



COWICHAN VALLEY REGIONAL DISTRICT

Bylaw No. 4331

(As Amended by Bylaw No. 4570)

CVRD Bylaw No. 4331 – A Bylaw to Establish Standards for Works and Services in the CVRD Electoral Areas

**CONSOLIDATED FOR CONVENIENCE ONLY
(April 24, 2024)**

The amendment bylaw(s) listed below have been incorporated into enactment Bylaw No. 4331 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 4331 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaw(s) must be consulted. Certified copies of original bylaws are available through the Corporate Officer's office.

AMENDMENT BYLAW
Bylaw No. 4494
Bylaw No. 4570

EFFECTIVE DATE
February 14, 2024
April 24, 2024



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 4331

A Bylaw to Establish Standards for Works and Services in the CVRD Electoral Areas

WHEREAS, pursuant to Section 506 of the *Local Government Act*, the Regional Board may adopt bylaws to regulate and require the provision of works and services in respect of the subdivision of land and in respect of the issuance of building permits within the Cowichan Valley Regional District;

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

1. CITATION

This bylaw may be cited as "**CVRD Bylaw 4331 – Electoral Areas Works and Servicing Bylaw, 2022**".

2. APPLICATION

This bylaw applies to all lands within electoral areas A, B, C, D, E, F, G, H and I of the Cowichan Valley Regional District (CVRD), being those lands as described in the supplementary letters patent of the CVRD except lands within the trust area established under the *Islands Trust Act*.

3. PURPOSE

The purpose of this bylaw is to establish standards for works and services that are required in respect of the subdivision of land and the issuance of building permits.

4. DEFINITIONS

In this bylaw, unless the context otherwise requires

"applicant" means an owner who is applying for subdivision approval under this bylaw, or for a building permit under the CVRD Building Bylaw; and in both cases the applicant includes an authorized agent acting on the owner's behalf;

“approval” means approval in writing from the 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. an improvement district as regulated by the *Local Government Act*; or
- d. Shawnigan Village Waterworks (formerly Lidstech Holdings Ltd.).

“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 human-made elements used to contain, convey, absorb and store storm water;

“dwelling” means one or more attached habitable rooms in a building intended to be solely for residential use for one household, that together contain or provide for the installation of:

- a) one kitchen;
- b) one or more washrooms;
- c) one or more sleeping areas;

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

“General Manager” means the General Manager of Engineering Services of the regional district and any person temporarily acting in the capacity of that person for the purpose of administering this bylaw;

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

“highway” includes a street, road, lane, bridge, viaduct and any other way 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 that provides a second access to a parcel and is less than 11 metres wide;

“MMCD standards” means the master municipal specifications, forming part of the Master Municipal Construction Documents, as adopted or revised from time to time by the Master Municipal Construction Documents Association of British Columbia, and when applicable, Municipal Infrastructure Design Guidelines Manual and the Standard Specifications & Detail Drawings;

“owner” means a person registered in the records of the land title office as the owner of land;

“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 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 provision of the *BC Engineers and Geoscientists Act*;

“professional geoscientist” means a person who is registered or duly licensed as such under the provisions of the *BC Engineers and Geoscientists Act*;

“qualified well driller” 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;

“qualified 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;

“regional district” means the Cowichan Valley Regional District;

“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, 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;

“water utility” has the same meaning as under the *Water Utility Act*;

“well construction report” means a report required under section 76 of the *Groundwater Protection Regulation of British Columbia*.

