



# REGIONAL DISTRICT OF NORTH OKANAGAN

## BOARD of DIRECTORS MEETING

Wednesday, November 20, 2013

4:00 pm

## PUBLIC HEARING AGENDA

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### A. CALL PUBLIC HEARING TO ORDER

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### B. INTRODUCTION OF BYLAW

1. **Subdivision Servicing Bylaw No. 2600, 2013**
  - Staff report dated November 5, 2013

**Bylaw 2600, 2013 – Subdivision Servicing**

**Purpose:** A bylaw to replace Regional District of North Okanagan Subdivision Servicing Bylaw No. 726, 1986.

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### C. PUBLIC PRESENTATIONS

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### D. CLOSE PUBLIC HEARING





**REGIONAL DISTRICT  
of  
NORTH OKANAGAN**

# REPORT

File No.: 3060.04.03

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**TO: Board of Directors**  
**FROM: Planning Department**  
**DATE: November 5, 2013**  
**SUBJECT: Subdivision Servicing Bylaw No. 2600, 2013**

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## **RECOMMENDATION:**

That following consideration of comments received at the Public Hearing, Bylaw No. 2600, 2013, which proposes to replace Regional District of North Okanagan Subdivision Servicing Bylaw No. 726, 1986, be given Third Reading as amended.

## **BACKGROUND:**

Subdivision Servicing Bylaw No. 2600, 2013 was given First Reading on March 20, 2013, Second Reading (as amended) on October 16, 2013 and a Public Hearing has been scheduled for November 20, 2013.

Between First and Second Readings, staff engaged in consultation with local BC Land Surveyors, Qualified Well Drillers and Well Pump Installers, Professional Engineers and Geoscientists, an Environmental Health Officer, local and senior government staff, other stakeholders and agency representatives.

In general, efforts have been made to streamline the new Subdivision Servicing Bylaw and to ease the financial burden associated with applicants' efforts to fulfill the Regional District's requirements for subdivision.

The new Bylaw has been streamlined by including only those regulations which are within the realm of the Regional District's jurisdiction and by avoiding the inclusion of requirements which are addressed by other authorities or are within other bylaws (i.e. Zoning Bylaw or Greater Vernon Water bylaws).

With the aim of reducing the costs associated with subdivision and providing more options for subdivision applicants, it is proposed that:

- 1) Subdivision of parcels in Electoral Area "E" may be approved without provision of a potable water source;
- 2) For drilled wells more than 15 m deep, a pumping test would not be required if a well yield test (i.e. 'air lift' test) demonstrates a yield of at least 14 Litres (3 Imperial Gallons) per Minute;

- 3) In Electoral Areas “D” and “E”, when a pumping test is required for a drilled well, the required production capacity would be reduced from 6,550 Litres per Day (under the current Bylaw) to 2,273 Litres per Day;
- 4) Potable water may be confirmed by a broader range of qualified persons;
- 5) Water treatment methods may be determined by a broader range of qualified persons;
- 6) Proof of water (quantity and quality) would not be required where an existing water source serves a legally constructed dwelling;
- 7) Requirements of the new Subdivision Servicing Bylaw would not apply to a boundary adjustment subdivision where no additional parcels are to be created and where existing services, required by the Bylaw, are in place; and
- 8) Hydroelectricity provided by BC Hydro or other utility would not be required for subdivisions in Electoral Areas “D” and “E”.

**PROPOSED AMENDMENT PRIOR TO THIRD READING:**

From a bylaw structure perspective, it is recommended that prior to Third Reading, Bylaw No. 2600 be amended by moving sections 108 Repeal and 109 Effective Date and the information on Readings and Adoption to the end of the bylaw document such that no components of the bylaw occur after the signature of the Chair and Corporate Officer. It is to be noted that Subdivision Servicing Bylaw No. 2600 does not require the approval of the Ministry of Community, Sport, and Cultural Development, therefore that signature space has been removed.

