contrary, on lands zoned RS 1-4, the permitted non-residential uses shall include:

## (a) NON-RESIDENTIAL USES:

i) Campground, recreational vehicle park.

The following provisions shall also apply:

- A campground, recreational vehicle park is limited to location on Lot 1, District Lot 9167, Cariboo District, Plan PGP15561 provided the location is not within the Agricultural Land Reserve.
- b) Maximum of 30 campground or recreational vehicle sites.
- c) Vehicle Space per campsite or recreational vehicle site (minimum) = 4.5 by 12 metres
- d) Amenity Area per campsite or recreational vehicle site (minimum) = 4.5 by 12 metres
- e) A maximum of 12 recreational vehicles within the mobile home park are permitted for use as seasonal accommodation between March 15 November 15.

## **Location and Surrounding:**

The subject properties are located along Cariboo Highway 97, with Kitsul Road forming the entrance of the site. The northernmost part of the property consists of wetlands and McLeese Creek which flows from McLeese Lake into the nearby Duckworth Lake. McLeese Lake is rated high sensitivity in the Cariboo Regional District Shoreland Management Policy. The same area identified as wetlands also roughly corresponds with an area of Agricultural Land Reserve on the site. The Mobile Home Park consists of 70 mobile home spaces, not all of which are currently occupied. The property is bound to the east by the Cariboo Highway and to the west by an area of surveyed crown land.

## **Previous Applications:**

The properties have had multiple applications. Most recently a Temporary Use application 3070-20/20170008 was permitted to allow twelve recreational vehicles to locate within the Mobile Home Park, and this permit was extended for two years in 2020.

The properties were also the subject of a previous temporary permit (File 4500-20-TP20120018) for the purpose of locating a maximum of twenty-four recreational vehicles on mobile home pads, and to permit a parking lot for mine workers. The temporary use permit was approved on August 24, 2012, for the RVs only, as the Cariboo Regional District Board did not support the ALR non-farm use application. Complaints received on the temporary permit were associated with the parking lot use. The parking lot was located partly on the Agricultural Land Reserve (ALR) and in proximity to a creek. The parking lot use required an application for non-farm use with the Agricultural Land Commission (ALC) which the board denied forwarding to the ALC (4035-20-D-20130060). The 2015 request to renew Temporary Use Permit 4500-20-TP-120018 was denied by the Cariboo Regional District Board on September 11, 2015.

### CRD Regulations and Policies:

3503 Central Cariboo Area Rural Land Use Bylaw, 1999

# 8.7 <u>SETTLEMENT AREA 1 (RS 1) ZONE</u>

### 8.7.1 USES PERMITTED

(a) RESIDENTIAL USES

vi) a mobile home park;

## 8.7.2 ZONE PROVISIONS

## (f) MOBILE HOME PARK STANDARDS:

All uses of land, buildings and structures shall conform to the provisions of the Cariboo Regional District Mobile Home Park Bylaw No. 1019, 1980 as amended.

## Rationale for Recommendations:

Planning staff are supportive of the McLeese Lake Estates rezoning application, subject to the conditions listed below. The proposal encompasses the use of Recreational Vehicles within the Mobile Home Park for seasonal accommodation, which has been in use on the property through the medium of Temporary Use Permits off and on since 2012. Additionally, this rezoning application intends to add a tourist commercial area with 25 campsites or RV sites proposed, and up to 30 sites permitted in total to allow for future expansion if required. Planning staff support locating tourist commercial operations along Cariboo Highway 97, the region's primary north-south highway connection.

The Cariboo Regional District Building Department has no objections to the proposed rezoning, but notes that the property is within a Building Inspection Service Area. As such, all new development, including placement of mobile homes, will require a building permit.

The Interior Health Authority (IHA) has responded to the referral and outlines multiple concerns with the proposed rezoning application, subject to a variety of assessment metrics pertaining to the sewerage and drinking water systems. The Health Authority notes that the project enhances the community's housing infrastructure as it helps meet demand for a variety of housing needs including short term and seasonal accommodations.

