



**Columbia Shuswap Regional District**

**Subdivision Servicing**

**Bylaw No. 680**

**COLUMBIA SHUSWAP REGIONAL DISTRICT**

**SUBDIVISION SERVICING BYLAW NO. 680**

**A bylaw to regulate and require the provision of services in respect of subdivision within the Columbia Shuswap Regional District.**

WHEREAS the *Board* of the Columbia Shuswap *Regional District* wishes to repeal and replace Subdivision Servicing Bylaw No. 641;

AND WHEREAS a local government may, by bylaw, regulate and require the provision of *Works and Services* in respect of the subdivision of land, and may delegate, to the *Approving Officer* appointed under the Land Title Act its authority to exempt a *Parcel* of land from the minimum highway *Frontage*;

NOW THEREFORE the *Board* of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. The following schedules attached hereto are hereby made part of this Bylaw and adopted as part of the Subdivision Servicing Bylaw:
  - a. Schedule A – Levels of Service
  - b. Schedule B – List of Eligible Sources
2. If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision regarding the portion that is invalid shall not affect the validity of the remainder.

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## Part 1. Administration

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### 1.1 Application

This bylaw applies to all land within Electoral Areas A, B, C, D, E, and F of the Columbia Shuswap Regional District.

### 1.2 Administration

The Manager of Development Services or their delegate is responsible for the administration of this bylaw. Development Services staff will consult with Operations Management staff where technical determinations regarding potable water, community sewer and water systems are sought. The Manager of Operations Management or their delegate is responsible for approving technical information related to community water and sewer systems, collection of fees and security for works and services, and issuance of *Certificates of Final Acceptance*.

### 1.3 Incorporation

Schedules A, and B attached hereto, form part of this bylaw.

### 1.4 Standards of Measure

Any equivalent imperial units of measure shown, in parentheses, after metric units in any portion of this bylaw are for information purposes only and do not form part of this bylaw.

### 1.5 Severability

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this bylaw.

### 1.6 Duty of Care and Cause of Action

This bylaw does not create any duty at law on the part of the *Regional District*, its *Board*, Officers, employees, or other representatives concerning anything contained in this bylaw. All works, services, improvements, and all matters required pursuant to this bylaw are the responsibility of the *Owner* and all persons acting on their behalf. No approval of any kind, certificate, permit, review, inspection, or other act or omission by the *Regional District* or any of its representatives, including any enforcement or lack of enforcement of the provisions of this bylaw, shall relieve the *Owner* and all persons acting on their behalf from this duty pursuant to this bylaw and shall not create any cause of action in favour of any person.

## 1.7 Subdivisions Near Agriculture

Where subdivision may be proposed near farming operations or the Agricultural Land Reserve, CSRD staff may advise the *Approving Officer* to consider that the proposal include provisions for adequate buffering or separation of the development from farming, and that the location of *highways* do not unreasonably or unnecessarily increase access to the land in the Agricultural Land Reserve in accordance with Sections 86(1)(c)(x) and (xi) of the Land Title Act.

## 1.8 Other Agencies

This bylaw outlines the minimum requirements and regulations pertaining to the subdivision of property. Water Utilities, the Provincial Approving Officer, the Ministry of Transportation and Infrastructure, the Interior Health Authority and other agencies have additional requirements, regulations and approval procedures not contained in this bylaw. It is the applicant's responsibility to ensure that the requirements, regulations and approval procedures of all agencies having jurisdiction are met. Where requirements and regulations of other agencies are inconsistent with this bylaw, the more stringent requirements and regulations shall apply.

## 1.9 Time Limits on Subdivision Referrals

The *Regional District's* final comments on subdivision applications are valid for 18 months, after which time, the *Owner* must obtain current comments from the *Regional District* prior to subdivision approval.

# Part 2. Interpretation

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## 2.1 Definitions

The following words and phrases wherever they occur in this *Bylaw*, shall have the meaning assigned to them as follows:

2,000 LITRES/DAY means the equivalent of 439.94 imperial gallons/day or 528.34 US gallons/day.

### A

APPROVED PRODUCTS LIST means a list of products approved, and as regularly updated for use by the *Manager, Operations Management* and that is current at the time of construction or installation.

APPROVED STANDARD DRAWINGS means the standard drawings approved by the *Regional District* that are current at the time of construction or installation.

APPROVING OFFICER means the person appointed under the Land Title Act to deal with applications to subdivide land in the *Regional District*.

ASTM STANDARDS means the applicable standards established by ASTM (American Society for Testing and Materials) International that are current at the time of construction or installation.

AWWA STANDARDS means the applicable standards established by the American Water Works Association that are current at the time of construction or installation.

## C

CERTIFICATE OF COMPLETION means a certificate, in the form approved by the Manager, Operations Management, issued by the *Owner's Qualified Professional* stating that all *Works and Services* have been completed, including any deficiencies listed on the *Certificate of Provisional Completion*.

CERTIFICATE OF FINAL ACCEPTANCE means a certificate, in the form approved by the Manager, Operations Management, issued by the *Regional District* in respect of *Works and Services* required by this bylaw verifying that all requirements of this bylaw have been met by the *Owner*.

CERTIFICATE OF PROVISIONAL COMPLETION means a certificate, in the form approved by the Manager, Operations Management, issued by the *Owner's Qualified Professional* stating that:

*Works and Services* are ready to be used for their intended purpose;

- a) The total cost of addressing incomplete, defective and deficient *Works and Services*, as estimated by the *Qualified Professional* and verified by the *Regional District*, is not more than 3% of the total cost of the *Works and Services*; and,
- b) Fire protection has been approved to the satisfaction of the *Manager, Operations Management*, or his designate.

A description of the *Works and Services* that remain to be completed must be included as part of this certificate.

COMMUNITY DRAINAGE SYSTEM means a system of works owned, operated and maintained by the Ministry of Transportation and Infrastructure, *Regional District* or a Strata Corporation, designed and constructed to control the collection, conveyance and disposal of surface and other water.

COMMUNITY SEWER SYSTEM means a system of works owned, operated, and maintained by the *Regional District*, Strata Corporation, Improvement District, Utility or Corporation (Private or Public) and which is established and operated under the Public Health Act and regulations, or Environmental Management Act and regulations or any other provincial legislation that may

apply, for the collection, treatment and disposal of sanitary sewage, which serves more than one *Parcel*, or *Dwelling Unit*.

COMMUNITY WATER SYSTEM means a *Water Supply System* owned, operated, and maintained by the *Regional District*; a *Water Supply System* operated by a water utility holding a certificate of Public Convenience and Necessity under the Water Sustainability Act; or a *Water Supply System* operated by a strata corporation, in accordance with the Strata Properties Act.

COMPTROLLER means the Comptroller of Water Rights under the Water Sustainability Act

C.S.A. STANDARDS means the applicable standard established by the Canadian Standards Association that is current at the time of construction or installation of the *Works and Services*.

## D

DOMESTIC PURPOSES has the same meaning as in the Drinking Water Protection Act, and more specifically describes *Potable Water* for a *Dwelling Unit*.

DOMESTIC WATER SYSTEM has the same meaning as in the Drinking Water Protection Act, but excludes a tank truck, vehicle water tank or other similar means of transporting drinking water, whether or not there are any related works or facilities.

DRILLED WELL means a well that is greater than 15.0 m in depth installed tested and reported to the Comptroller of Water Rights in accordance with the Water Sustainability Act, by a *Qualified Well Driller*, in accordance with the Ground Water Protection Regulation.

DWELLING UNIT means a use of 1 or more habitable rooms in a building that constitute a single self-contained unit with a separate entrance and used together for living and sleeping purposes for not more than one family and containing a kitchen with a sink and cooking facilities and a bathroom with a water closet, wash basin and a bath or shower.