**PUBLIC HEARING, THIRD READING AND ADOPTION:**

Under the *Local Government Act*, a Public Hearing is not required prior to adoption of a Subdivision Servicing Bylaw however, in consideration of feedback obtained during the consultation process, at their meeting of October 16<sup>th</sup> the Board of Directors resolved to hold a Public Hearing as a means for interested persons to submit comments or express concerns directly to the Board regarding the proposed new Bylaw.

As per the *Local Government Act* Exemption Regulation (B.C. Reg. 42/2011), the Regional District of North Okanagan is exempt from the requirement for ministerial approval under Section 913 of the *Local Government Act* which would otherwise be required following Third Reading and prior to adoption of the Subdivision Servicing Bylaw.

Following consideration of any verbal presentations and/or written submissions received at the Public Hearing, the Board may either proceed with Third Reading without further changes to the Bylaw or the Board may resolve to amend Bylaw No. 2600.

Following Third Reading, Bylaw No. 2600 will be forwarded to the Ministry of Transportation and Infrastructure for their approval if required. Once the Ministry has formally endorsed the Bylaw or confirmed that their approval is not required, Bylaw No. 2600 will be presented to the Board of Directors for Final Adoption.

**SUMMARY:**

Following First Reading, Bylaw No. 2600 was the focus of review and consultation with various stakeholders and agency representatives whose feedback led to some fine-tuning of the Bylaw prior to Second Reading. On October 16<sup>th</sup> the Regional District Board gave Second Reading to Bylaw No. 2600 as amended and authorized the Bylaw to be presented at a Public Hearing. A

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Report to Board of Directors – November 5, 2013

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Public Hearing is not required for this type of Bylaw however it will provide an opportunity for people to submit any comments or concerns they may have regarding the Bylaw directly to the Board prior the Bylaw being considered for Third Reading.

One minor amendment is recommended to be made prior to Third Reading pertaining to the structure of Bylaw No. 2600 and that is to move the information regarding the bylaw Readings and Adoption dates to the end of the document.

For reference, Subdivision Servicing Bylaw No. 2600, 2013, incorporating the recommended amendment, is attached.

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Submitted by:



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Marnie Skobalski, MCIP, RPP  
Planner

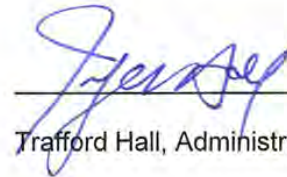
Approved For Inclusion:

Endorsed by:



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Rob Smalles, MCIP  
General Manager, Planning and Building



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Trafford Hall, Administrator

**REGIONAL DISTRICT OF NORTH OKANAGAN  
SUBDIVISION SERVICING  
BYLAW NO. 2600, 2013**

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**SECTION 100 – SCOPE AND APPLICABILITY**

**WHEREAS** Part 26, Division 11 [*Subdivision and Development Requirements*] of the *Local Government Act*, states that the Board of the **Regional District** of North Okanagan may, by bylaw, regulate and require the provision of **works** and **services** in respect of the **subdivision** of land;

**AND WHEREAS** the Board of the **Regional District** of North Okanagan wishes to ensure that subdivision and development does not result in excessive cost to the **Regional District** of North Okanagan to provide **services**;

**NOW THEREFORE**, the Board of the **Regional District** of North Okanagan, in open meeting assembled hereby, enacts as follows:

**101    Title**

This Bylaw may be cited as the “**Regional District of North Okanagan Subdivision Servicing Bylaw No. 2600, 2013**”.

**102    Application**

This bylaw applies to the unincorporated areas of the **Regional District**, including Electoral Areas “B”, “C”, “D”, “E” and “F”.

**103    Compliance with Other Legislation**

Nothing in this Bylaw shall be taken to relieve any person from complying with the provisions of any other Bylaw of the **Regional District** or applicable provincial or federal statute or regulation.

**104    Severability**

If any section, subsection, sentence, clause, or phrase of this Bylaw is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

**105    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 **applicant** 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 **applicant** 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.