IHA indicates that an adequate report on the sewerage dispersal system to confirm performance, condition, size, and location for the continued and intended use is required by an Authorized Person (AP) as per the *BC Sewerage System Regulation*. This assessment is to ensure that no health hazard or risk is posed and that it meets the vertical and horizontal separation requirements as set by the current *Sewerage System Standard Practice Manual*. If the intent is to connect the proposed 25 RV sites to an existing or new sewage system, the appropriate reports must confirm that there is adequate space and site conditions to support Type 1 disposal and identify a reserve system for when the original system fails. The creek and wetland identified on the site may impact suitable areas for both the initial and reserve sewerage disposal.

Drinking water for the mobile home park is supplied by the internal Mcleese Lake Estates Water System which has an existing permit with Interior Health. Concerns regarding the drinking water system were raised by the Interior Health Small Water System (IHSWS) Team. If the applicant wishes to expand the water system to provide water to the 25 RV sites, the expansion will require approval by IHSWS. The applicant may wish to consult with a hydrogeologist to assist with this process.

The Ministry of Transportation and Infrastructure (MOTI) has no objection in principle to the proposed rezoning application.

The Agricultural Land Commission (ALC), who's jurisdiction extends across the northernmost portion of the property, roughly aligned with McLeese Creek and its associated wetlands. The Land Commission is concerned as the proposed RS 1-4 zone does not include any provisions for

agricultural purposes. The Land Commission recommends rezoning the area within the Agricultural Land Reserve (ALR) to a zone that includes agricultural land uses. Planning staff note that intensification will be occurring on lands outside of the ALR and no expansion of non-agricultural uses will take place in the ALR. Planning Staff also note that the portions of land within the ALR would prove difficult for agricultural uses. McLeese Creek takes a meandering route through the northernmost portion of the property and creates significant wetlands. The stream would create a significant barrier to feasible agricultural uses on the site. The ALC has also provided recommendation for buffering. This, as well as the Cariboo Regional District Agricultural Policy, will require that the property register a covenant requiring buffering and fencing on the site. Planning Staff propose this covenant be adapted to further restrict the area of land within the Agricultural Land Reserve from any non-farm use activities.

The Ministry of Forests, Lands, and Natural Resources Operations and Rural Development (FLNRORD) has no further comments provided that the rezoning application take in account the existing shoreland management policies created and enforced by the Cariboo Regional District. The CRD will ensure compliance with the Shoreland Management Policy by requiring a covenant be registered to the property with respect to sewage disposal and riparian protection.

### Recommendation:

- 1. That the Central Cariboo Area Rural Land Use Amendment Bylaw No. 5357, 2021 be given first and second reading, further that adoption be subject to the following conditions:
  - i. The applicant providing the Interior Health Authority, through an Authorized Person (AP), a Performance Inspection and report on the existing sewerage dispersal system. Further, that the AP conduct a Compliance Inspection and report demonstrating that the existing system can handle proposed increased flow. Further that the report from the AP must confirm there is adequate space and site conditions to support Type 1 disposal and identifying a reserve area for when the original system fails.
  - ii. The applicant providing confirmation from the Interior Health Authority Small Water Team of application for the expanded water system.
  - iii. The applicant offering to enter into and entering into a covenant to ensure compliance with the CRD Shoreland Management Policy with respect to a sewage disposal system and riparian protection.
  - iv. The applicant offering to enter into and entering into a covenant to ensure compliance with the provisions of the Agricultural Policy with respect to fencing, buffering and cattleguards, and further restricting the use of ALR land to agricultural uses only.

Further, that the cost of preparation and registration of the covenants be borne by the applicant.

#### REFERRAL COMMENTS

Health Authority: December 20, 2021

See attached.

Ministry of Transportation and Infrastructure: December 8, 2021

Interests unaffected by bylaw.

Thank you for giving the Ministry of Transportation and Infrastructure the opportunity to provide comments. The Ministry has no objections in principle to the proposed Bylaw amendment.

## **Advisory Planning Commission:**

No response.

Agricultural Land Commission: December 7, 2021

See attached.

Ministry of Environment and Climate Change Strategy: December 8, 2021

Please adhere to the attached Cariboo Regional District Shoreland Management Policy. If they follow this policy the Fisheries and Aquatics section has no further comments.