5. GENERAL REQUIREMENTS FOR SUBDIVISION

1. Following a referral of a subdivision application from the Approving Officer, the General Manager shall advise the Approving Officer, in writing, as to whether the subdivision complies with Regional District requirements and regulations.
2. The applicant for subdivision shall provide the following to enable the General Manager to determine whether proposed and constructed works and services comply with this bylaw:
 - a. drawings and specifications prepared by a professional engineer for each category of works and services required by the bylaw, complying with MMCD except where this bylaw specifies an alternative standard, and with the drafting standards for drawings and specifications prescribed from time to time by the General Manager;
 - b. in respect of community water systems relying on groundwater supply, a groundwater supply report prepared by a qualified person addressing the groundwater study area; aquifer information; well testing details and construction specifications; water sampling methods and test results; analysis and reporting on the long-term capacity of the well and potential for interference with existing wells; and
 - c. the professional engineer's estimate of the cost of constructing the works and services, for the purposes of section 6.6 of this bylaw.
3. All final plans and specifications for works and services that are to be constructed within the subdivision, and for the works that will connect such works and services to Regional District infrastructure, must be submitted to the Engineering Services Department for approval, before the applicant:
 - a. undertakes any construction or installation of the works and services;
 - b. installs any service connections to any new parcel; and
 - c. constructs any works for the purpose of establishing a connection to Regional District infrastructure.
4. The applicant shall obtain the approval of the General Manager to any revisions to plans and specifications previously approved by the General Manager, prior to undertaking work described in such revisions.
5. The applicant shall provide to the General Manager copies of all plans and specifications of the works and services prepared for any other authority having jurisdiction, for requests for qualifications or tendering and for construction of the works and services.
6. For a period of two years following completion of construction of works and services required by this bylaw, the applicant shall rectify at its cost any deficiencies, and shall provide to the Regional District an irrevocable letter of credit in the amount of 10% of the cost of the works and services as estimated by the applicant's professional engineer to secure these obligations. Any unused portion of the security shall be returned to the applicant upon expiry of the two-year period.
7. Upon the expiration of the deficiency period required by this bylaw in respect of any category of works and services, the applicant shall cause the following documentation to be provided to the General Manager, and the General Manager may conduct a final inspection of the works and services in the company of the applicant's professional engineer and certify in writing that the works and services have been accepted:

- a. a list of deficiencies that remain outstanding and that are with the General Manager's approval to be rectified by the applicant following final acceptance of the works, and continued letter of credit arrangements to secure such obligations;
- b. record drawings of the works and services including all service connections, to the drafting standard for such drawings prescribed from time to time by the General Manager;
- c. asset inventory information in the Regional District template;
- d. certification of the professional engineer that the works and services have been constructed in accordance with this bylaw and the approved plans and specifications for the works and services, including copies of related field review reports and test results;
- e. assignment to the Regional District of all relevant warranties;
- f. statutory rights of way for Regional District infrastructure constructed on private land, in the Regional District's standard form; and
- g. transfers to the Regional District of any private utilities or improvement district infrastructure, in a form satisfactory to the Regional District's solicitors.

6. FEES FOR SUBDIVISION APPLICATION

Prior to the Regional District providing written comment to the Approving Officer, the applicant must pay all fees payable to the Regional District, as prescribed under the CVRD Bylaw No. 4483 – Development Application Procedures Bylaw, 2023.

7. SERVICES – POTABLE WATER SUPPLY

1. PROOF OF WATER SUPPLY

- 7.1.1 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.
- 7.1.2 The requirement under Section 7.1.1 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.

2. COMMUNITY WATER SYSTEMS

- 7.2.1 If an applicant intends to connect the parcels 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 operator of the community water system has sufficient capacity to provide water to the new parcels, accepts the new parcels into its service area and has agreed to provide potable water to the parcels.
- 7.2.2 Where the applicant wishes to connect the parcels to be created by subdivision to a community water system that is owned and operated by the Regional District, the regulations in Sections 7.2.3 to 7.2.7 apply.
- 7.2.3 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.

- 7.2.4 The Regional District may require departures from the standards of the MMCD to avoid environmental and physical impacts identified through the professional report submitted under 7.2.6.
- 7.2.5 Where surface water or groundwater 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.
- 7.2.6 If the applicant does not have a water license for the amount of water required, assurance that a water licence can be obtained must be provided. A hydrogeological study by a qualified professional (engineer or geoscientist with experience in hydrogeology) will be required to confirm water availability from the proposed source. The hydrogeological study may require a pumping test.
- 7.2.7 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 they 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 water source and shall be provided prior to subdivision approval.

3. PRIVATE WATER SOURCES

- 7.3.1 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 7.3.2 to 7.3.6.
- 7.3.2 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.
- 7.3.3 Where groundwater is to be the source of domestic water for a parcel or parcels to be subdivided, a well conforming to the standards set out in the Groundwater Protection Regulation (*Water Sustainability Act*) shall be provided on each parcel. Prior to subdivision approval, a well construction report prepared and certified by a qualified well driller, 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 7.3.4 for each parcel to be created.
- 7.3.4 For each well that has been drilled under section 7.3.3, the wells on each new parcel shall provide a minimum daily yield of 2,300 litres (600 US gallons) and be consistent with the following table:

DEPTH SPECIFICATION	MINIMUM WELL YIELD AND TESTING REQUIREMENTS
Wells drilled 20 metres or deeper	Wells that yield 4 litres per minute or more: Well record is adequate proof of yield. No further testing or reporting required.
	Wells that yield less than 4 litres per minute: Further testing and hydrogeologist's report is required.
Wells drilled less than 20 metres deep and drilled between June 1 and October 31	Wells that yield 8 litres per minute or more: Well record is adequate proof of yield. No further testing or reporting required.
Wells drilled less than 20 metres deep and drilled between November 1 and May 31	Hydrogeologist's report is required
Wells drilled less than 10 metres deep	Hydrogeologist's report is required

7.3.5 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 regulated under the *Drinking Water Protection Act*. The test results shall be consistent with the Island Health Guidelines for the Approval of Water Supply Systems and be submitted to the Regional District.