**106    Measurements**

Metric units are used for all measurements in this Bylaw. The equivalent of those units, in imperial measure, shown in brackets following each metric measurement, are included for convenience only.



**SECTION 100 – SCOPE AND APPLICABILITY**

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**107 Enforcement and Penalties**

1. 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 person authorized under this Bylaw to enter upon lands;

will be guilty upon summary conviction of an offence under this bylaw.

2. Any person who violates bylaw provisions may, upon summary conviction, be liable to a maximum fine of \$5000 per offence<sup>1</sup>, plus the cost of prosecution, for each offence. The penalties imposed under this section are a supplement to and not a substitute for any other remedy to an infraction of this bylaw. Each day's continuance of an offence under this Bylaw constitutes a new and distinct offence.
3. The General Manager, Planning and Building or his/her designate, may order:
  - a. a person who contravenes this bylaw to comply with the bylaw within a time limit specified in the order; and/or
  - b. construction to stop on the **works**, or any part thereof, if such **works** is proceeding in contravention of this bylaw.

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<sup>1</sup> In accordance with Section 787 of the *Criminal Code of Canada*

## **SECTION 200 – DEFINITIONS**

In this bylaw;

**APPLICANT** means an owner of land or his/her authorized agent applying for approval of a subdivision.

**APPROVING OFFICER** means a person appointed by the Province in accordance with the *Land Title Act*, and amendments thereto.

**CERTIFICATE OF COMPLIANCE** means a written confirmation from the **Regional District** to the **Approving Officer** that the **applicant** has satisfied all conditions of the **Regional District** with respect to a proposed **subdivision**.

**COMMUNITY SANITARY SEWAGE SYSTEM** means a system of **works** which is established and operated in accordance with provincial legislation and regulations that may apply, for the collection, treatment and disposal of sanitary sewage.

**COMMUNITY WATER SYSTEM** means a system of **works**, which is established and operated in accordance with provincial legislation and regulations that may apply, for the provision of water to more than one single family residence, and which is owned, operated and maintained by the **Regional District**, a Strata Corporation, Improvement District, Irrigation District, Water Utility, Water Users' Community, or other body.

**HIGHWAY** means any dedicated public street, road, lane, walkway, bridge or any other way as defined in the *Transportation Act*, but does not include a private right-of-way or easement on private property.

**HYDRO** means hydroelectricity provided by BC Hydro or other electric utility regulated by the British Columbia Utilities Commission.

**LEGALLY CONSTRUCTED DWELLING** means:

1. a residential dwelling that has been constructed in accordance with a Building Permit or Authorization to Construct issued by the **Regional District**; or
2. a residential dwelling proven to have been constructed prior to 1986 or a sworn affidavit stating that the dwelling was constructed prior to 1986.

**ONSITE SEWAGE DISPOSAL** means the onsite disposal of sewage effluent utilizing a system that is designed, constructed, and maintained in accordance with provincial legislation and regulations that may apply.

**PARCEL** means any lot, block or other area in which land is held or into which land is subdivided or any remaining portion of the land that is being subdivided but which does not include a **highway** or portion thereof.

**POTABLE WATER** means water that meets the microbiological parameters and the health based chemical and physical parameters of the *Guidelines for Canadian Drinking Water Quality*.

**PUMPING TEST** means a test conducted in accordance with the minimum requirements specified in this bylaw and intended to reliably estimate well yield by pumping groundwater from a well and taking measurements of the water level drawdown and recovery.

**SECTION 200 – DEFINITIONS**

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**QUALIFIED PROFESSIONAL** means a person who is registered or licensed as a Professional Engineer or Professional Geoscientist under the *Engineers and Geoscientists Act of British Columbia*.

**QUALIFIED WATER QUALITY SPECIALIST** means a **Qualified Professional**, or a person designated under the Applied Science Technologists and Technicians Act, or a person who provides written confirmation of their certification and authority to verify that a water source meets the **potable water** standards of this bylaw or to determine the potential for, and method of, treating a water source to ensure that it meets the **potable water** standards of this bylaw.