## E

ENGINEER means a person who is registered in good standing, or duly licensed as such, under the provisions of the Engineers and Geoscientists Act of British Columbia.

## F

FRONTAGE means that length of lot boundary which immediately adjoins a *Highway*, other than a *Lane*. Also a walkway, trail, bridge, or statutory right-of-way granted to the *Regional District* would not be included.

## G

GROUNDWATER has the same meaning as in the Water Sustainability Act.

## H

HEALTH OFFICER means an officer designated in accordance with the Public Health Act.

HIGHWAY has the same meaning as in the Transportation Act.

## I

INDEPENDENT ON-SITE WATER SYSTEM means a *Domestic Water System* that serves up to 2 *Dwelling Units* located on the same *parcel*.

## L

LANE means a narrow *Highway* which provides secondary vehicular access to any abutting *Parcel*, so that the *Parcel* may be serviced or reached by vehicles using that *Highway*.

LATECOMER AGREEMENT means an agreement regarding Excess or Extended Services between the *Owner* and the *Regional District*, in the form approved by the Manager, Operations Management, and as referred to in Section 507 of the Local Government Act.

LIST OF ELIGIBLE SOURCES means a document submitted to the *Regional District* from time to time and attached to and included with this bylaw as Schedule B, provided by the *Comptroller* of Water Rights, the Regional Water Manager, or the Assistant Regional Water Manager of the Ministry of Environment that identifies surface water sources in the *Regional District* that are considered by the Ministry of Natural Resource Operations to be capable of providing sustainable domestic water supplies.

## M

MMCD means the latest revised issue of standards as published by the Master Municipal Construction Documents Association.

MANAGER, OPERATIONS MANAGEMENT means the person holding that position with the *Regional District*, or a person designated to act in his or her absence.

MAPPING FOR AREAS OF GROUNDWATER CONCERN means mapping prepared from time to time by the *Regional District* that shows areas of concern for *Groundwater*.

## O

OWNER has the same meaning as in the Land Title Act and includes a person authorized by an *Owner* to make a subdivision application in respect of the *Owner's* land.

ON-SITE SEWAGE DISPOSAL means the onsite disposal of sewage effluent, that serves up to two *Dwelling Units* located on the same parcel, approved pursuant to the Public Health Act.



## P

PARCEL has the same meaning as in the Land Title Act and includes a bare land strata lot.

POTABLE WATER has the same meaning as in the Drinking Water Protection Act, in reference to the standards described in Schedule A of the Drinking Water Protection Regulation. For the purposes of this Bylaw, *Potable Water* also includes any water which after treatment becomes *Potable Water*.

PUBLIC UTILITY means a system, work, building, plant, equipment, or resource owned by a municipality, regional district, the Province of British Columbia, an improvement district or other government agency or utility company for the provision of water, sewer, drainage, gas, electricity, transportation, or communication services, including public and private cemeteries.

## Q

QUALIFIED PROFESSIONAL means a person who is registered or duly licensed as a Professional Engineer or a professional geoscientist under the provisions of the Engineers and Geoscientists Act.

QUALIFIED PUMP INSTALLER means a person who has been accepted and registered as a *Qualified Pump Installer* by the *Comptroller* of Water Rights, under the Ground Water Protection Regulation.

QUALIFIED WELL DRILLER means a person who has been accepted and registered as a *Qualified Well Driller* by the *Comptroller* of Water Rights, under the Ground Water Protection Regulation.

## R

REGIONAL DISTRICT means the Columbia Shuswap *Regional District*.

## S

SECURITY DEPOSIT means cash, a certified cheque or an automatically renewable unconditional Irrevocable Letter of Credit drawn on a chartered bank or credit union in Canada.

SHALLOW WELL means a *well* that is either drilled or excavated to a depth of less than or equal to 15.0 m, and which has been installed, tested, and reported to the *Comptroller* of Water Rights in accordance with the Water Sustainability Act by either a *Qualified Well Driller* or a *Qualified Pump Installer*, in accordance with the Ground Water Protection Regulation.

SITE PREPARATION means any clearing of plant material, grubbing, excavation or disturbance of existing soil, or placement of fill material.

## U

UNDERWRITERS LABORATORY STANDARDS means the applicable standards established by the Underwriters Laboratories that is current at the time of construction or installation.

## W

WATER SUPPLY SYSTEM has the same meaning as in the Drinking Water Protection Act.

WELL has the same meaning as in the Water Sustainability Act.

WELL PIT has the same meaning as in the Groundwater Protection Regulation.

WORKS AND SERVICES means the design, construction, installation and certification of improvements required to be designed, constructed, erected or installed in accordance with the standards established under this bylaw on or adjacent to land under subdivision including, but not limited to earthworks, driveways, roadways, trails, sidewalks, boulevards, boulevard crossings, transit bays, street lighting, wiring, water distribution systems other than *Independent On-site Water System*, *Independent On-site Water System*, fire hydrants, sewage collection and disposal systems, drainage collection and disposal systems, other than those *Works and Services* that fall under the jurisdiction of the Ministry of Transportation and Infrastructure.

WORKS AND SERVICES AGREEMENT means a written agreement, pursuant to Section 512 of the Local Government Act, in the form approved by the Manager, Operations Management, that describes the terms and conditions agreed upon between the *Regional District* and the *Owner* relative to the provision of *Works and Services* associated with a subdivision.

### 2.2 List of Acronyms

AWWA	American Water Works Association
MDD	Maximum day demand
PRV	Pressure reducing valve
SCADA	Supervisory control and data acquisition
MMCD	Master Municipal Contract Documents

## Part 3. Minimum Highway Frontage

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- 3.1 The Board delegates to the Approving Officer the power to exempt a Parcel from the minimum *Frontage* requirement specified in Section 512 of the Local Government Act or in any bylaw adopted under that Section.

## Part 4. Connection to Water Systems

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- 4.1** If Schedule A requires a Community Water System and it is, in the opinion of the *Manager, Operations Management*, or his designate, feasible to connect the system to a *Community Water System* owned by the *Regional District* then the proposed subdivision shall be connected to the *Water Supply System* owned by the *Regional District* in accordance with the standards established by this bylaw.
- 4.2** If an Owner proposes to connect to a Regional District Community Water System, existing water sources for an *Independent On-site Water System* must be abandoned in such a way as to prevent cross-connection in accordance with the current CSRD Cross Connection Control Program Bylaw.
- 4.3** If an Owner is connecting to a Community Water System documentation must be provided from the operator of the *Public Utility* indicating that all conditions for connection to the *Community Water System* have been met, and that such connection is permitted under the *Public Utility's* operating permits or authorizations. Documentation from the operator of the *Public Utility* is required to be provided to the *Regional District* that the *Community Water System* is operating under current authorization from the Authority having jurisdiction.

## Part 5. Connection to Sewer Systems

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- 5.1** If Schedule A requires a *Community Sewer System* and it is, in the opinion of the *Manager, Operations Management*, or his designate, feasible to connect the system to a *Community Sewer System* owned by the *Regional District* then the proposed subdivision shall be connected to the *Community Sewer System* owned by the *Regional District* in accordance with the standards established by this bylaw.
- 5.2** If an Owner proposes to connect to a Regional District Community Sewer System, existing works and services associated with On-site Sewage Disposal must be abandoned in accordance with the following:
- a) Locate the septic tank and remove the lid;
  - b) Pump out the existing septic tank and discharge into an approved sewerage disposal facility;
  - c) Fill in the septic tank with sand or gravel and put the lid back in place, or remove the tank from the ground and fill in the hole; and,

- d) backfill in the soil around the tank to slightly higher than adjacent ground level to allow for settling.

