



ELECTORAL AREA DIRECTORS REPORT

TO: Chair and Directors

File No: BL 641-2

SUBJECT: All Electoral Areas: Subdivision Servicing Amendment (CSR) Bylaw No. 641-2

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated May 25, 2017. Housekeeping Amendments.

RECOMMENDATION #1: THAT: the EAD receive this report and consider the proposed amendments to Subdivision Servicing Bylaw No. 641.

RECOMMENDATION #2: THAT: the EAD direct staff to refer this report together with the amended Subdivision Servicing Bylaw No. 641-2 to referral agencies, stakeholders, special interest groups and potentially the public to obtain input prior to Board consideration of the bylaw for first reading.

SHORT SUMMARY:

Earlier in 2017, the Province adopted the *Water Sustainability Act* together with a number of regulations which changed some of the legislative parameters under which drinking water is regulated. It therefore became necessary to introduce some amendments to the Subdivision Servicing Bylaw No. 641 (bylaw No. 641) to reflect this new legislative background. Development Services staff undertook a review of Bylaw No. 641, and noted some housekeeping amendments were also needed to bring the Bylaw up to date, and to reflect several years of use of the bylaw to regulate subdivisions in the CSR. Additionally, Operations Management staff were consulted on the amendments and requested various additional amendments.

This report is provided to the EAD to help explain the proposed amendments, and to foster EAD input into the amendments through a direct dialogue with staff at the June 27, 2017 EAD meeting. It is also to obtain the EAD's direction whether to provide referral agencies with the proposed bylaw amendments to obtain feedback, and to discuss which agencies, or other sources of input may be desired.

Staff has included a track change version of the draft bylaw with this report so the Board can easily see the areas where the bylaw has been amended. See "Draft_641-2" attached.

BACKGROUND:

No. 641 was adopted at the February 16, 2012 regular meeting. Bylaw 641-1, a bylaw to amend Bylaw 641 was adopted at the January 16, 2014 regular meeting. Bylaw 641-1 incorporated standards for the construction of Community Sewer Systems, and inclusion of standard Latecomer Agreement documents. Additionally some minor housekeeping amendments were incorporated, including an update of the List of Eligible Sources for surface water, and some language regarding the regulatory authority for On-site sewer systems.

Staff have been utilising Bylaw No. 641 for over 5 years, and have reviewed 227 subdivision applications. During this period, staff have been compiling comments on ease of use and clarity of the regulations. These comments have come from staff, as well as from applicants and agencies involved in the subdivision process. Each area of weakness in the bylaw has been addressed in the current amendments proposed.

In addition, due to the success of the bylaw, staff have been able to work out new protocols with the Ministry of Transportation and Infrastructure (MoT, the Approving Authority) and with Interior Health Authority (IHA) to satisfy subdivision applicants concerns over the length of time and duplication of efforts in the review of subdivision applications. This has led to a streamlining of the process through the MoT eliminating referrals to the Interior Health Authority with regard to proposed On-site sewer systems. Rather they are now reviewed by Development Services staff.

MoT would like to extend this to review of Community Sewer Systems. Under the current authorization processes, a developer would need to submit an application for an authorization to construct the sewage collection and treatment system from the IHA, or obtain a registration for a wastewater disposal system from the Ministry of Environment (MoE). Such authorizations are typically granted after the subdivision process (and after a significant period of time) and do not give the Approving Authority any assurance that the systems will be constructed, until finally approved. Under the proposed new scheme CSRD staff can review the design plans and notify the Approving Authority that they comply with standards approved by the Manager, Operations Management.

In areas where there is a building inspection function, staff would then be able to withhold permits until such time as documentation is provided that the system has been constructed in accordance with the IHA regulations or the MoE registration.

POLICY:

Strategic Plan

Policy 5.2 of the Columbia Shuswap Regional District's Strategic Plan calls for the organization "To protect the environment and human health and safety by striving to achieve clean and safe water, land and air."