**QUALIFIED WELL DRILLER** means a person being listed on the Register of Qualified Well Drillers in the Province of British Columbia pursuant to the Ground Water Protection Regulation.

**QUALIFIED WELL PUMP INSTALLER** means a person being listed on the Register of Qualified Well Pump Installers in the Province of British Columbia pursuant to the Ground Water Protection Regulation.

**REGIONAL DISTRICT** means the **Regional District** of North Okanagan as described in its Letters Patent and amendments thereto but shall not include incorporated municipalities.

**SECURITY DEPOSIT** means an unconditional Irrevocable Letter of Credit or bank draft drawn on a chartered bank in Canada, or cash.

**SUBDIVISION** means the division of land into two (2) or more **parcels**, whether by plan, apt descriptive words, or otherwise and includes consolidation of two (2) or more **parcels** as well as boundary adjustments, as defined in the *Land Title Act* or under the *Strata Property Act*.

**WELL YIELD TEST** means a test using bailing or air lifting methods to determine a rough estimate of how much water a groundwater well can produce.

**WORKS and SERVICES** means the improvement required to be constructed, erected or installed under this bylaw on or adjacent to land under application for **subdivision**, including the installation of water, sewer and other matters required of this bylaw.

**ZONE** means a **zone** established under Part 26, Division 7 of the *Local Government Act*, and any amendments thereto, and as specified in the zoning bylaws of the **Regional District**, and any amendments made thereto.

## **SECTION 300 – BASIC PROVISIONS**

### **301 Works and Services Required at Subdivision**

An **applicant** who applies for a **subdivision** must provide as a condition of approval:

1. on a **highway** immediately adjacent to the **parcel**; and/or
2. on the **parcel** itself,

the **works and services** that are required to be provided under this bylaw.

### **302 Exemptions**

The servicing requirements of this bylaw shall not apply:

1. Where the **parcel** being created is to be used solely for the unattended equipment necessary for the operation of;
  - a. a **community water system**,
  - b. a **community sanitary sewage system**,
  - c. a community gas distribution system,
  - d. a community radio or television receiving antenna,
  - e. a radio or television broadcasting antenna,
  - f. a telecommunication relay station,
  - g. an automatic telephone exchange,
  - h. an air or marine navigational aid,
  - i. electrical substations or generating stations, or,
  - j. any other similar public service or quasi-public service facility or utility.
2. Where the **parcel** being created is to be used solely as public park or as public park in combination with one or more of the uses listed in Section 301.1.

### **303 Boundary Adjustments**

1. Where an application proposes to adjust **parcel** boundaries, and whereby additional parcels would not be created and the proposed parcels are serviced with existing **services** required by this bylaw, the **services** are not required to be upgraded to comply with the requirements of this bylaw. The **applicant** must however provide a plan drawn to scale with metric dimensions and areas indicating the locations of all existing and proposed property lines, existing buildings, structures, streams, and **services** including power, water, sewer, and onsite disposal. Where the existing **services** are not located within the proposed parcel which they will service, the location and access to the service shall be protected by an easement. Additional servicing or upgrading of existing **services** may be required by other agencies.
2. Where an application proposes to adjust **parcel** boundaries, and whereby additional parcels would not be created and the proposed parcels are not serviced with existing **services** required by this bylaw, the **subdivision** must comply with the servicing requirements outlined in Section 400 of this Bylaw.

**SECTION 300 – BASIC PROVISIONS**

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**304 Administration**

The General Manager, Planning and Building or his/her designate, is authorized to administer this bylaw, in regard to matters of **subdivision** and to enter any lands for which a **subdivision** application has been made at any reasonable time to determine whether the regulations contained in this bylaw are being complied with.

The General Manager, Planning and Building or his/her 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.

Applications for **subdivision** will be reviewed by the General Manager, Planning and Building or his/her designate, for compliance with the bylaws of the **Regional District**. Nothing contained in this bylaw shall relieve the **applicant** from the responsibility to seek out and comply with legislation applicable to the **subdivision**.