## Ministry of FLNRORD - Range:

No response.

CRD Chief Building Official: January 20, 2022

No objections. Property is within building inspection service area. Building permits required for the placement of new mobile homes.

## **ATTACHMENTS**

Appendix A: **Bylaw 5357** Appendix B: General Map Appendix C: Specific Map

Appendix D: Orthographic Map

Other: **Applicants Supporting Documentation** 

**Health Authority Comments** 

**Agricultural Land Commission Comments** 



#### CARIBOO REGIONAL DISTRICT

#### **BYLAW NO. 5357**

A bylaw of the Cariboo Regional District, in the Province of British Columbia, to amend Bylaw No. 3503, being the "Central Cariboo Area Rural Land Use Bylaw No. 3503, 1999".

WHEREAS the *Local Government Act* authorizes the Regional Board to amend a Rural Land Use bylaw after a public hearing and upon the affirmative vote of the Directors.

WHEREAS an application has been received to rezone property.

NOW, THEREFORE, the Board of Directors of the Cariboo Regional District, duly assembled, hereby enacts as follows:

## 1. CITATION

This bylaw may be cited for all purposes as the "Central Cariboo Area Rural Land Use Amendment Bylaw No. 5357, 2021".

## 2. AMENDMENT

Bylaw No. 3503 of the Cariboo Regional District is amended by:

i) Including Section 8.7.3.4 into Schedule "A" as follows:

## 8.7.3.4 <u>Special Exception RS 1-4 Zone (3360-20/20210055)</u>

Notwithstanding any other provision of this bylaw to the contrary, on lands zoned RS 1-4, the permitted non-residential uses shall include:

#### (a) NON-RESIDENTIAL USES:

i) Campground, recreational vehicle park.

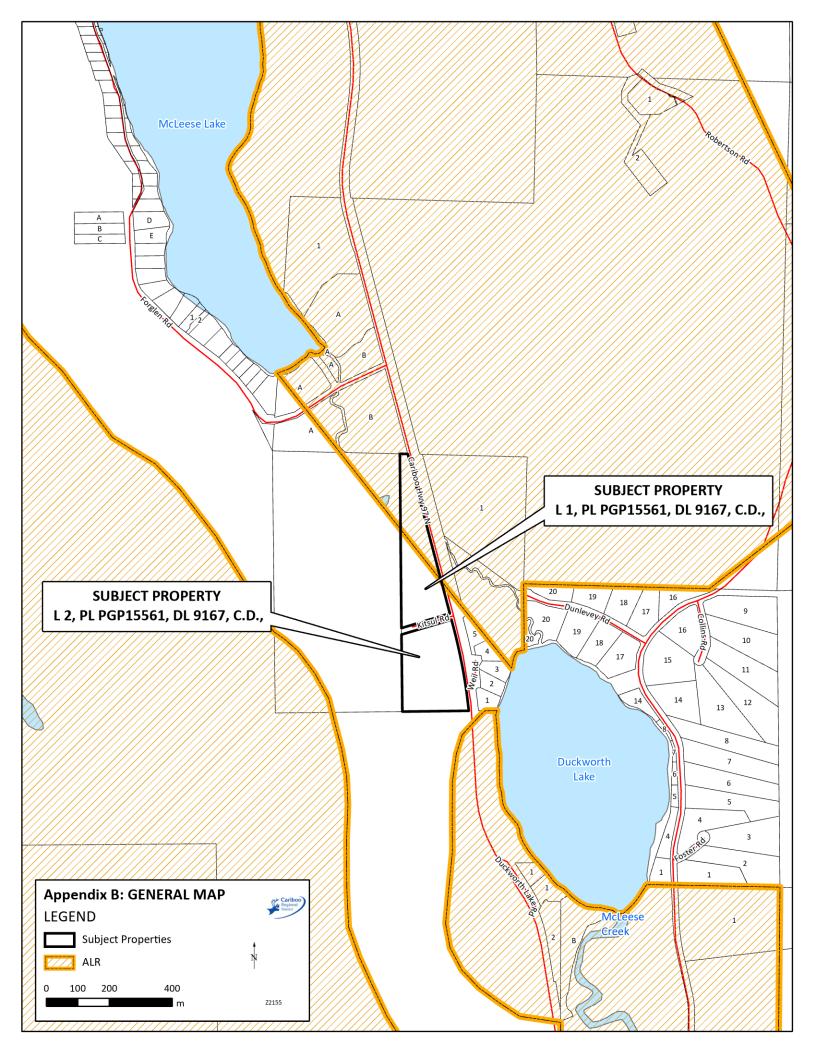
The following provisions shall also apply:

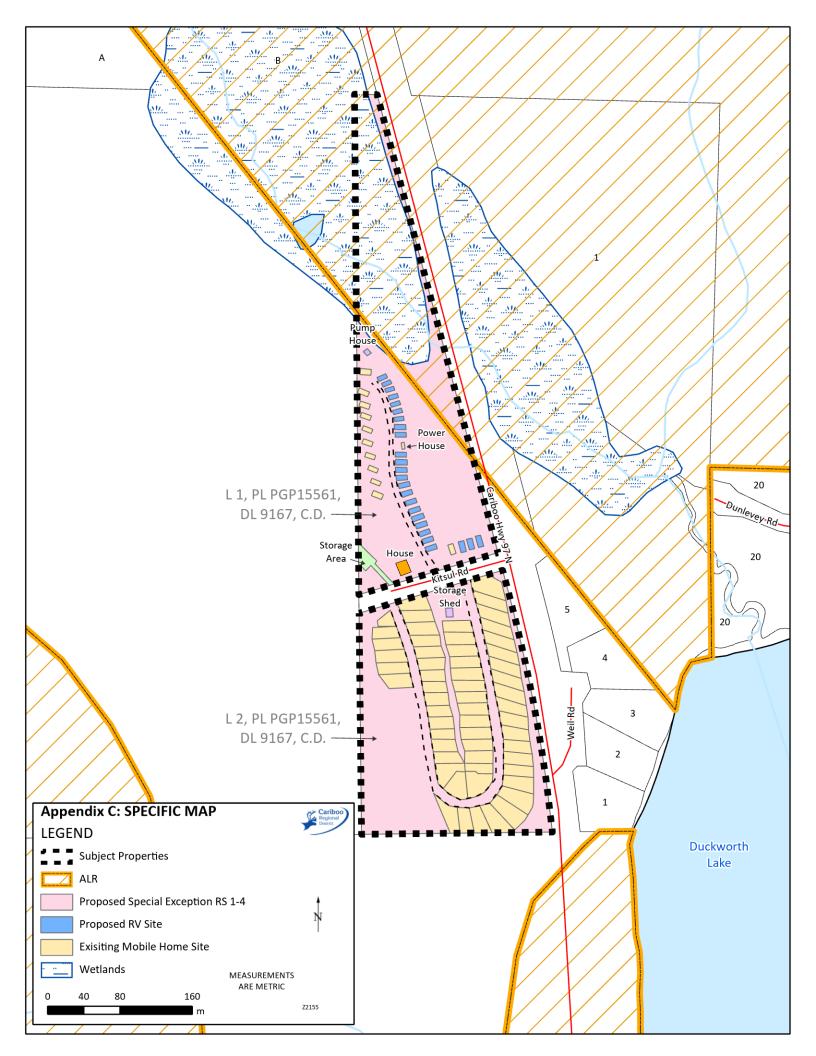
- a) A campground, recreational vehicle park is limited to location on Lot 1, District Lot 9167, Cariboo District, Plan PGP15561 provided the location is not within the Agricultural Land Reserve.
- b) Maximum of 30 campground or recreational vehicle sites.
- c) Vehicle Space per campsite or recreational vehicle site (minimum) = 4.5 by 12 metres
- d) Amenity Area per campsite or recreational vehicle site (minimum) = 4.5 by 12 metres
- e) A maximum of 12 recreational vehicles within the mobile home park are permitted for use as seasonal accommodation between March 15 November 15.

