



**COWICHAN VALLEY REGIONAL DISTRICT
SUBDIVISION BY-LAW No. 1215, 1989, 4072**

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*" empowers the Regional Board to adopt and amend subdivision servicing bylaws;

AND WHEREAS Section 506 of the *Act* empowers the Regional Board to establish requirements for the provision of works and services in respect of the subdivision of land;

AND WHEREAS the Regional District has adopted a Subdivision Servicing Bylaw for the nine Electoral Areas, that being Subdivision Servicing Bylaw No. 1215;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing, the Regional Board considers it advisable to amend Subdivision Servicing Bylaw No. 1215;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1.0 TITLE

1.1 This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 4072, Subdivision Servicing Amendment Bylaw (Proof of Water), 2016**".

2.0 APPLICATION

2.1 This by-law shall apply to all lands within Electoral Area A, B, C, D, E, F, G, H and I of the Cowichan Valley Regional District, being those lands as described in the Supplementary Letters Patent of the C.V.R.D.

3.0 PURPOSE

3.1 The purpose of this by-law is to establish procedures for the approval of

subdivisions, and to establish standards for works and services that are required in respect of the subdivision of land.

4.0 SEVERABILITY

4.1 Severability- if any section, subsection, clause, or phrase of this by-law is any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.

5.0 In this by-law, unless the context otherwise requires,

“applicant” means an owner who is applying for subdivision approval under this bylaw, and includes an authorized agent acting on the owner’s behalf;

“approval” means approval in writing from authority having jurisdiction;

“Approving Officer” means Approving Officer designated as such pursuant to the Land Title Act;

“community sewer system” means a system of sewerage works or sewage collection, treatment and disposal which is owned, operated and maintained by the Cowichan Valley Regional District, or a municipality incorporated under the *Local Government Act*;

“community water system” means a system of waterworks where the water supplied meets or exceeds the standards for potability under the *Drinking Water Protection Act* and which is owned, operated and maintained by:

- (a) the Regional District;
- (b) a municipality;
- (c) a water utility; or
- (d) a strata corporation, in the case of a bare land strata subdivision under the Bare Land Strata Regulations, B.C. Reg. 75/78, as amended or replaced from time to time.

“cul-de-sac” means a length of local highway made for vehicular use, the end of which is designed to be permanently closed by the pattern of subdivision, or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another highway;

“drainage collection system” means a system of natural and man-made elements used to contain, convey, absorb, and store storm water;

“Electoral Areas” means Electoral Areas A, B, C, D, E, F, G, H and I of the Cowichan Valley Regional District;

“frontage” means that length of parcel boundary with immediately adjoins a highway other than a lane or a walkway;

“highway” includes a street, road, lane, bridge, viaduct, and any other open to the use of the public, but does not include a private right-of-way on private property;

“improvement district” means an improvement district as defined under the *Local Government Act*;

“lane” means a highway which provides a second access to a parcel and is less than 11.1 metres wide;

“owner” means a person registered in the records of the Land Title Office as owner of land;

“parcel” means any lot, block, or any other area in which land is held or into which land is subdivided or any remaining portion of the land being subdivided;

“potable water” means water that meets or exceeds the standards of potability for domestic water systems under the *Drinking Water Protection Act* and the regulations made under that Act;

“professional engineer” means a person who is registered or duly licensed as such under the provisions of the Engineering Profession Act of British Columbia;

“Regional District” means the Cowichan Valley Regional District;

“Registered Well Installer” means a Well Installer listed on the Register of Qualified Well Installers in the Province of British Columbia, pursuant to the *Water Sustainability Act* and *Groundwater Protection Regulation*.

“Registered Well Pump Installer” means Well Pump Installer listed on the Register of Qualified Well Pump Installers in the Province of British Columbia, pursuant to the *Water Sustainability Act* and *Groundwater Protection Regulation*.

“strata corporation” means a corporation established under the *Strata Property Act*;

“subdivision” means the division of land into two or more parcels, whether by plan, strata title, or by metes and bounds description or otherwise, except that the words “subdivision plan” shall also be deemed to include a plan consolidating two or more parcels into a single parcel, or a boundary adjustment between two or more parcels;

“subdivision plan” includes a plan consolidating two or more parcels into a single parcel, or making a boundary adjustment between two or more parcels;

“walkway” means a narrow highway for the use of the walking public only;

“watercourse” is any natural or man-made depression with well-defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two (2) square kilometers or more, or as required by a designated official of the Ministry of Environment of the Province of British Columbia.

6.0 AUTHORITY – APPROVING OFFICER

6.1 Subject to the exceptions under section 91(2) of the *Land Title Act*, no land within the electoral areas may be subdivided until the subdivision has received the approval of the Approving Officer.

