

Subdivision Servicing Bylaw No. 680

The following excerpts from the [Subdivision Servicing Bylaw No. 680](#) are applicable to this application:

Part 2. Interpretation

2.1 Definitions

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

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.

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.

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

Application and Exemptions

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9.1 Sections 9.2 through 9.19 do not apply:

- a) 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*;

b) to a *Parcel* being created solely for use as an unserviced park; or

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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 the owner has submitted documentation in the form of a statutory declaration accompanied by a surveyed site plan indicating 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.
 - C. and in the case of a surface water source, has been licensed by the Provincial authority for domestic use in a volume meeting the requirements of this bylaw.

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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:

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a) surface water from an intake in a water source that either has an existing license for domestic use issued by the Provincial Authority 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 prior to issuance of final comments for the 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, Environmental and Utility Services* 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, Environmental and Utility Services*, or his designate. If the *Manager, Environmental and Utility Services*, or his designate considers that soil conditions, aquifer sensitivity and potential sources of contamination warrant further consideration, the *Manager, Environmental and Utility Services*, 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*)

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- 9.14** The *Owner* shall engage a *Qualified Professional* to manage all aspects of developing an *Independent On-site Water System* on each proposed lot (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;

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- 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* or Provincial aquifer mapping;
- 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;

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- 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 9.12 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, Environmental and Utility Services*, 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 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, Environmental and Utility Services*, 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, Environmental and Utility Services*, 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*.