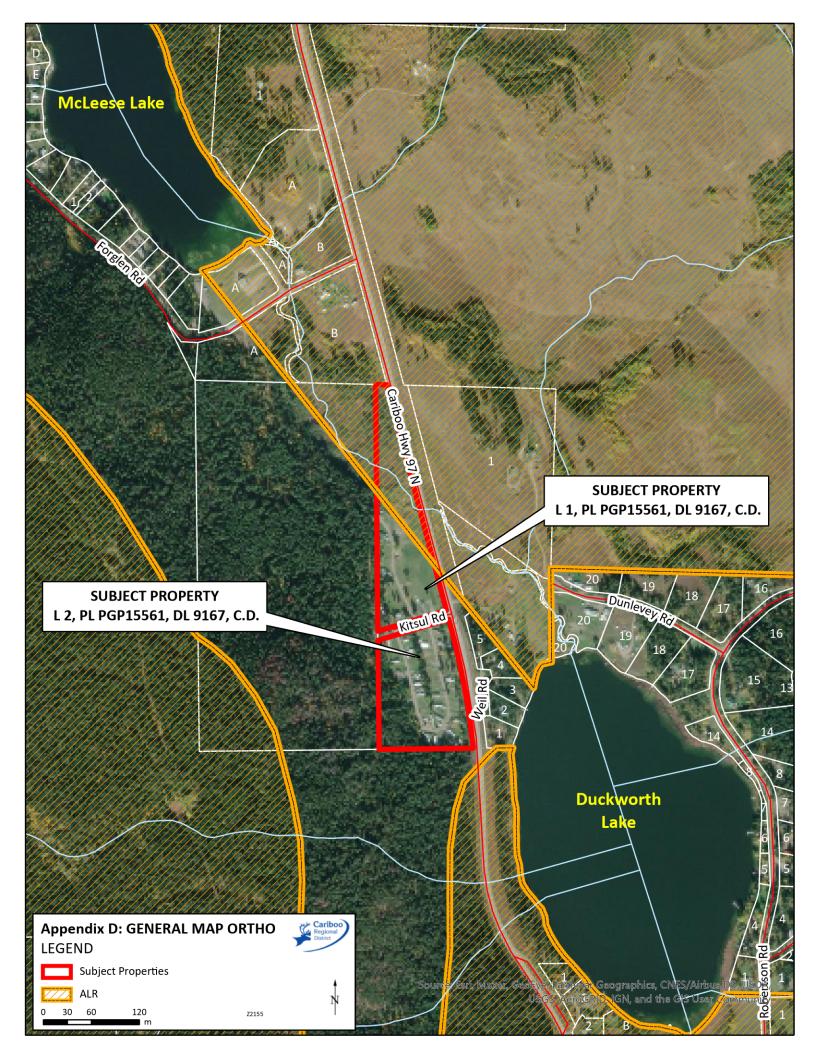
All other provisions of the RS 1 zone apply.

- ii) rezoning Lot 1, District Lot 9167, Cariboo District, Plan 15561 and Lot 2, District Lot 9167, Cariboo District, Plan 15561 from Settlement Area 1 (RS 1) zone to Special Exception RS 1-4 zone; and
- iii) amending Schedule "C" accordingly.

READ A FIRST TI	ME THIS	DAY OF	, 2022.		
READ A SECONE	TIME THIS	DAY OF	, 2022.		
A PUBLIC HEARI	NG WAS HELD	ON THE DAY (	)F	ر 2022.	
READ A THIRD T	IME THIS	_ DAY OF	, 2022.		
APPROVED UND	DER THE "TRANS	SPORTATION ACT" TH	IIS DAY C	OF	, 2022.
ADOPTED THIS _	DAY OF_		, 2022.		
			 Chair		
			Manager	of Corporate Ser	vices
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I hereby certify the foregoing to be a true and correct copy of Bylaw No. 5357 cited as the "Central Cariboo Area Rural Land Use Amendment Bylaw No. 5357, 2021", as adopted by the Cariboo Regional District Board					
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		Manager of Cor	norate Services		
Manager of Corporate Services					









December 7, 2021

### **Agricultural Land Commission**

201 – 4940 Canada Way Burnaby, British Columbia V5G 4K6 Tel: 604 660-7000 | Fax: 604 660-7033