6.2 In addition to complying with the requirements of this bylaw, an applicant for subdivision approval must comply with the application procedures and must meet all other subdivision requirements that are established by the Ministry of Transportation and Infrastructure from time to time.

7.0 APPLICATION FOR SUBDIVISION

7.1 Applications for subdivision shall be submitted to the Approving Officer at the appropriate District Office of the Provincial Ministry of Transportation and Infrastructure.

7.2 Following receipt of one copy of the proposed subdivision plan together with all supporting documentation from the Approving Officer, the Regional District shall advise the Approving Officer, in writing, as to any Regional District requirements or regulations that apply to the proposed subdivision.

a) Applications for subdivision shall be submitted to the appropriate District Office of the Provincial Ministry of Transportation and Infrastructure;

b) The Ministry of Transportation and Infrastructure shall forward one copy of the proposed subdivision together with all supporting documentation to the Regional District;

c) The Regional District shall advise the Ministry of Transportation and Infrastructure, in writing, as to any requirements for the subdivision.

d) Where an application for a subdivision has been submitted to the Ministry of Transportation and Infrastructure in a form satisfactory to the Approving Officer and the Regional District adopts a bylaw that would otherwise be applicable to that subdivision, then the bylaw has no effect with respect to the subdivision for a period of 12 months after the bylaw is adopted unless the applicant agrees in writing that it should have effect.

8.0 FEE FOR APPLICATION

8.1 Prior to the Regional District deeming subdivision conditions met, the applicant must pay all subdivision fees payable to the Regional District, as prescribed under the Cowichan Valley Regional District Development Application Procedures and Fees Bylaw No. 3275, as amended or replaced from time to time.

9.0 SERVICES – WATER SUPPLY

9.1 An applicant seeking subdivision approval must demonstrate that each new parcel within the proposed subdivision has a supply of potable water in accordance with the requirements of this Bylaw.

9.2 The requirement under section 9.1 does not apply to a subdivision application that is limited to boundary adjustments between two or more parcels, where proof of potable water has already been provided for each parcel, and where an occupied dwelling exists on each affected parcel.

10.0 COMMUNITY WATER SYSTEMS

10.1 If an applicant intends to connect the lots to be created by subdivision to an existing community water system, the applicant must provide evidence satisfactory to the Regional District, prior to subdivision approval, that the owner and operator of the community water system accepts the new lots into its service area and has agreed to provide potable water to the lots.

10.2 Where the owner wishes to connect the lots to be created by subdivision to a community water system that is owned and operated by the Regional District, the regulations in sections 10.3 to 10.7 apply.

10.3 Design

The design of each portion of the water distribution system within the lands being subdivided, and all works providing a connection to a Regional District water main, must conform to the MMCD Standards applicable to potable water services.

10.4 Approval

All plans and specifications for a water distribution system that is to be constructed within the subdivision, and for the works that will connect that water distribution system to a Regional District water main, must be submitted to the Regional District Engineering Services Department for approval, before the applicant:

- (a) undertakes any construction or installation of the water distribution system;
- (b) establishes any service line connections to any new lot the parcel to be subdivided;
- (c) constructs any works for the purpose of establishing a connection to a Regional District water main.

10.5 Surface Water Source

Where a surface supply of water is to be the source of domestic water for a community water service operated by the Regional District, the applicant must transfer its water license to the Regional District prior to the final approval of the subdivision.

10.6 Ground Water Source

Where a ground supply of water is to be the source of domestic water for a community water service, the applicant must provide a 72 hour pump test result from the well to be used for that purpose which indicates that there is a minimum per minute yield of 1.2 US gallons based on tests done between June 1st and November 1st (summer testing) and 2.4 US gallons based on tests done between November 2nd and May 31st (winter testing).

10.7 Water Quality Testing

For any proposed source of water for a community water system, samples of the water shall be tested in a laboratory for all potential contaminants that would otherwise render the water incapable of meeting the standards for potable water under the *Drinking Water Protection Act*. The test results shall be submitted to the Regional District and indicate clearly whether or not the results meet the requirements of the *Drinking Water Protection Act*. In the event that treatment is required to meet this standard, provision of a treatment system to the satisfaction of the CVRD Engineering Services Department shall be a precondition of acceptance of the source of water, and shall be provided prior to subdivision approval.

11.0 PRIVATE WATER SOURCES

11.1 Where a water source other than a community water system is proposed as the source of domestic water to parcels within a subdivision, each parcel must have its own source of potable water in accordance with the regulations in sections 11.2 to 11.5.

11.2 Surface Water Source

All components, including the intake, for a private water system using surface water sources must be located on the same Parcel as the residential Dwelling Unit in respect of which they are required.