This bylaw outlines the **Regional District's** minimum requirements and regulations pertaining to the **subdivision** of property. Water Utilities, the Ministry of Transportation and Infrastructure, the Interior Health Authority and other authorities 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 authorities having jurisdiction are met. Where requirements and regulations of other authorities conflict with this bylaw, the more stringent requirements and regulations shall apply.

**305 Subdivision Applications**

Applications for **subdivision** must be submitted to the **Approving Officer**.

Application for conversion of a previously occupied building into strata lots must be made to the **Regional District**.

An application fee must be submitted to the **Regional District**, in the amount specified in the *Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008*, and amendments thereto,

1. upon referral of the application for **subdivision** to the **Regional District** by the Ministry of Transportation and Infrastructure or,
2. upon application to the **Regional District** for conversion of a previously occupied building into strata lots.

The **Regional District** will supply written comments to the Ministry of Transportation and Infrastructure on **subdivision** applications referred to the **Regional District** by the Ministry of Transportation and Infrastructure.

The **Regional District's** written comments are valid for 18 month periods, which may be extended for additional 12 month periods, upon written request from the **applicant**. The **Regional District**, upon receipt of a written request for an extension from Ministry of Transportation and Infrastructure, will re-issue comments, with revisions if necessary, to the Ministry of Transportation and Infrastructure.

**SECTION 300 – BASIC PROVISIONS**

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Prior to the **Regional District** providing a **Certificate of Compliance** to the **Approving Officer**, the **applicant** must supply the **Regional District** with a copy of the survey plan proposed for registration in the Land Title Office.

**306 Easements for Works and Services**

Where **services** to an individual **parcel** are not proposed to be provided from a **highway** or through onsite servicing, the **applicant** must grant or acquire permits and/or easements for **services** for individual **parcels**, in favour of the benefiting parcel and in a form acceptable to the **Regional District** that the easement will not be altered or discharged without the approval of the **Regional District**. Easements for **works and services** do not include easements for access.

**307 Expense of Works and Services Borne by Applicant**

All **works and services** or any documentation required by this bylaw must be designed, located, constructed, installed, and supplied at the expense of the **applicant**.

All fees or charges required under this bylaw; other bylaws of the **Regional District** or which are required by other authorities having jurisdiction must be paid at the expense of the **applicant**.

**308 Excess or Extended Capacity**

Pursuant to Section 939 of the *Local Government Act*, the **Regional District** may require the **applicant** to provide, at the **applicant's** expense, excess or extended **services** to provide service to land other than the **parcel** being subdivided. An **applicant** may be required to provide drawings that define catchment areas, benefitting properties, design drawings, a traffic impact analysis and/or an onsite utilities impact analysis to assist the **Regional District** in making a determination under Section 939 of the *Local Government Act*.

**309 Latecomer**

Where the **applicant** is required to provide excess or extended **services**, the **applicant** is entitled to receive latecomer payments in accordance with:

1. Section 939 of the *Local Government Act*; and
2. Any latecomer policy of the **Regional District**;

unless the excess or extended service is under the jurisdiction of other authorities, in which case, the policies, practices, and bylaws of that other authority must be followed.

**310 Subdivision Agreement**

A **Certificate of Compliance** may be issued by the **Regional District** prior to the completion (construction and installation) of the required **works**, where:

**SECTION 300 – BASIC PROVISIONS**

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1. The **applicant** enters into a subdivision development agreement with the **Regional District**, as provided for in Section 940(2)(b) of the *Local Government Act*, accepting the terms and conditions in that agreement and undertaking to construct and install the required **works** within the term specified in the agreement; and,
2. The **applicant** deposits with the **Regional District** a **security deposit** in the amount of one hundred and twenty five percent (125%) of the estimated value of construction of the **works** as estimated in writing by the **applicant's** engineer; and,
3. The **applicant** provides written proof that all of the requirements of the Ministry of Transportation and Infrastructure and other agencies having jurisdiction have been met.