Reply to the attention of Michael McBurnie ALC Issue: 52442

Local Government File: Z2155

Jonathan Reitsma, BURPl Planning Officer jreitsma@cariboord.ca

# Re: Rezoning Referral Package - Z2155 - 1561 Kitsul Road

Thank you for forwarding a draft copy of *Rezoning Referral Package - Z2155 - 1561 Kitsul Road* for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the bylaw amendment is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The bylaw amendment proposes to rezone the property identified as 1561 Kitsul Road; PIDs: 011-965-738 and 011-965-762 (the "Property") from *Settlement Area 1 (RS 1)* to *Special Exception (RS 1-4)* to allow for a campground, recreational vehicle park use, and recreational vehicles within the mobile home park for seasonal accommodation.

The Property is partially within the ALR. The portion of the Property to be used for a campground is not within the ALR; however, the proposal would rezone the entire Property to the *Special Exception (RS 1-4)* zone, including the ALR portion.

Campgrounds and mobile home parks are not allowed uses in the ALR. ALC staff recommends not zoning the ALR portion of the Property to permit uses that are not allowed in the ALC Act and ALR regulations. ALC staff notes that the current *Settlement Area 1 (RS 1)* zoning also permits uses that are not allowed in the ALR. This may be an opportunity to rezone the ALR portion of the Property to more accurately reflect the uses permitted in the ALR. Please note that under section 46 of the ALC Act, local governments must ensure their bylaws are consistent with the ALC Act, the ALR regulations, and the orders of the Commission. A local government bylaw that is inconsistent has no force or effect. A hazard of inconsistent bylaws is that they may mislead landowners, contribute to non-compliance, and open the local government to legal action.

ALC staff also recommends buffering along the boundary of the ALR and the non-ALR portion of the Property. Part 3 of the Ministry of Agriculture's <u>Guide to Edge Planning</u> (2015) describes urban-side edge planning tools to promote urban/rural compatibility. While the ALR portion of the Property is not currently in agricultural production, it is protected for agricultural use and could be developed for agriculture in the future. Establishing a

ALC File: 52442

campsite adjacent to the ALR creates the potential for future conflicts regarding farm noise and smells, as well as potential impacts to agriculture, such as trespass, litter, theft, etc. For this reason, ALC staff recommend considering the setback and buffer requirements outlined in the *Guide to Edge Planning*, including up to a 15 m non-residential building setback from the ALR boundary, and an associated 8 m vegetated buffer to reduce the potential for urban/agricultural conflicts.

\*\*\*\*

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3246 or by e-mail (michael.mcburnie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Michael McBurnie, Regional Planner

MMBurnie

Enclosure: Referral of Rezoning Referral Package - Z2155 - 1561 Kitsul Road

CC: Ministry of Agriculture – Attention: Gregory Bartle

52442m1



December 20th, 2021

Jonathan Reitsma, BURPl Planning Officer Cariboo Regional District Suite D, 180 North 3rd Avenue Williams Lake, BC V2G 2A4

Mail to: planning@cariboord.ca

Dear Jonathan,

RE: File Number: 3360-20/20210055, Lot 1, District Lot 9167, Cariboo District, Plan 15561 & Lot 2, District Lot 9167, Cariboo District, Plan 15561, 1561 Kitsul Road

Thank you for the opportunity to provide comments regarding the above noted application. It is our understanding that the proposal is to rezone the lot from Settlement Area 1 (RS 1) to Special Exception (RS 1-4) to allow for a campground, 25 recreational vehicle (RV) park sites, and up to 12 RVs within the mobile home park for seasonal accommodation, Mar - Nov. It is our understanding that the site is to be serviced by onsite sewerage and an existing community water system (Mcleese Lake Estates Water System, Permit # 14-094-00011). We provide the following comments for consideration.

#### **Healthy Housing**

Housing is a key determinant of health and an important principle in <a href="Healthy Built Environments">Healthy Built Environments</a>. It has significant influence on our physical and mental health, social well-being and indirectly influences many other determinants of health. Healthy housing options within the Cariboo Regional District are necessary to accommodate the needs of all individuals; including travelers, temporary workers and temporary residents within a community. We recognize there is a difference between mobile or movable dwellings and RVs, one complies with the building code and the other is regulated under the Motor Vehicle act. We believe that well-built movable dwellings on appropriately serviced pads are a reasonable solution to housing issues, and that RVs, when located on appropriately serviced pads on a temporary/short term basis can also help to alleviate housing issues, in particular for short term accommodation for seasonal and temporary workers in the area. This location though not located close to amenities or transit, can form an important part of the community's housing infrastructure.