**5.3** If an Owner is connecting to a Community Sewer System or proposing to utilise an existing Community Sewer System, documentation must be provided from the operator of the Public Utility indicating that all conditions for connection to the Community Sewer System have been met and that such connection is permitted under the Public Utility's operating permits or authorizations. Documentation from the operator of the Public Utility is required to be provided to the Regional District that the Community Sewer System is operating under current authorization from the Authority having jurisdiction.

## **Part 6. Servicing Requirements for Subdivisions**

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### **Servicing Requirements**

**6.1** Prior to subdivision approval, the *Owner* must provide:

- a) *Highways* within a proposed subdivision and *Highways* immediately adjacent to a proposed subdivision subject to the review, approval and standards of the Ministry of Transportation and Infrastructure;
- b) Shared access routes within a proposed subdivision under the Strata Properties Act subject to the review, approval and standards of the *Approving Officer*;
- c) *Works and Services*, on *Highways* within a proposed subdivision and on *Highways* adjacent to a proposed subdivision as allowed and to the standards of the Ministry of Transportation and Infrastructure and in accordance with applicable permits issued by the Ministry of Transportation and Infrastructure for works within the *Highway*, and to the level described in Schedule A of this bylaw;
- d) *Works and Services*, on shared access routes within a proposed subdivision under the Strata Properties Act subject to the review, approval and standards of the *Approving Officer*, and to the level described in Schedule A of this bylaw;
- e) *Works and Services* not within a *Highway* within a proposed subdivision to the level described in Schedule A of this bylaw; and,
- f) Excess or extended services as described in Section 507 of the Local Government Act.

**6.2** The *Board* delegates to the *Manager, Operations Management*, or his designate the authority to:

- a) determine items included on and revise as necessary, the *Approved Products List*;
- b) determine, and from time to time update the form of documents associated with this Bylaw, including, but not limited to the following:
  - I. Standard Works and Services Agreement Document;
  - II. Sample Latecomer Agreement;
  - III. Certificate of Provisional Completion;
  - IV. Certificate of Completion; and,
  - V. Certificate of Final Acceptance.
- c) establish and update from time to time Design Guidelines and Standards associated with this Bylaw, including, but not limited to, the following:
  - I. Water System Design Guidelines and Standards;
  - II. Sewage Collection, Treatment and Effluent Disposal Design Guidelines and Standards; and,
  - III. Other Standard Drawings, as required.
- d) establish, and update from time to time, Guidelines for Assessment and Demonstration of Water Availability and Quality
- e) determine what requirements for *Works and Services* are directly attributable to a subdivision in any particular case;
- f) determine what excess or extended services are required in connection with a subdivision;
- g) determine whether the cost of such excess or extended services is excessive such that the *Owner* must pay the costs;
- h) identify, in accordance with Section 507 of the Local Government Act the benefiting properties in relation to excess or extended services;
- i) determine what proportion of the costs associated with the excess or extended services is associated with each benefiting property; and,
- g) enter into a *Latecomer Agreement* for the excess or extended services with the *Owner* in the form approved by the Manager, Operations Management.

**6.3** All *Works and Services* shall be provided to the standards required in this Bylaw and the Design Guidelines and Standards, and Drawing Standards, as approved by the Manager, Operations Management, as noted in Section 6.2 (c), of this bylaw.

**6.4** Notwithstanding Section 6.1, the *Owner* may obtain subdivision approval prior to the provision of *Works and Services* if the *Owner* provides a *Security Deposit* in accordance with Section 11.2 and enters into a *Works and Services Agreement*, as approved by the Manager, Operations Management and described in Section 6.2(b) of this bylaw, with the *Regional District*.

**6.5** The interest rate applicable to excess or extended services and latecomer charges under Section 508(4) of the Local Government Act will be equivalent to the Bank of Canada Prime Business rate plus two percent (2%) calculated from the date on the Certificate of Completion of the Excess or Extended Services as certified by the engineering firm utilized by the *Regional District* to the date of connection by the benefitting parcel. Interest shall be compounded annually on the anniversary date of completion.

## **Exemptions**

**6.6** Section 6.1 does not apply if:

- a) the subdivision creates only parkland or natural areas, a *Parcel* for the installation of *Public Utilities* and related structures and equipment, or a *Parcel* to be used only for the parking of motor vehicles;
- b) a covenant restricting the use of the *Parcel* to a park, natural area conservation, surface parking lot, or *Public Utilities* purpose has been registered on title under s. 219 of the Land Title Act in favour of the *Regional District*; or,
- c) The proposed subdivision involves common lot accesses, as contemplated in Land Title Act, BC Reg 334/79, Part 12.

## **Part 7. Sanitary Sewage Disposal**

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### **General Requirements**

**7.1** Proof must be supplied by the Owner to the Regional District that an adequate sanitary sewage disposal method for each Parcel can be provided. The Regional District reserves the right to forward any documentation received to the jurisdiction having authority over the proposed sanitary sewage disposal system, whether it be an On-site Disposal system or a Community Sewer System.

### **On-site Disposal**

**7.2** Vacant Lots

Where Schedule A permits *On-Site Sewage Disposal*, the *Owner* must submit to the *Regional District* documentation from an Authorized Person, as defined in the Sewerage System Regulation pursuant to the Public Health Act confirming that each proposed lot is capable of supporting a primary and reserve Type 1 trench disposal system for a 4-bedroom home (minimum 1,600 liters/day) which meets Regulatory and Standard Practice requirements. Such documentation to support assessment must include a site

assessment and site map showing proposed developments with water sources and their setbacks to the proposed *On-site Sewage Disposal* system location.

### 7.3 Lots with Existing Dwellings

Where a lot contains a pre-existing residential *dwelling unit* serviced by an existing *On-site Sewage Disposal* system, the *Owner* must provide documentation that the *On-site Sewage Disposal* system has either:

- a) a Record of Sewerage System that has been accepted by the Interior Health Authority within the past 15 years for the existing *dwelling unit*; or,
- b) been inspected by an Authorized Person, who confirms that the existing *On-site Sewage Disposal* system is performing in accordance with the *On-site Sewage Disposal* requirements of the Sewerage System Regulation of the Public Health Act, and has capacity to service the existing *dwelling unit*; or
- c) been inspected by an Authorized Person, who provides a report indicating any deficiencies and/or maintenance required to the existing *On-site Sewage Disposal* system in order to ensure performance in accordance with the *On-site Sewage Disposal* requirements of the Sewerage System Regulation of the Public Health Act, along with a follow up letter indicating that the required maintenance has been completed; or
- d) The CSRD may also accept documentation from an Authorized Person, as defined in the Sewerage System Regulation pursuant to the Public Health Act confirming that each proposed lot with an existing *On-site Sewage Disposal* system is capable of supporting a reserve Type 1 trench disposal system for a 4 bedroom home (minimum 1,600 liters/day) which meets Regulatory and Standard Practice requirements.

7.4 Notwithstanding the above, in no case shall a *Parcel* be serviced by *On-site Sewage Disposal* if a *Community Sewer System* is available to service the property. The *Manager, Operations Management*, or his designate, at his discretion will determine if a system is available for a connection, in accordance with Subsections 5.1 and 5.3.

## Exemptions

7.5 Sections 7.2-7.4 do not apply:

- (a) to subdivisions proposing one or more lots having an area of 4 ha or greater; or
- (b) to boundary adjustment subdivisions where each of the proposed *Parcels* contains a pre-existing residential *dwelling unit* that is serviced with an existing *On-site Sewage Disposal* system, and has a lot area of 2 ha or greater, provided that all components of the *On-site Sewage Disposal* system are located on the same proposed *Parcel* as the pre-existing residential *dwelling unit*.
- (c) to a *Parcel* being created:
  - i. to provide *highway* access by common lot;
  - ii. for installation of Public Utilities and related structures and equipment;

- iii. for use as a surface parking lot, provided that a covenant in favour of the Regional District restricting the use to that purpose is registered against the land under Section 219 of the *Land Title Act*;
- (d) to a *Parcel* being created solely for use as an unserviced park.