11.3 Ground Water Source

Where a ground supply of water is to be the source of domestic water for a parcel or parcels to be subdivided, a well shall be drilled on each parcel by a registered Well Installer or registered Well Pump Installer. Prior to subdivision approval, a Well Construction Report shall be submitted to the Regional District that

indicates that there is a sufficient supply of potable water that has the flow capacity required under section 11.4 for each parcel to be created.

11.4 Required Volume

For each well that has been drilled under section 11.3, the results of the pump test must indicate a minimum per minute yield of 1.2 US gallons based on tests done between June 1st and November 1st (summer testing) and 2.4 US gallons based on tests done between November 2nd and May 31st (winter testing).

11.5 Water Quality Testing

Every separate source of water proposed for a subdivision shall be tested in a laboratory for potential contaminants that would otherwise render the water incapable of meeting the standards of potability that apply to domestic water systems that are regulated under the *Drinking Water Protection Act*. The test results shall be submitted to the Regional District and indicate clearly whether or not the results meet the regulations applying to domestic water systems under the *Drinking Water Protection Act*. In the event that treatment is required to meet this standard, provision of a treatment system shall be a requirement of the subdivision approval. Where a treatment system cannot be installed on a proposed parcel until a building or structure is built, the applicant shall register a covenant on the parcel(s) whose water supply will require treatment, under which occupancy and use of any building constructed will not be permitted until such time as the treatment system has been installed and is in satisfactory operating condition.

12.0 SHARED WATER SOURCES

12.1 Other than a community water system, no parcel proposed to be created by subdivision shall share a source of potable water with another parcel through any kind of distribution system, whether the source is surface water or ground water.

13.0 SERVICES – SEWAGE DISPOSAL

13.1 Community Sewer System

Where a parcel proposed to be created by subdivision is within an area served by a community sewer system, or requires community sewer service in order to meet minimum parcel size requirements specified in a zoning bylaw, the costs of connecting to the community sewer system shall be borne by the applicant, and the specifications shall be submitted to CVRD Engineering Services Department for approval, using the MMCD Standards as the standards and specifications.

13.2 Drawings

(a) General: Drawings must be clear and legible and drawn to a scale which will permit all necessary information to be plainly shown. The maximum size shall be 75 cm by 100 cm over all. Without limiting the generality of the foregoing the preferred scales are as follows:

Key Plans 1:5,000

Plan Views: 1:500

Profiles: 1:50 (vertical)

(b) Where the topography is such that the above scales are inappropriate other scales of the same ratio may be used.

(c) Drawings must show the name of the project, scale in meters, north point, engineer's name and designation, the engineer's signature, and imprint of his or her registration seal.

(d) The drawings must include such plan views elevations sections and supplementary views which taken together with any specifications provide adequate working information for the construction of the works.

(e) Three copies of each design drawing are to be submitted to the Operations Manager for approval prior to construction. One set will be returned with the approval documents.

13.3 Revisions to Approved Plans:

Application for revision to approved plans during construction shall be submitted in sufficient time for decision to be made. Minor changes not affecting capacities flows or operation will be permitted during construction without approval provided that notification is made at the earliest opportunity to the Operations Manager.

13.4 "As Constructed" Plans:

Within sixty days of the completion of a project, plans showing the works as installed shall be submitted to the Cowichan valley Regional District. The plans, in conformity with requirements for design drawings, shall consists of one set of mylar copies and one set of paper prints all marked "as constructed." Service connection cards will be

provided by Cowichan Valley Regional District for completion by the Developer's engineer.

13.5 Operation and Maintenance

(a) General: The Developer shall maintain the works for a period of one year from the date of completion of the system established by the Operations Manager. This maintenance shall relate to all matters affecting the installation of the works. Should the works include lift stations, the day to day running and payment of energy accounts will be undertaken by the Cowichan Valley Regional District from the time of acceptance by the Operations Manager.

(b) Manhole Keys: One set of manhole keys shall be provided to the Cowichan Valley Regional District to fit the style of manhole cover utilized on the project.

(c) Final Acceptance: Upon the expiration of the one year maintenance period referred to in section 13.5(a) of this specification a final inspection shall be made by the Operations Manager. Any deficiencies noted at that inspection shall be rectified within thirty days. Following completion of any rectification works the system shall be certified as maintainable at public expense by the Operations Manager.

13.6 Private Sewage System

(a) Where a parcel proposed to be created by subdivision is not within an area served by a Regional District community sewer system, and does not require connection to a community sewer service in order to meet minimum parcel sizes specified in a zoning bylaw, each parcel must be serviced by a sewage treatment and disposal system that is designed, built and operated in accordance with the *Sewerage System Regulation* under the *Public Health Act*.