As construction and installation of the **works** are completed, the amount of the **security deposit** may be reduced in proportion to the amount of **works** remaining to be completed, as estimated in writing by the **applicant's** engineer and approved by the **Regional District's** General Manager, Planning and Building or his/her designate or to an amount not less than twenty five percent (25%) of the total cost of, construction and installation of the **works**. At the time of final approval of the **works** by the **Regional District** a warranty security in the amount of ten percent (10%) of the **security deposit** will be retained by the **Regional District** for a period of one (1) year and the balance of the **security deposit** outstanding will be returned to the **applicant**. With the approval of the **Regional District's** General Manager, Planning and Building or his/her designate, at the conclusion of the one year warranty period, the final ten percent (10%) of the **security deposit** will be returned to the **applicant**.

Should any person fail to construct or install any **works** required under this bylaw, the **Regional District**, its agents, or servants, may construct or install the **works** at the expense of the **applicant** in default and the expense may be recovered from the **security deposit** held by the **Regional District**.

**311 Park Land Dedication**

Park land shall be dedicated, or payment in lieu of park land shall be paid, in accordance with the provisions of Section 941 of the *Local Government Act*.

**312 Development Cost Charges**

Development Cost Charges shall be paid in accordance with the Development Cost Charge Bylaws of the applicable jurisdiction.

## **SECTION 400 – SERVICING REQUIREMENTS**

### **401 General**

The **works** and **services** specified in this bylaw shall be required to be constructed and installed by an **applicant** prior to obtaining final approval for a plan of **subdivision** and shall be based upon the **zone** in which the land is located, as set out in:

1. Schedule A of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*, and amendments thereto;
2. Schedule A of *Silver Star Zoning Bylaw No. 1926, 2004*, and amendments thereto.

### **402 Highways**

All **highways** must be dedicated and constructed in accordance with the standards prescribed by the Ministry of Transportation and Infrastructure.

Notwithstanding the above, **highways** must be dedicated by a plan of **subdivision** in accordance with the major road designations of the applicable Official Community Plan.

### **403 Onsite Sewage Disposal**

If a **subdivision** is to be serviced with a sewage disposal system other than a **community sanitary sewage system**, an **onsite sewage disposal** system must be capable of being provided for each proposed lot in accordance with the standards prescribed by the authority having jurisdiction.

For proposed lots smaller than 2 ha in size, written confirmation from the authority having jurisdiction must be submitted to the **Regional District** stating that their requirements with regard to **onsite sewage disposal** have been satisfied.

Notwithstanding the above, a **parcel** must not be serviced by **onsite sewage disposal** if a **community sanitary sewage system** is available to service the property.

### **404 Community Sanitary Sewage Systems**

A **community sanitary sewage system** must be provided for lots less than 1 ha in size, except those lots created pursuant to Section 946 of the *Local Government Act*, and be provided in accordance with the requirements of any authority having jurisdiction.

**Community sanitary sewage systems** shall not discharge effluent either directly or indirectly to a watercourse.

Proof of connection to a **community sanitary sewage system** must be provided and shall consist of written confirmation from the authority having jurisdiction that the **community sanitary sewage system** satisfies the requirements of the authority having jurisdiction.

### **405 Community Water System**

A **community water system** must be provided for lots less than 1 ha in size, except those lots created pursuant to Section 946 of the *Local Government Act*.



**SECTION 400 – SERVICING REQUIREMENTS**

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Where a **community water system** is provided it must be designed and constructed in accordance with the standards and specifications of the authority having jurisdiction.

Proof of connection to a **community water system** must be provided and shall consist of written confirmation from the authority having jurisdiction that the **community water system** satisfies the requirements of the authority having jurisdiction.

In no case shall a water source other than a **community water system** service a **subdivision** occurring within the area of jurisdiction of a **community water system** unless the authority responsible for the **community water system** confirms that the **subdivision** is not required to be serviced by the system.