## Community Sewer System

- 7.6** If a proposed subdivision requires installation of a new *Community Sewer System*, the *Owner's Engineer* is required to design the system in accordance with Sewage Collection, Treatment and Effluent Disposal Design Guidelines and Standards, as approved by the Manager, Operations Management, in accordance with Section 6.2(c) of this bylaw, *MMCD* standards, the Public Health Act and regulations, or Environmental Management Act and the Municipal Wastewater Regulation (BC Reg 87/2012) or any other provincial legislation that may apply, for the collection, treatment and disposal of sanitary sewage, and good engineering practice.
- 7.7** If a proposed subdivision proposes connection to an existing *Community Sewer System*, the requirements of Part 5 apply.

## Discharge Restrictions

- 7.8** *Community Sewer Systems* shall not discharge effluent directly to a watercourse, except as approved by the Ministry of Environment, or as supported in an Electoral Area Liquid Waste Management Plan.

## Part 8. Access to Property

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### Building Sites

- 8.1** An *Owner* must supply a site plan prepared by a BC Land Surveyor or *Qualified Professional* with experience in civil or geotechnical engineering that shows an adequate building site for each new *Parcel* proposed to be created by subdivision.

For the purpose of this bylaw an adequate building site means:

- a) For *Parcels* proposed to be serviced with *On-site Sewage Disposal* is an identified contiguous area of 1,000 m<sup>2</sup>, no less than 10 m wide, having average natural (pre-development) slopes in the identified area of less than 30%.
- b) For *Parcels* proposed to be serviced by a *Community Sewer System*, is an identified contiguous area of 300 m<sup>2</sup>, no less than 10 m wide, having average natural (pre-development) slopes in the identified area of less than 30%.
- c) Alternatively, if the required natural (pre-development) slopes cannot be achieved, a proposed adequate building site:



- i. must be a contiguous area of 300 m<sup>2</sup>, no less than 10 m wide, having slopes in the identified area of less than 30%;
  - ii. must be shown on a lot grading plan that includes the access driveway, prepared by a *Qualified Professional* with experience in civil or geotechnical engineering; and
  - iii. must be constructed, inspected, and certified by the *Qualified Professional* prior to subdivision completion, or a covenant with the lot grading plan attached, must be registered on title requiring that the adequate building site must be constructed as shown on the lot grading plan prior to the *Parcel* being used for residential purposes.
- d) Where *On-site Sewage Disposal* is required, the adequate building site identified should contain the area for the *On-site Sewage Disposal* system; but if a separate area for this is proposed it is required to be shown on the site plan.
- e) Adequate building sites shall not be located within the panhandle portion of a *Parcel*.

## Access Driveways

**8.2** An *Owner* must provide a site plan prepared by a BC Land Surveyor or *Qualified Professional* with experience in civil or geotechnical engineering indicating access driveways to all existing and proposed building sites, as indicated in 8.1, above.

- a) Access driveways, to single *Dwelling Units* must be a minimum of 4.0 m wide and have a maximum grade on the *Parcel* of 15%.
- b) Access driveways, where multiple *Dwelling Units* are proposed must be a minimum of 6.0 m wide and have a maximum grade on the *Parcel* of 12.5%.
- c) If a lot grading plan is to be provided in accordance with 8.1 c), the access driveway must be shown on the lot grading plan.

All access driveways must conform to Ministry of Transportation and Infrastructure requirements for private access within the Ministry of Transportation and Infrastructure Right-of-Way area.

**8.3** Access driveways should be contained within the *Parcel* they are intended to service. If an *Owner* intends to gain access to a *Parcel* through one or more other *Parcels*, that access driveway, including any works required to support it, must be contained within an easement approved for registration by the *Parcel's Owner*, meeting the requirements of Sections 10.10 and 10.11 of this Bylaw.

## Part 9. Assessment and Demonstration of Potable Water (for Independent On-site Water System)

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### Application and Exemptions

9.1 Sections 9.2 through 9.20 do not apply:

- a) to a *Parcel* being created:
  - iv. to provide *highway* access by common lot;
  - v. for installation of Public Utilities and related structures and equipment;
  - vi. for use as a surface parking lot, provided that a covenant in favour of the Regional District restricting the use to that purpose is registered against the land under Section 219 of the *Land Title Act*;
- b) to a *Parcel* being created solely for use as an unserviced park; or
- c) to a *Parcel* being created that contains a pre-existing residential *dwelling unit* that is connected to and using a water source, provided that:
  - i. the water source meets current setback requirements, established by an enactment, from sources of contamination, and
  - ii. the water source is either:
    - A. located on the same *Parcel* as the pre-existing residential *dwelling unit*; or
    - B. located on Crown land along with all water system components, which have been approved or permitted by the Provincial authority.
- d) to a vacant *Parcel* that is part of a boundary adjustment, provided that the vacant *Parcel* was created by subdivision after January 16, 2014.

### Independent On-site Water System

9.2 Where no *Community Water System* is available, and the proposed *Parcels* comply with Schedule A Levels of Service requirements, all new *Parcels* created by subdivision must be provided with an *Independent On-site Water System*.

9.3 The water source for an *Independent On-site Water System* must be:

- a) surface water from an intake in a water source that either has an existing license issued by the Water Allocation Branch or is included on the *List of Eligible Sources* of the Ministry of Forests, Lands and Natural Resource Operations (or applicable Ministry at the time of application) that is current as of the date of application for subdivision, or as provided in Schedule B attached to this Bylaw;
- b) *Groundwater* from a Drilled *Well*; or,
- c) *Groundwater* from a Shallow *Well*.

- 9.4** All *Wells* other than those identified in Section 9.1 c) and d) and related components of the *Independent On-site Water System* using *Groundwater* sources must:
- a) be on the same *Parcel* as the residential *Dwelling Unit* in respect of which they are required.
- 9.5** All components, including the intake, for an *Independent On-site Water System* using surface water sources must be:
- a) located on the same *Parcel* as the residential *Dwelling Unit* in respect of which they are required; or
  - b) located within easements that are a minimum of 6.0 m in width, provided that the delivery system from the surface water source to the *Dwelling Unit* is only for a single residential *Dwelling Unit*; or
  - c) installed under the applicable road or railway right of way to the *Parcel* boundary, if the *Parcel* is located across a road or railway line from the surface water source.
- 9.6** A person must not proceed to develop any water source or construct any water system until documentation for all information required under subsections 9.11 through 9.12 has been received and approved by the *Manager, Operations Management* or his designate.
- 9.7** If the *Owner* is required under this bylaw to engage a *Qualified Professional*, a person must not commence any work, study or analysis related to the proposed development of an *Independent On-site Water System* without the involvement of a *Qualified Professional*.
- 9.8** Each *Independent On-site Water System* must be capable of providing, year round, at least 2,000 litres of *Potable Water* per day for each *Parcel* that includes, or can be reasonably expected in future to include, a residential *Dwelling Unit*, per each *Dwelling Unit*.
- 9.9** Each *Independent On-site Water System* must meet each of the water quantity and water quality requirements for the relevant subdivision type set out in Table 1.
- 9.10** For each existing and proposed *Independent On-site Water System* and especially where testing of the *Independent On-site Water System* indicates that treatment is required, the *Owner* must enter into a covenant under Section 219 of the Land Title Act in favour of the *Regional District*, in accordance with subsection 9.20, acknowledging that the quality and quantity of all water sources change over time and where treatment is required, to ensure suitable treatment systems are installed and maintained so that each *Dwelling Unit* is provided with *Potable Water*, and must register the covenant against the property title concurrently with the deposit of the plan of subdivision.