#### **Wastewater Considerations**

A sewerage filing search was conducted for the existing mobile home park, and several sewerage filings for the property were located, see attached. The filing information indicates that the original sewerage systems were designed and installed in the 1970s. As such, as a condition of rezoning approval, we **recommend** having an <u>Authorized Person</u> (AP) as defined in the <u>BC Sewerage System Regulation</u> perform a Performance Inspection and provide a report on the existing sewerage dispersal system to confirm adequate performance, condition, size and location for the continued/intended use (as per Section 7.2 of the <u>Onsite Wastewater Certification Board Policy: APPENDIX 2, Registered Onsite Wastewater Practitioner (ROWP) Practice Guidelines). This assessment is to ensure that it does not pose a health hazard/risk and that it meets the required vertical and horizontal separation distances as well as today's <u>Sewerage System Standard Practice Manual, Version 3</u> standards.</u>

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.



Further, from the information supplied, it is unclear what the intent is for sewerage and wastewater disposal for the proposed 25 RV sites. If the intent is to connect the RV sites to any of the existing sewerage systems, then we **recommend** an AP conduct a Compliance Inspection. The AP should provide a report as noted above to demonstrate the existing system can handle proposed increased flow and that the system meets today's *Sewerage System Standard Practice Manual, Version 3* standards. If a new sewerage system, or multiple systems are proposed for the 25 RV sites, we also **recommend** as a condition of approval that the applicant obtain a report from an AP confirming: there is adequate space and site conditions to support Type 1 disposal and as well identify a reserve area for when the original system fails. The supplied site plans show marshland and a creek running through the northern most part of the lot, and this may impact or limit suitable areas for both initial and reserve sewerage disposal.

### **Drinking Water**

Water for the existing mobile home park and lot is supplied by the Mcleese Lake Estates Water System, and has an existing permit with Interior Health (Permit # 14-094-00011). As such, we supplied the referral for review and comment by the Interior Health Small Water (IHSWS) Team. The IHSWS identified some concerns with the existing water system, namely:

- There is limited information on file regarding their water source and treatment.
- There is no information regarding their ability to access water in regards to ground water licencing.
- There are outstanding infractions on file including and not limited to the file not being up to date, and not meeting Schedule B of the Drinking Water Protection Regulation.
- Limited information on location of possible sources of contamination to ground water including but not limited to information regarding septic systems.

Further, it should also be noted that if the applicant wishes to expand the water system to provide more connections (to include 25 new serviced RV sites fore example), the expansion will require approval by Interior Health, and a construction permit must be applied for and received ahead of any expansion works occurring. A GARP and source assessment of the water source will have to be completed prior to approval of water system expansion, and upgrades to the existing water system, including treatment may be required. The applicant may wish to consult with a hydrogeologist to assist them with this process. The applicant should understand that approval of rezone does not automatically confer approval of the expansion of the water system. We **recommend** starting the approval process early, and the applicant is encouraged to contact the Interior Health Small Water Team directly with any questions around the process. Information regarding this process can be found at Interior Health - Drinking Water Resources

In summary, as per above, we **recommend** approval to rezone be subject to the above noted sewerage recommendations and confirmation from the Interior Health Small Water Team that the expanded water system has been approved and permitting requirements completed.

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Interior Health is committed to working collaboratively with the Cariboo Regional District to support healthy, sustainable land use planning and policy creation. Please feel free to contact me directly if you have any further questions or comments. I can be reached at 250-851-7347 or <a href="misty.palm@interiorhealth.ca">misty.palm@interiorhealth.ca</a>

Sincerely,

Misty Palm, B.Tech. CPHI(C) Environmental Health Officer Healthy Communities

Cc: Interior Health Small Water System Team, <a href="IHSWS@interiorhealth.ca">IHSWS@interiorhealth.ca</a>

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