**406 Potable Water Source other than a Community Water System**

If a **subdivision** is to be serviced with a water source (dug well, drilled well or surface) other than a **community water system**, each **parcel** must be serviced with a **potable water** supply. Where the water source is not located on the parcel it will service, the location and access to the water source, including any wells, water mains, and all other appurtenances, shall be protected by an easement. (See also **Section 306 Easements for Works and Services.**)

Unless exempted by this bylaw, a water sample must be taken from the water source and tested by a laboratory accredited by the Canadian Association for Environmental Analytical Laboratories to determine conformity to **potable water** standards. **Potable water** must be verified in writing by a **Qualified Water Quality Specialist** and the results must be submitted to the **Regional District**.

If the water is determined to be not potable, but can be treated in such a manner that it becomes potable as determined by a **Qualified Water Quality Specialist**, a Section 219 Covenant must be registered on the title of the subject property as a priority above financial charges stating that an occupancy permit for a dwelling will not be issued until a treatment system meeting the specifications of a **Qualified Water Quality Specialist** has been installed to ensure a **potable water** supply.

All water quality test reports must be dated not more than three (3) years prior to the date of **subdivision** application.

1. Dug Wells

Where connection to a **community water system** is not required and a dug well is proposed as a source of **potable water** for a **parcel** created by **subdivision** in all Electoral Areas, proof of water shall consist of the following:

- a. A site plan must be provided indicating the location of a constructed well which must be tested by a **pumping test** that has been conducted by a **Qualified Well Driller** or a **Qualified Well Pump Installer** or a person working under the direct supervision of a **Qualified Well Driller**, a **Qualified Well Pump Installer**, or a **Qualified Professional**. **Pumping tests** of all dug wells shall be conducted during the dry months of the year, defined as the period between August 1 and March 1, or at another time of year as confirmed in writing by the **Qualified Professional** in order to determine the year-round capacity of the well. A hydrogeological report must be prepared by the **Qualified Professional** and submitted to the **Regional District**.

**SECTION 400 – SERVICING REQUIREMENTS**

- b. The hydrogeological report must demonstrate that the dug well can provide at least 6,550 litres of water per day (1.0 Imperial Gallons per Minute) per **parcel** and that this amount can be provided on a year round basis. The report must demonstrate that the use of the well will not negatively impact the use of neighbouring wells.
- c. All hydrogeological reports and **pumping tests** must be dated not more than three (3) years prior to the date of **subdivision** application.

2. Drilled Wells

Where connection to a **community water system** is not required and a drilled well is proposed as a source of **potable water** for a **parcel** created by **subdivision** in all Electoral Areas, proof of water shall consist of the following:

- a. A site plan must be provided indicating the location of a constructed well which must be tested by a **well yield test** conducted by a **Qualified Well Driller**, **Qualified Well Pump Installer** or a person working under the direct supervision of a **Qualified Well Driller**, a **Qualified Well Pump Installer**, or **Qualified Professional**.
- b. The **well yield test** must be submitted to the **Regional District**. A well that demonstrates a yield of at least 14 Litres per Minute (3.0 Imperial Gallons per Minute) satisfies the proof of water quantity requirements of this bylaw.

A **pumping test** must however be carried out when a **well yield test** reports less than 14 Litres per Minute (3.0 Imperial Gallons per Minute) or when a well is less than 15 m deep. A **pumping test** must be conducted by a **Qualified Well Driller** or a **Qualified Well Pump Installer** or a person working under the direct supervision of a **Qualified Well Driller**, a **Qualified Well Pump Installer** or a **Qualified Professional**. A hydrogeological report must be prepared by the **Qualified Professional** and submitted to the **Regional District**. **Pumping tests** of all drilled wells shall be conducted during the dry months of the year, defined as the period between August 1 and March 1, or at another time of year as confirmed in writing by the **Qualified Professional** in order to determine the year-round capacity of the well.