## Documentation Requirements

**9.11** The *Owner*, where proposing to develop an *Independent On-site Water System*, shall submit to the *Regional District* the following information:

- a) agent contact information if the *Owner* has hired an agent to develop an *Independent On-site Water System* on the *Owner's* behalf;
- b) general information about the proposed subdivision or current phase of subdivision, as well as information about any plan for future phases of subdivision;
- c) information about water supplies and sewage systems and any other potential sources of contamination (including, but not limited to underground storage tanks, car wrecks, manure piles, dead animal pits, privies, holding tanks, *highways*, and on-site sewerage systems, whether or not permitted or currently lawful) and plans showing these situated within 30 meters of the land being subdivided that could affect either the quantity or quality of water available to the subdivision;
- d) information regarding the proposed water source for the subdivision or current phase of subdivision; and
- e) plans showing, proposed water sources for the subdivision, and proposed subdivision layout.

**9.12** All documentation submitted to the *Regional District* in connection with subsection 9.11, above must reflect conditions prevailing at the time of application for the subdivision.

**9.13** The *Regional District* reserves the right to require information on a larger area than 30.0 meters, as specified in paragraph (c) of subsection 9.11, above, at the discretion of the *Manager, Operations Management*, or his designate. If the *Manager, Operations Management*, or his designate considers that soil conditions, aquifer sensitivity and potential sources of contamination warrant further consideration, the *Manager, Operations Management*, or his designate may require further or additional information, including about an area beyond that specified in paragraph (c) of subsection 9.11 of up to 60 meters.

## Professional-Directed Approach (*Qualified Professional*)

**9.14** The *Owner* shall engage a *Qualified Professional* to manage all aspects of developing an *Independent On-site Water System* (this approach is referred to as the "Professional-Directed Approach") if any of the following conditions apply:

- a) the proposed subdivision will result in three or more *Parcels*;
- b) any of the proposed *Parcels* are less than 2 hectares in area;
- c) the proposed subdivision is not located within an area indicated as being within a known aquifer, as identified on the *Mapping for Areas of Groundwater Concern*;

- d) the proposed subdivision is located within an area of concern for *Groundwater* issues as identified on the *Mapping for Areas of Groundwater Concern* that is current at the time of subdivision application;
- e) any proposed *Groundwater* source is within 30.0 m of any other existing groundwater source or source of potential contamination;
- d) the proposed water source is surface water;
- e) the source of water is a *Well Pit*;
- h) the proposed water source is a *Shallow Well* that the *Owner* intends to install without hiring a *Qualified Well Driller* or a *Qualified Pump Installer*;
- i) prior to commencing construction or testing, the *Qualified Well Driller* or *Qualified Pump Installer* engaged to provide a *Well* expects that drawdown interference, or water quality issues are likely to occur based on their personal knowledge of the area the *Well* is proposed; or
- j) the *Regional District* has requested a review of the information provided, as required in 8.12 above, by a *Qualified Professional*, and that professional recommends a professional-directed approach.

### **Owner-Directed Approach**

- 9.15** If conditions described in subsection 9.14 do not apply, the *Owner* may direct the development of an *Independent On-site Water System* without engaging a *Qualified Professional* (this approach is referred to as the "Owner-Directed Approach") by hiring either a *Qualified Well Driller* or a *Qualified Pump Installer*. Having been retained by the *Owner* for this purpose, the *Qualified Well Driller* or *Qualified Pump Installer* must submit a copy of all *Well* reports together with the water quality analysis, indicating a *Potable Water* source, as required in the Water Sustainability Act to the *Comptroller* of Water Rights and to the *Manager, Operations Management*, or his designate.
- 9.16** Notwithstanding Section 9.15, the *Regional District* may require the *Owner* to engage, at the *Owner's* cost, a *Qualified Professional* at any point during the testing and development of an *Independent On-site Water System* if any of the conditions described in Section 9.14 become apparent in the course of the procedures set out in this *Bylaw*.
- 9.17** If a *Qualified Professional's* involvement is required, the *Qualified Professional* retained to undertake the project shall provide written confirmation to the *Regional District* that:
- a) they have suitable training and experience in the discipline of Engineering or Geosciences including documentation that their registration with the Association of Professional Engineers and Geoscientists of BC is in a relevant area;
  - b) they are a member in good standing of the Association of Professional Engineers and Geoscientists of BC; and

c) they are familiar with this bylaw and in particular, without limitation, the CSRD Guidelines and Procedures for the Assessment and Demonstration of Water Availability – Groundwater and Surface Water Sources; and will perform their work in accordance with the procedures set out in the CSRD Guidelines and Procedures for the Assessment and Demonstration of Water Availability – Groundwater and Surface Water Sources.

**9.18** If the *Owner* appoints a substitute *Qualified Professional* during the process of developing the required *Independent On-site Water System*, the substitute *Qualified Professional* must immediately provide to the *Regional District* the written confirmation required by Section 9.17.

**9.19** If a *Qualified Professional* is required, the *Qualified Professional* must supervise all components of developing the *Independent On-site Water System* and the *Owner* must not commence any work, study or analysis related to the water system without the involvement of the *Qualified Professional*.

**Table 1: Requirements for Independent On-site Water System**

Groundwater Sources Subdivision Type	Proof of Water Quantity			Proof of Water Quality	Covenant
	Source Yield	Well Recovery	Drawdown Interference		
Subdivisions qualifying for the <i>Owner</i> - Directed Approach as per Section 9.15.	A <i>Qualified Well Driller</i> or <i>Qualified Pump Installer</i> has performed a <i>Well</i> test and determined that the <i>Well</i> yield is <i>2,000 liters/day</i> .	To be indicated on required <i>Well</i> logs.	N/A	A <i>Qualified Well Driller</i> or <i>Qualified Pump Installer</i> has sampled the <i>Well</i> water and submitted a sample to an accredited water testing laboratory for analysis of water quality which has then provided written confirmation that the water will be <i>Potable Water</i> as defined in this bylaw.	A covenant as per Section 9.20 has been placed on the property.

**Table 1: Requirements for Independent On-site Water System (cont'd)**

Groundwater Sources Subdivision Type	Proof of Water Quantity			Proof of Water Quality	Covenant
	Source Yield	Well Recovery	Drawdown Interference		
Subdivisions requiring a Professional-Directed Approach as per Section 9.14	A <i>Qualified Professional</i> has submitted written confirmation that the sustainable <i>Well</i> yield is at least <i>2,000 liters/day</i> .	A <i>Qualified Professional</i> has submitted written confirmation that <i>Well</i> recovery is adequate to support the intended use of the <i>Well</i> (minimum <i>2,000 L/day</i> ).	A <i>Qualified Professional</i> has submitted written confirmation that the operation of the proposed <i>Well</i> at the desired rate (minimum <i>2,000 L/day</i> ) will not: reduce the amount of available Water for any <i>Well</i> , within 250 m of the tested <i>Well</i> ; or result in changes to the water balance of the aquifer, considering cumulative impacts that could result in long-term environmental changes and/or reduced yield on a regional scale.	A <i>Qualified Professional</i> has reviewed the water quality results, prepared a water system design, including treatment and disinfection system components if required, and provided written confirmation that the water will be <i>Potable Water</i> as defined in this bylaw when the recommended system is properly installed and operated.	A covenant as per Section 9.20 has been placed on the property

**Table 1: Requirements for Independent On-site Water Systems (cont'd)**

Surface Water Sources (only those included on the List of Eligible Sources)

Subdivision Type	Water Quantity	Water Quality	Covenant on Title
All types of subdivision.	The <i>Owner</i> submits an undertaking from a solicitor that a suitably worded Section 219 covenant will be registered on title, at the <i>Owners</i> cost, that any lots created with a surface water source will not be used for residential purposes until the <i>owner</i> has provided a copy of an issued license to the <i>Regional District</i> .	A <i>Qualified Professional</i> has reviewed the water quality results, prepared a water system design, including treatment and disinfection system components if required, and provided written confirmation that the water will be <i>Potable Water</i> as defined in this bylaw when the recommended system is properly installed and operated.	A covenant as per Section 9.20 has been placed on the property.