Policy 7.2 of the Strategic Plan calls for the Regional District to "Direct community development in an organized and desirable manner utilizing sound and sustainable planning principles that reflect the community's requirements." One of the implementation tools to accomplish both of these objectives is to implement regulatory bylaws, such as a Subdivision Servicing Bylaw, which prescribes standards for servicing subdivisions.

Sewer System Acquisition Strategy

The Sewer System Acquisition Strategy was accepted by the Board in November 2010. One of the policy directives was to require that new community sewer systems servicing fee simple subdivisions consisting of 50 or more connections, be designed and constructed in accordance with CSRD standards. The amendments approved by the Board in Bylaw No. 641-1 are consistent with the Sewer System Acquisition Strategy and with Sewer System Acquisition Policy W-6.

FINANCIAL:

There are no financial implications to the CSRD with regard to this proposed amendment.

KEY ISSUES/CONCEPTS:

Water Sustainability Act (WSA)

Throughout the Bylaw references to the former *Water Act* have been removed and replaced by the *Water Sustainability Act* and associated regulations. This proposed amendment mostly impacts the interpretation section in regard to the applicable definitions. When Bylaw No. 641 was originally adopted it reflected legislated requirements that were not followed in practice by Provincial staff. The

new WSA reiterates these requirements, although it is still not clear if it is the intention of Ministry staff to regulate.

Staff Title Changes

Re-organization within the Operations Management Department resulted in title changes, which were not reflected in Bylaw No. 641. This has been corrected, with most powers to interpret and enforce Bylaw No. 641 delegated to the Manager Operations Management (MOM), or his designate. Staff will need to be cognizant of the impact of such changes in future on this and any other Bylaws or policies.

Bylaw Schedules

In an effort to shorten the bylaw, and to provide staff with the necessary flexibility to amend standards as products and technology change, the following schedules have been eliminated from the bylaw:

- Schedule B – Assessment and Demonstration of Water Availability and Quality Guidelines. As staff have worked with the bylaw, it has been noted on many occasions that the Public did not understand that this schedule was included in the bylaw to give some direction on the parameters for proving a source of potable water, and was not meant to regulate this process. It is staff's recommendation that this schedule can be removed entirely from the bylaw, and rather published by the CSRD on its website as a subdivision development guideline only. It is hoped that by doing this, some of the confusion will be removed.
- Schedule C – Water System Design Guidelines and Standards. Operations Management staff indicated that inclusion of these standards into the bylaw did not give them enough flexibility to adapt to changes in the industry as they happen, rather than waiting for a bylaw amendment to reflect minor changes. Rather, the authority to review and update standards for water systems has been delegated to the MOM. It is hoped that Operations Management will seek to publish existing and updated standards in some manner, such as the CSRD web page, so that developers and the public can become aware of these standards.
- Schedule E – Standard Works and Services Agreement. For the same reason as above, this is proposed to be removed from the bylaw. Periodically, case law in BC prompts solicitors to warn Local Government of the need to eliminate or incorporate certain language into standard agreement documents to reflect either legislative changes or precedent. Again, it is hoped that a form of this document will be available as information on the CSRD website for the public and developers.
- Schedule F – Sewage Collection, Treatment and Effluent Disposal Guidelines and Standards (for Sanitary Systems). As in the comments on Schedule C, above.
- Schedule G – Completion Documentation. As in Schedule E, above.
- Schedule H – Standard Drawings. As in Schedule C, above.
- Schedule I – Sample Latecomer Agreement. As in Schedule E, above.

The 2 remaining schedules will be Schedule A – Level of Service, and Schedule B – List of Eligible Sources.

Definition Amendments

The following definitions have been either added or amended:

- Domestic Purposes definition has been added to mesh with the Drinking Water Protection Act.
- Potable Water definition has been amended to allow treated water to meet the definition. This allows for use of a source of water that may not meet Canadian Drinking Water Guidelines

(CDWG) Maximum Allowable Concentrations (MAC) or Aesthetic Guidelines, but which can be treated to be potable.