- c. In Electoral Areas “B”, “C”, and “F”, when a **pumping test** is required, the report must demonstrate that the drilled well can provide at least 6,550 litres of water per day (1.0 Imperial Gallon per Minute) per **parcel**. The report must demonstrate that the use of the well will not negatively impact the use of neighbouring wells.
- d. In Electoral Areas “D” and “E” when a **pumping test** is required, the report must demonstrate that the drilled well can provide at least 2,273 litres of water per day (0.35 Imperial Gallons per Minute) per **parcel**. The report must demonstrate that the use of the well will not negatively impact the use of neighbouring wells.
- e. All hydrogeological reports, **pumping tests**, and **well yield tests** must be dated not more than three (3) years prior to the date of **subdivision** application.

**SECTION 400 – SERVICING REQUIREMENTS**

3. Surface Water Source

Where connection to a **community water system** is not required and surface water is proposed as a source of **potable water** for a **parcel** created by **subdivision** in all Electoral Areas, submission of the following to the **Regional District** would satisfy the proof of water quantity requirements of this bylaw:

- a. A site plan indicating the location of the surface water source.
- b. Confirmation in writing from the authority having jurisdiction that a water licence will be issued pursuant to the *Water Act* that authorizes on a year round basis, a minimum quantity of 2,273 litres (500 Imperial Gallons) per day per **parcel**.

**407** Where Proof of Water is Not Required

1. Where connection to a **community water system** is not required, the **subdivision** of parcels within Electoral Area “E” may be approved without the provision of a **potable water** supply.
2. Proof of water supply is not required where an existing water source serves a **legally constructed dwelling**.
3. The **subdivision** of parcels 2 ha (4.942 acres) or larger in size within the Country Residential **Zone** (C.R.); Non-Urban **Zone** (N.U.); or the Large Holding **Zone** (L.H.) of the **Regional District** Zoning Bylaw may be approved without the provision of a **potable water** supply if a written report is obtained from a **Qualified Professional** verifying that **potable water** of sufficient quantity is available on or to the proposed lot(s) to satisfy the requirements of this Bylaw and a covenant is registered pursuant to Section 219 of the Land Title Act prohibiting the construction or location of any residential dwelling or manufactured home on the proposed lot(s) until a **potable water** supply is provided meeting the standards of this bylaw. The covenant shall be registered as a priority over all financial charges in favour of the **Regional District** of North Okanagan.
4. The **subdivision** of parcels 7.2 ha (17.79 acres) or larger in size within the Non-Urban **Zone** (N.U.) and the Large Holding **Zone** (L.H.) may also be approved without the provision of a **potable water** supply or a written report from a **Qualified Professional** if a covenant is registered pursuant to Section 219 of the Land Title Act prohibiting the construction or location of any residential dwelling or manufactured home on the proposed lot(s) until a **potable water** supply is provided meeting the standards of this bylaw. The covenant shall be registered as a priority over all financial charges in favour of the **Regional District** of North Okanagan.

**408** Street Lighting

All street lighting serving a **subdivision** must be constructed and installed in accordance with the standards of the authority having jurisdiction.

**SECTION 400 – SERVICING REQUIREMENTS**

**409 Underground Wiring Services**

1. Within Electoral Areas “B” and “C”, all electrical distribution, telephone and cablevision wiring must be underground for all subdivisions creating lots less than 1 ha, except those lots created pursuant to Section 946 of the Local Government Act. Where existing service is overhead, underground producing along the frontage of the lots is required.
2. All underground wiring services and appurtenant facilities shall be installed and approved in accordance with the standards of the authorities having jurisdiction.

**410 Fire Hydrants**

Fire hydrants shall be provided in all **subdivisions** where the **subdivision** is serviced with fire protection and a **community water system** in accordance with the standards of the fire department or **community water system** having jurisdiction.

**411 Hydro**

1. Within Electoral Areas “B”, “C”, and “F”, hydro service shall be provided for all subdivisions of lots less than 7.2 ha (17.79 acres) in size except for those subdivisions pursuant to Section 946 of the Local Government Act.
2. All hydro facilities shall be installed and approved in accordance with the standards of the authority having jurisdiction.