**Section 219 Covenant**

**9.20** An *Owner* is required to enter into a covenant under this Part pursuant to Section 219 of the *Land Title Act*, for all existing and proposed *Independent On-site Water Systems*. The covenant must be registered in the Land Title Office against the title to the land subject to the proposed subdivision. The covenant shall include an acknowledgement that the quality and quantity of a water source may change over time. The covenant may include such prohibitions, restrictions and requirements as a condition of subdivision, use, building, or, in relation to a parcel, transfer, as required by the *Manager, Operations Management*, or his designate; provisions for conditions for reimbursement by the *Owner* for any expenses that may be incurred by the *Regional District* as a result of any breach of the covenant; and without limitation, any or all of the following conditions:

- (a) proper installation and maintenance of a pump by a *Qualified Pump Installer*;
- (b) submission of a *Well* report and water quality analysis by a *Qualified Pump Installer* to the *Manager, Operations Management*, or his designate and to the *Comptroller of Water Rights*;
- (c) construction and maintenance of any and all water system infrastructure in a safe and sanitary manner and in compliance with applicable enactments of the *Regional District*, Province of British Columbia, and Canada;



- (d) installation and maintenance of effective cross-connection control;
- (e) completion of system disinfection prior to use and as may be necessary or recommended for safety and sanitation;
- (f) installation of a water system and any components of a water system as may be recommended by the *Qualified Professional*, to ensure that the water supplied through the system and its components is *Potable Water*;
- (g) confirmation through water quality testing that the water is *Potable Water*;
- (h) a water licence for surface water sources;
- (i) irrigation conditions, restrictions and requirements; and
- (j) obligations of the *Owner* to ensure ongoing monitoring, maintenance, inspection, repair and replacement of water systems and components so that the water supplied is *Potable Water*.

## **Part 10. General Provisions (for community water and sewer systems)**

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### **Professional Engineer**

- 10.1** The *Owner*, at its expense, shall retain an *Engineer* to design, inspect, test and certify all *Works and Services*.

### **Cost of Services**

- 10.2** All *Works and Services* required by this bylaw shall be designed, reviewed, constructed and inspected at the expense of the *Owner*. All costs of documentation and fees required by this bylaw or any other bylaw of the *Regional District*, or any other authority having jurisdiction must be paid by the *Owner*.

- 10.3** The *Manager, Operations Management*, or his designate, may direct that tests of materials, equipment, devices, construction methods, assemblies or soil conditions be made, or sufficient evidence or proof be submitted, at the expense of the applicant, to determine whether the materials, equipment, devices, construction methods, assemblies or soil conditions meet the requirements of this bylaw, or any other bylaw of the *Regional District*, or any other authority having jurisdiction.

### **Engineering Drawings**

- 10.4** Where *Works and Services* are to be constructed, Engineering drawings and other required reports and documentation certified by an *Engineer* shall be submitted to the *Regional District* for approval. The Engineering drawings shall contain at least the information set out in applicable Design Guidelines and Standards, as approved by the Manager of Operations Management and be accompanied by the following:
- a) a letter from the *Owner* confirming the relationship between the *Owner* and the *Owner's Engineer*, and

- b) a letter from the *Owner's Engineer* confirming their engagement with the *Owner* and that they will be providing professional services to the *Owner* to ensure that the *Works and Services* are designed and constructed in accordance with the approved plans and this bylaw.

**10.5** A person must not prepare a site, or proceed with construction, alteration or extension, until:

- a) the *Owner* has been advised in writing by the *Manager, Operations Management*, or his designate that the engineering drawings have been approved by the *Regional District*, and
- b) approval is obtained by any Provincial or Federal agency whose approval is required.

**10.6** Where a *Water Supply System* is required by this bylaw, the system must comply with the Drinking Water Protection Act and Regulation. The *Regional District* shall not approve the detailed design until the *Owner's Engineer* has:

- a) submitted design drawings to the regional health authority and provided to the *Regional District* a copy of the approved construction permit; and
- b) submitted design drawings to the Ministry of Transportation and Infrastructure and provided to the *Regional District* a copy of the permit issued by the Ministry of Transportation and Infrastructure allowing works within the Ministry's *highway*.

### **Project Supervision and Certification**

**10.7** The *Owner* of lands being subdivided shall engage an *Engineer* to carry out all necessary field reviews and inspections during the construction of *Works and Services* required as a condition of subdivision approval.

**10.8** The *Owner's Engineer* shall submit a *Certificate of Completion*, in the form approved by the Manager of Operations Management, to the *Regional District* prior to the commencement of the maintenance period. The *Certificate of Completion* shall briefly describe the work and any material changes during construction and certify that the *Works and Services* have been constructed in compliance with the standards of the jurisdiction having authority and this bylaw, and the approved plans, drawings and supporting documents. The report shall contain copies of all inspection reports and test results upon which the *Certificate of Completion* is based.

### **Record Drawings, Operations and Maintenance Manuals and Safety Procedures**

**10.9** A minimum of two sets of sealed hard copy drawings certified "as constructed" by the *Engineer* and one digital copy of the "as constructed" drawings in an AutoCad format specified by the *Regional District*, two sets of operations and maintenance manuals, and two sets of safety procedures documentation, together with digital copies of each of these requirements in a .pdf format, shall be provided to the *Regional District* prior to the commencement of the maintenance period and where applicable, at provisional completion. The "as-constructed" drawings shall include the information shown on the detailed design drawings as outlined in Section 10.4.

## Rights of Way and Easements

- 10.10** Prior to final approval of a subdivision plan, all required Rights-of-Way, Easements and Section 219 Covenants shall be registered against or appurtenant to the title of the land being subdivided or their registration against the title of the land shall be the subject of an undertaking by the *Owner's* solicitor, provided the undertaking is acceptable to the *Regional District* or its solicitor.
- 10.11** No *Parcel* may be served by *Works and Services* that are not located on that *Parcel* or within a *Highway* unless the *Works and Services* are located within a registered easement or statutory right-of-way that:
- a) authorizes the construction, operation, maintenance, replacement, and repair of the *Works and Services*;
  - b) has a width of at least 6 metres and meets the requirements of applicable Design Guidelines and Standards as approved by the *Manager of Operations Management*;
  - c) prohibits the placement within the easement or right-of-way area of all structures or improvements that would interfere with or impair the operation or maintenance of the *Works and Services*;
  - d) creates rights in respect of a specific easement area shown on a reference or explanatory plan;
  - e) in the case of an easement, if such an easement is deemed acceptable to the *Manager, Operations Management*, or his designate; a Covenant, under Section 219 of the Land Title Act is registered concurrently with the easement in a form acceptable to, and in favour of the *Regional District* prohibiting the uses of the *Parcel* that are dependent on the *Works and Services* unless the easement is in place, or has been replaced by a statutory right-of-way in favour of the *Regional District*; and
  - f) in the case of a statutory right-of-way, is in favour of the person or entity responsible for operating and maintaining the *Works and Services*.

## Third Party Review

- 10.12** The *Regional District* may engage a third party (chosen by the *Regional District*) to review any document, design, report, or analysis related to servicing that the *Owner* has submitted to the *Regional District*. The *Owner* will be responsible for the full cost of any required third-party review.