- Unrecorded Water definition has been eliminated, as it did not fill a purpose in the amended bylaw.

Additionally, some definitions have been amended to reflect the WSA, title changes, and removal of certain Schedules.

Connection to Water Systems

The following amendments have been made:

- Subsection 4.1 has been amended to reflect the change in reference from a Water Supply System to a Community Water System.
- Subsection 4.3 has been added to provide some differentiation between the supplier of water being a Public Utility, rather than a CSRD system. The section requires the applicant proposing to connect to a Public Utility system to obtain documentation from the Public Utility indicating that the expansion of the system has been authorized by the regulatory bodies, and that all requirements for connection have been documented.

Connection to Sewer Systems

This is an entirely new Part 5 added to the bylaw. The new Part 5 regulates connections to both a CSRD Community Sewer System and a Public Utility. In addition regulations are proposed to ensure that existing On-site Sewage Disposal systems are abandoned correctly, so that they do not constitute a hazard for future landowners.

Servicing Requirements for Subdivisions

This Part 6 has been amended to delegate authority to the MOM to determine the content and update the Schedules removed from the bylaw.

On-Site Disposal

Subsection 7.1 has been amended to allow the CSRD to seek the input of the jurisdiction having authority with regard to any proposed sanitary sewage system. Also subsection 7.3 has been added which establishes new documentation requirements for existing on-site disposal systems serving existing dwelling units on property being subdivided. This will clarify an issue that the public has found to be confusing and which staff has been dealing with since the adoption of Bylaw No. 641.

Access to Property – Building Sites

Clarification was required to be added to the bylaw to ensure that the required building site area was identified and was a contiguous area, and not the sum total of various fragmentary areas, making it difficult to be used for On-site Sewage disposal as well as building.

Access to Property – Access Driveways

Two new subsections are proposed to be added. The first clarifies that access must be contained within the parcel being served, and if it is proposed to be from a neighbouring property, while still having highway frontage, that an easement is registered against the neighbouring property guaranteeing access. The second requires that in the case the proposed new lot is separated from a Highway by an intervening parcel and is intended to be created without highway frontage, that a Statutory Right-of-Way must be registered over the access route easement required in the name of the CSRD, to guarantee emergency vehicle access to the property. The reasoning for this is to ensure

that the owners of both lots don't summarily discharge an easement and effectively eliminate access to the lot by emergency vehicles.

Assessment and Demonstration of Potable Water – Applications and Exemptions

Staff have eliminated exemptions for existing dwelling units to prove water supply. This was required to be included by a previous Board of the CSRD, to make the subdivision process easier for properties that have an existing residence but has proven to be a problem. Lack of information on an existing water supply has resulted in several situations where the dwelling unit does not have sufficient drinking water available to service the dwelling unit. Upon sale of the property, the new owner quickly becomes aware of the shortcomings of the existing system. Also, occupant's health could be compromised where no testing is done on the water source, and it is in an area where contamination may happen. Adding documentation requirements for existing dwellings would better help to inform future owners of the current water supply system, while providing a level of assurance that the water is potable. The level of documentation required would be in line with either the Owner directed approach or the professionally directed approach, depending on the subdivision circumstances.

Independent On-site Water System

A number of minor amendments are proposed to this section of the bylaw. Highlights include the following:

- 9.2 is proposed to be amended by adding in the requirement to comply with Schedule A. So now an Independent On-site Water System is required where a community water system is not available for connection to, or where Schedule A does not require such a connection.
- 9.3 eliminates reference to unrecorded water and refers to Schedule B. This reflects a change in the WSA. Also, where a subdivision is proposed utilising a current water license issued by the Water Rights Branch that is not from a surface water source on the list of eligible sources, the applicant will be allowed to re-allocate that license for use for one of the lots in the subdivision proposal. This should eliminate some Development Variance Permit applications.
- 9.4 eliminates the exemption for proving water for an existing dwelling unit.
- 9.5 specifies a minimum width for an easement for water across other properties are a minimum 6.0 m in width. This is a minimum standard for access to all sections of a waterline, and provides enough room to maintain and repair the water line.
- 9.8 has been amended to reflect the proper metric conversion of 500 Igpd.
- 9.10 adds some language to clarify the intent of the requirement for a Section 219 covenant, and when the CSRD expects the covenant to be registered.
- Table 1 has been amended to reflect the proper quantity of potable water and to reflect the fact that Front Counter BC will not accept an application for a water license prior to the subdivision being registered in the Land Titles Office (LTO).
- 9.20 has been amended to ensure that the covenant is required only for subdivisions serviced by an Independent On-site Water System

Documentation Requirements

Subsection 12.1 c) has been amended to ensure that reference plans are also included in the final submission and d) has been amended to include existing building areas.

SUMMARY:

The proposed amendments to Bylaw No. 641 are required to reflect changes in legislation and current subdivision processes followed by the MoT. Staff have included several other housekeeping

amendments to help to clarify the intent of the bylaw and to deal with areas where staff have experienced issues with property owners/developers interpreting the bylaw on their own. The proposed amendments are being forwarded to the EAD for review and consideration for discussion purposes. Should the EAD determine that the amendments will help property owners/developers and the public to understand the process better, as they are intended by staff to do, then it would be appropriate for the EAD to have a discussion regarding appropriate agencies, stakeholders, and special interest groups to refer the bylaw to, including potentially the public. Staff has supplied a partial list for discussion purposes below in the communications section.

IMPLEMENTATION:

Should the EAD require amendments to the proposed draft amendments, staff will make the required changes prior to referring the staff report and bylaw to the decided-upon agencies. Once agencies have responded to the referral, staff may need to amend the bylaw again before it is forwarded to the Board for consideration of first reading.

COMMUNICATIONS:

The referral agencies, stakeholders, and special interest groups will be confirmed through discussion at the EAD. To initiate discussion, staff provide the following list of potential referrals:

- Provincial agencies (MoT, MoE, MFLNRO (including water rights branch, groundwater protection office, etc.), IHA, etc.
- APEGBC (Locally Practising Professional Engineers and Geoscientists)
- ASTTBC (Local Authorized Persons)
- Qualified Well Drillers and Pump Installers
- Hydrogeologists
- BCLS's (Land Survey offices)
- Development and Construction Associations (SCIP, etc.)
- Contractors
- Local Chambers of Commerce
- Realtors

For public input, if the EAD considers such advisable, staff can post the draft bylaw on the CSRD website together with an on-line comment form. Also, if the EAD considers it advisable, newspaper ads soliciting input and directing the public to the website or staff could be purchased. .

DESIRED OUTCOMES:

That the EAD consider the draft bylaw and determine referral agencies.

EAD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

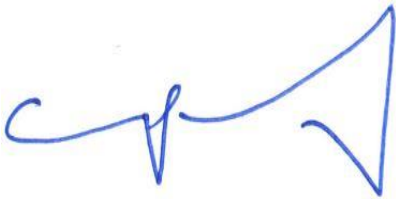
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Subdivision Servicing Bylaw No. 641
2. CSRD Strategic Plan
3. Sewer System Acquisition Strategy

Report Approval Details

Document Title:	2017-06-27_EAD_DS_BL641-2_CSRD.docx
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Final Approval Date:	Jun 19, 2017

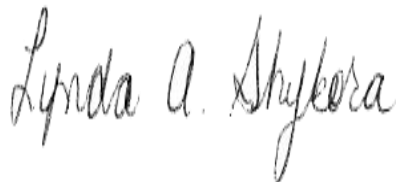
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Jun 15, 2017 - 3:31 PM



Gerald Christie - Jun 15, 2017 - 3:57 PM



Lynda Shykora - Jun 19, 2017 - 8:44 AM



Charles Hamilton - Jun 19, 2017 - 8:55 AM