7.3.6 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.

4. SHARED WATER SOURCES

7.4.1 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.

5. WATER SUPPLY FOR FIRE PROTECTION

7.5.1 All community water systems intended for fire protection must be designed and installed to be capable of providing fire flows as determined by the most current version of "Water Supply for Public Fire Protection" published by Fire Underwriters Survey.

6 PROOF OF WATER FOR BUILDING PERMIT – PRIVATE SOURCE

7.6.1 As a pre-requisite to the issuance of a building permit for any dwelling including a suite and the proposed source of water is a well or surface water source, the applicant shall provide proof of water in the form of a written recommendation from a qualified well driller or professional engineer or professional geoscientist indicating that the water source is properly licensed, free of bacteriological contaminants and available in a volume sufficient to provide domestic water to all buildings and structures that the licensed supply would be serving.

7 PROOF OF WATER FOR BUILDING PERMIT – COMMUNITY WATER SYSTEM

7.6.2 As a pre-requisite to the issuance of a building permit for any dwelling including a suite and the parcel lies within a community water service area, the applicant shall provide proof of water in the form of a written approval from the community water system purveyor for the connection of the proposed building or structure.

8. SERVICES – SEWAGE DISPOSAL

1. 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, or if the parcel cannot provide on-site disposal, each parcel shall be provided with a connection to a community sewer system designed and constructed to MMCD standards and specifications, and the costs of connecting to the community sewer system shall be borne by the applicant.
2. All systems in the area designated in Figure 1.1 in the South Sector Liquid Waste Management Plan, as amended or replaced from time to time, shall be designed to meet class A effluent standards as specified in the Municipal Wastewater Regulation under the *Environmental Management Act*, and in other areas systems shall be designed to meet either class A or class B standards.

9. SERVICES – DRAINAGE

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 MMCD standards.
2. In determining whether the design of any drainage collection and disposal system in a CVRD drainage service area is adequate to provide satisfactory drainage, the Regional District may require an engineering study (sealed by a professional engineer) to establish a drainage management plan, and to determine:
 - a. the drainage characteristics of the site including:

- i. on-site retention/storage;
 - ii. overland flow;
 - iii. channel capacity and volume/storage; and
 - iv. storage retention and routing;
 - b. hydrological analysis to determine projected flows into the system;
 - c. hydraulic analysis to determine capacity of the system;
 - d. impact analysis of residual flow;
 - e. design options including:
 - i. on-site retention/storage;
 - ii. overland flow;
 - iii. channel capacity;
 - iv. infiltration to ground;
 - v. pre-treatment of run-off generating surfaces;
 - vi. riparian area protection and enhancement;
 - vii. sediment and erosion controls;
 - viii. measures for volume reduction;
 - ix. detention facilities for rate control; and
 - x. adequate drainage system for flood conveyance.
 - f. impact of eventual discharge of the water from the subdivision;
 - g. analysis of project residual flows with development and mitigative measures in place;
 - h. assessment of projected environmental and physical impacts post development; and
 - i. operations and maintenance recommendations.
3. The Regional District may require departures from the standards of the MMCD to avoid environmental and physical impacts identified through the engineering study under Section 10.2.

10. SERVICES – STREET LIGHTING

1. Highways provided within subdivisions and on existing highways adjacent to parcels being subdivided shall be provided with fully shielded LED street lighting equipped with ambient light sensors designed and constructed in accordance with the MMCD standards except to the extent that a different standard is prescribed by BC Hydro and the Power Authority.
2. The maximum illumination level is 3000 Kelvin except that the level may exceed 3000 Kelvin at highway intersections.
3. The minimum lamp life rating is 50,000 hours and a minimum five-year manufacturer's warranty is required.

11. REPEAL

Cowichan Valley Regional District Subdivision Bylaw No. 1215 is hereby repealed and replaced with this bylaw.

READ A FIRST TIME this 9th day of February, 2022.

READ A SECOND TIME this 9th day of February, 2022.

READ A THIRD TIME this 9th day of February, 2022.

ADOPTED this 9th day of March, 2022.

Lori Iannidinardo
Chair

Angie Legault
Corporate Officer