## Part 11. Fees and Security

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### Application and Inspection Fees

- 11.1 Application for subdivision must be made on a form provided by the *Regional District* and applicable fees paid. Prior to final approval of the subdivision, the *Owner* shall pay to the *Regional District* any additional amounts of money owed and *Works and Services* administration and inspection fees specified in the applicable *Regional District* bylaw.

### Works and Services Security Deposit – Community Water and Sewer Systems

- 11.2 Where a *Community Water System* or *Community Sewer System* is proposed to be constructed, final approval of a subdivision, shall not be granted prior to the provision of *Works and Services* required by this bylaw unless the *Owner* provides to the *Regional District* a *Security Deposit* in an amount equal to one hundred and twenty five percent (125%) of the *Owners Engineer's* estimate of the cost of the *Works and Services* (including contingencies and as approved by the *Manager, Operations Management*, or his designate) required for the proposed subdivision to meet the requirements of this bylaw.
- 11.3 The *Regional District* may, at the *Owner's* expense, confirm the cost estimate of the *Works and Services* by consulting with an *Engineer* of the *Regional District's* choosing.
- 11.4 If the required *Works and Services* have not been completely installed in accordance with the approved design drawings within the time specified in the *Works and Services Agreement*, the *Regional District* may draw on the *Security Deposit* in order to complete the required *Works and Services*. If the cost of installation exceeds the amount of the *Security Deposit*, the balance shall be a debt due from the *Owner* to the *Regional District*, recoverable in any court of competent jurisdiction or by any other means available to the *Regional District*.
- 11.5 The *Owner* shall be solely responsible for the actual cost of the *Works and Services* regardless of the adequacy of the *Security Deposit* with the *Regional District*.
- 11.6 Nothing in this bylaw obliges the *Regional District* to complete *Works and Services* on the default of an *Owner*.

### Provisional Completion

- 11.7 Provisional completion shall occur upon receipt of the following from the *Owner*:
- a) A *Certificate of Provisional Completion*, in the form approved by the *Manager of Operations Management*, issued by the *Owner's Engineer*, together with the supporting documentation upon which it is based, including relevant quality assurance test results and inspection reports;
  - b) Record drawings of completed work to date, operations and maintenance manuals, and safety procedures documents required under Section 10.9, prepared by the

*Owner's Engineer* and approved by the *Manager, Operations Management*, or his designate; and,

c) Results of a field inspection by the *Regional District* of all *Works and Services*.

**11.8** The *Regional District* shall return any remaining *Security Deposit* upon provisional completion in accordance with this bylaw and the applicable *Works and Services Agreement*, less ten percent (10%) of the original *Security Deposit*.

**11.9** The *Regional District* has the discretion to separate provisional completion into two (2) components, such that any asphalt and landscaping requirements may be completed using the same process, but with a different timeline.

### **Completion**

**11.10** Completion shall occur upon receipt of the following from the *Owner*:

a) A *Certificate of Completion*, issued by the *Owner's Engineer*, in the form approved by the *Manager of Operations Management*, together with the supporting documentation upon which it is based, including relevant quality assurance test results and inspection reports;

d) Receipt of record drawings of completed work, operations and maintenance manuals, and safety procedures documentation required under Section 10.9, prepared by the *Owner's Engineer* and approved by the *Manager, Operations Management*, or his designate; and,

c) Maintenance *Security Deposit*, in the form prescribed in subsection 11.12.

**11.11** The *Regional District* shall return the remainder of the *Security Deposit* upon completion in accordance with this bylaw and an applicable *Works and Services Agreement*.

### **Maintenance Security**

**11.12** The *Owner* shall provide to the *Regional District* maintenance *Security Deposit* in an amount equal to ten percent (10%) of the actual cost of the *Works and Services* required by this bylaw.

**11.13** The *Regional District* may, at the *Owner's* expense, confirm the cost of the *Works and Services* by consulting with an *Engineer* of the *Regional District's* choosing.

**11.14** The maintenance period shall be a one year period commencing on the date established by the *Regional District* under subsection 11.15, except that the *Manager, Operations Management*, or his designate may extend that maintenance period if the *Works and Services* are deficient or otherwise not performing as intended.

**11.15** The *Regional District* shall:

a) Establish the date of commencement of the maintenance period, which shall be no earlier than the date of completion;

- b) Advise the *Owner* of the date of commencement of the maintenance period and of any defects or deficiencies in the works of which the *Regional District* is aware, to be addressed by the *Owner* during the maintenance period; and
  - c) Advise the *Owner* if the maintenance period has been extended, in accordance with subsection 11.14, above.
- 11.16** The *Owner* shall maintain the works and repair or replace any defective works and correct any deficiencies during the maintenance period. If the *Owner* fails to maintain, repair or replace the works, the *Regional District* may do so and may draw upon the maintenance *Security Deposit*, after having provided the *Owner* at least ten days' notice. In the case of defects in the works creating a safety or health hazard, the *Regional District* will act in the public interest to resolve the hazard
- 11.17** The *Owner* shall be responsible for the actual cost of maintaining the works and repairing or replacing any defective works and correcting any deficiencies in the *Works and Services* regardless of the adequacy of the maintenance *Security Deposit* held by the *Regional District*. If the cost of maintaining the works and repairing or replacing any defective works and correcting deficiencies exceeds the amount of the maintenance *Security Deposit*, the balance shall be a debt due from the *Owner* to the *Regional District*, recoverable in any court of competent jurisdiction or by any other means available to the *Regional District*.

### **Final Acceptance**

- 11.18** Final acceptance shall occur when all conditions of this bylaw and an applicable *Works and Services Agreement* have been met
- 11.19** All *Works and Services* required to be designed, constructed or provided pursuant to the provisions of this bylaw shall remain the sole responsibility of the *Owner* until a *Certificate of Final Acceptance* has been issued, in the form approved by the *Manager of Operations Management*, and in accordance with subsection 11.20 by the *Regional District*.
- 11.20** The *Regional District* shall issue a *Certificate of Final Acceptance* only upon:
- a) Completion of the maintenance period;
  - b) Correction of all deficiencies in the required *Works and Services*; and,
  - c) Receipt of record drawings of completed work to date, prepared by the *Owner's Engineer* and approved by the *Manager, Operations Management*, or his designate.
- 11.21** The *Regional District* shall return any unused portions of the maintenance *Security Deposit* to the *Owner* upon issuance of a *Certificate of Final Acceptance*.
- 11.22** *Works and Services* constructed and installed under this bylaw become the property of the *Regional District* or the agency having jurisdiction subject to no encumbrances, on issuance of the *Certificate of Final Acceptance*. Except that, *Works and Services* that are required for on-site servicing of bare land strata subdivisions only, and that do not extend to properties beyond, remain the property of the Strata Corporation, unless the system is subject to CSRD acquisition under the *Regional District's Water Acquisition Strategy*.

## Insurance

- 11.23** The *Owner* must carry insurance for the subject of a subdivision and development under this bylaw, at a minimum as set out in *Standard Works and Services Agreement* document as approved by the *Manager of Operations Management*

## Part 12. Subdivision Completion Requirements

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### Documentation Requirements

- 12.1** Prior to the *Regional District* advising the *Approving Officer* that the *Owner* has fulfilled any conditions of subdivision, the *Regional District* will require that the *Owner* provides the following documentation:
- a) A paper or electronic copy of the proposed plan of subdivision as submitted to the *Approving Officer* for final approval.
  - b) A site plan from the *Owner's* BC Land Surveyor or *Qualified Professional* with experience in civil or geotechnical engineering showing the proposed subdivision and showing the location on each *Parcel*, and distance to existing and proposed *Parcel* lines of the following:
    - i. Any existing and proposed *On-site Sewage Disposal* works;
    - ii. Any *Wells*, existing and proposed, including a 30 m buffer around each well;
    - iii. Location of the water intake and all water system components, existing and proposed for surface water sources; and,
    - iv. Any pre-existing buildings or structures;
    - v. Existing and proposed building sites, together with the location, grades and widths of proposed access driveways.
  - c) Any Easement, Statutory Right-of-Way, or Section 219 Covenant documents, together with reference plans required to be registered on behalf of the *Regional District*, against the title of the *Parcels*, to be subdivided. Such documents are to be approved by *Regional District* staff prior to registration in the Land Title Office; and
  - d) Any other documentation required under this or another bylaw or other enactment.