14.0 SERVICES – DRAINAGE

14.1 Each parcel of land created by subdivision must be serviced by a drainage collection and disposal system that is designed and constructed in accordance with the standards of the MMCD.

14.2 In determining whether the design of any drainage collection and disposal

system for a proposed subdivision is adequate to provide satisfactory drainage, the Regional District may require:

- a) an engineering study (sealed by a professional engineer) to determine:
 - i) the drainage characteristics of the site;
 - ii) the drainage characteristics on-site retention/storage; overland flow; channel capacity and volume/storage; and storage retention and routing;
 - iii) design options including on-site retention/storage; overland flow; channel capacity and volume/storage; and storage retention and routing;
 - iv) impact of eventual discharge of the water from the subdivision;
 - v) environmental and physical impacts;
- b) on-site retention and storage facilities;
- c) the channel capacity of the system given the volume and storage capacity.

14.3 The applicant must provide a copy of the approved plans for design of the drainage collection system, as approved, by the Regional District, to the Approving Officer.

15.0 HIGHWAYS

15.1 The minimum width of any highway in any proposed subdivision shall be 20 metres, except:

- a) where the Approving Officer deems a lesser minimum width better suited to use or to local conditions; or
- b) where a highway is a frontage road, then it shall have a minimum width of 15.0 metres, unless the Approving Officer deems a lesser or greater minimum width better suited to use or to local conditions; or

- c) where a highway is a lane, then it shall have a minimum width of 6.0 metres; or
- d) where in the opinion of the Approving Officer and soil conditions are such that a roadway having a width of 7.3 metres plus the width required to maintain any fill material or any cut material at the natural angle of repose of that material; plus
- e) the additional width required for any drainage facilities including ditches needed to drain the highway; plus
- f) any further width required for the physical protection of the highway by construction of fences, barricades, or walls that cannot be contained within a 20 metres right-of-way then the minimum width shall be of sufficient land to support, drain, and protect such roadway as described above;
- g) where additional rights-of-way are required to protect a major road network or controlled access highway.

15.2 Vehicular access shall be provided by the owner prior to subdivision approval from the travelled portion of the highway onto any parcel where required by the Regional District or the Approving Officer of the Ministry of Transportation and Infrastructure.

15.3 Lanes shall be provided by the owner prior to subdivision approval where terrain and natural features render vehicular access practicable and where:

- (a) they form an extension of any existing system of lanes; or
- (b) the Approving Officer deems it necessary to provide secondary access in order that reasonable traffic flow can be assured on the main highway.

15.4 In cases where a parcel is adjacent to a controlled access highway, a highway, other than the controlled access highway shall be provided to provide access to all parcels prior to subdivision approval.

15.5 As a condition of subdivision, the provision of public highway access to all parcels created (including the remainder of the parent parcel) shall be required.

15.6 Where any subdivision contains parcels less than 90 metres in width intersecting highways shall be dedicated at intervals not greater than 400 metres and on the same side of the highway and beginning at any existing lateral highway, except:

- a) where difficult terrain or other natural features render vehicles access impracticable; or
- b) where the pattern of existing subdivision precludes the necessity of providing access.

15.7 In any proposed subdivision, a highway which is a cul-de-sac shall have a terminal area for a turn-around the size of which shall be determined by having regard to the local snow, terrain, and soil conditions, provided that any area shall be large enough to contain a circle with a radius of 15 metres.

15.8 The number of highway intersections within a subdivision shall be kept to a minimum, and where practicable.

- a) Y-shaped intersections shall be avoided;
- b) T- shaped intersections shall only be used when the intersecting highway is to carry a small amount of local traffic;
- c) intersections shall not be located in or near sharp curves or near the crest of any rise or hill;
- d) intersections of more than four highways shall be avoided.

15.9 Whenever practicable, no intersection shall be less than 40 metres from any other intersection or likely future intersection. Measurement shall be made along the centre line of the intersected highway.

15.10 Unless extremely difficult terrain or the pattern of existing subdivision precludes it, a minimum of 16 metres of an intersecting leg shall be as close to right angles as practicable with intersected highway. This distance shall be measured at the boundary of the intersecting leg on the side of the contained angle.

15.11 The right-of-way width of any walkway or trails (excluding a sidewalk) in any subdivision shall be 3 metres.

15.12 All subdivisions of three or more parcels, where the smallest lot created is less than 2.0 hectares, shall be required to surface all highways created by the subdivision to a good an all-weather standard, acceptable to the Approving Officer, prior to subdivision approval.

15.13 The Approving Officer may require that utilities such as telephone and hydro be underground as recommended by the Regional District.

Read a first time this ____ day of _____, 20__

Read a second time this ____ day of _____, 20__

Read a third time this ____ day of _____, 20__