## Part 13. Enforcement

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### Authorization to Enter

**13.1** The Chief Administrative Officer, Manager - Development Services, *Manager – Operations Management*, bylaw enforcement officers, and other officers and employees of the *Regional District* designated by those officers to administer this bylaw are authorized to enter, at all reasonable times, upon any property in order to inspect and determine whether the regulations, prohibitions and requirements of this bylaw are being met.

### Violation and Offence

**13.2** Any person who;

- a) Violates bylaw provisions;
- b) Causes or permits any act in contravention or violation of bylaw provisions;
- c) Neglects or omits bylaw requirements;
- d) Carries out, causes, or permits to be carried out any subdivision in a manner prohibited by or contrary to bylaw provisions;
- e) Fails to comply with bylaw orders, directions, or notices;
- f) Prevents, obstructs or attempts to prevent or obstruct the authorized entry of any officer authorized under Section 13.1 to enter upon lands;

commits an offence, and each day that the offence continues constitutes a new and separate offence.

### Penalty

**13.3** On being convicted of an offence under this Bylaw, a person is liable to pay a fine of up to \$10,000.00 per offence, and the costs incurred by the *Regional District* for prosecuting each offence.

**13.4** A penalty imposed under subsection 13.3 is separate from and in addition to any requirement in this bylaw to pay fees and costs to the *Regional District*.

## Part 14. Repeal

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**14.1** Subdivision Servicing Bylaw No. 641 and amendments thereto, are hereby repealed.

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## Part 15. Effective Date

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15.1 This bylaw shall be effective on March 1, 2022.

## Part 16. Citation

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16.1 This bylaw may be cited as "Subdivision Servicing Bylaw No. 680".

READ a first time this 15<sup>th</sup> day of July, 2021.

READ a second time this 17<sup>th</sup> day of February, 2022.

READ a third time this 17<sup>th</sup> day of February, 2022.

ADOPTED this 17<sup>th</sup> day of February, 2022.

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CHAIR

CERTIFIED true copy of Bylaw No. 680 as read  
a third time

CERTIFIED true copy of Bylaw No.  
680 as adopted

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CORPORATE OFFICER

## Schedule A - Levels of Service

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**A.1** All properties to be subdivided for single family residential use proposed to be serviced with an On-site Sewage Disposal System and an Independent On-site Water System are to be a minimum of 1.0 Ha. in size, unless a smaller parcel size is permitted in Zoning regulations.

### A.2 Level of Service Table

The minimum level of servicing required is on-site sewage disposal and independent on-site water system unless a property is subject to an Official Community Plan (OCP), in which case the following applies:

OCP Designation	Water Requirement	Sewer Requirement
Village Centre	<i>Community Water System</i> '	<i>Community Sewer System</i> *
Primary Settlement	<i>Community Water System</i> '	<i>Community Sewer System</i> *
Secondary Settlement	<i>Community Water System</i> '	<i>Community Sewer System</i> *
Town Centre Commercial	<i>Community Water System</i> '	<i>Community Sewer System</i>
Commercial Designations	<i>Community Water System</i> '	<i>Community Sewer System</i> *
Industrial Designations	<i>Community Water System</i> '	<i>Community Sewer System</i> *
Comprehensive Development Designations	<i>Community Water System</i> '	<i>Community Sewer System</i> *
Medium Density Residential	<i>Community Water System</i>	<i>Community Sewer System</i>
Resort	<i>Community Water System</i> '	<i>Community Sewer System</i> *
All other designations	<i>*Independent On-site Water System/ Water Supply System</i>	<i>*On-site Sewage Disposal System</i>

\* If proposed lots are less than 1.0 Ha. in size. If proposed lots are 1.0 Ha. or larger, an *On-site Sewage Disposal System* may be utilised if approved in accordance with the Sewerage System Regulation pursuant to the Public Health Act, and an *Independent On-site Water System* may be utilized only where there is no *Community Water System*.

## Schedule B - List of Eligible Sources

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The following eligible sources for surface water was produced by the Water Stewardship Division and provided to the CSRD in a memorandum dated October 21, 2011. It is re-produced here for the purpose of Subdivision Servicing Bylaw No. 648.

For consideration by CSRD in application of their bylaws regarding single residence domestic purpose water use, the Kootenay and Thompson Regions of Water Stewardship Division provides the following list of eligible sources.

- |     |                             |     |                     |      |
|-----|-----------------------------|-----|---------------------|------|
| 1.  | Adams Lake                  | 28. | Revelstoke          | Lake |
| 2.  | Upper Adams River           |     | ReservoirKinbasket  | Lake |
| 3.  | Scotch Creek                |     | Reservoir River     |      |
| 4.  | Fransen Creek               | 29. | Blaeberry River     |      |
| 5.  | Seymour River               | 30. | Kicking Horse River |      |
| 6.  | Shuswap Lake                | 31. | Trout Lake          |      |
| 7.  | Little Shuswap Lake         | 32. | Wells Creek         |      |
| 8.  | Eagle River                 | 33. | Tonkawatla Creek    |      |
| 9.  | Owlhead Creek               |     |                     |      |
| 10. | Yard Creek                  |     |                     |      |
| 11. | Malakwa Creek               |     |                     |      |
| 12. | Loftus Creek                |     |                     |      |
| 13. | Legerwood Creek             |     |                     |      |
| 14. | Willis Lake                 |     |                     |      |
| 15. | Craigellachie (Gorge) Creek |     |                     |      |
| 16. | Perry River                 |     |                     |      |
| 17. | Griffin Lake                |     |                     |      |
| 18. | Three Valley Lake           |     |                     |      |
| 19. | South Pass Creek            |     |                     |      |
| 20. | Victor Lake                 |     |                     |      |
| 21. | Victor Creek                |     |                     |      |
| 22. | Clanwilliam Lake            |     |                     |      |
| 23. | Ratchford River             |     |                     |      |
| 24. | Wiseman Creek               |     |                     |      |
| 25. | Columbia River              |     |                     |      |
| 26. | Upper Arrow Lake Reservoir  |     |                     |      |
| 27. | Jordan River                |     |                     |      |



**Part 15. Effective Date**

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15.1 This bylaw shall be effective on March 1, 2022.

**Part 16. Citation**

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16.1 This bylaw may be cited as "Subdivision Servicing Bylaw No. 680".

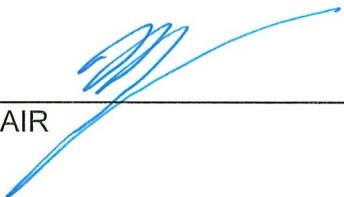
READ a first time this 15<sup>th</sup> day of July, 2021.

READ a second time this 17<sup>th</sup> day of February, 2022.

READ a third time this 17<sup>th</sup> day of February, 2022.

ADOPTED this 17<sup>th</sup> day of February, 2022.

  
CORPORATE OFFICER

  
CHAIR

CERTIFIED true copy of Bylaw No. 680 as read  
a third time

CERTIFIED true copy of Bylaw No.  
680 as adopted

\_\_\_\_\_  
CORPORATE OFFICER

\_\_\_\_\_  
CORPORATE OFFICER

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Comprehensive Development Designations	<i>Community Water System</i> '	<i>Community Sewer System</i> *
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