

District of Barriere
REPORT TO COUNCIL

Date: March 14, 2022	File: 530.20/Rpts
To: Council	From: B. Payette, CAO
Re: Draft Subdivision Bylaw	

Background:

Upon incorporation, the District of Barriere automatically adopted applicable TNRD Bylaws such as Zoning, Manufactured Home Park Regulations, Water System Regulations and Subdivision bylaws. The District remains under the umbrella of these bylaws until such time that the District chooses to rescind the TNRD bylaw and adopt its own. This has been done with the District of Barriere Zoning Bylaw No. 111 and Water Service Bylaw for example.

Discussion:

The TNRD Subdivision Bylaw No. 799, which the District is still utilizing, outlines the parameters for proof of water servicing. Due to the recent discussions the District has been having in regards to the proposed development of DL57 and whether or not bulk/hailed water could be determined to meet the requirement of “proof of water” for development, an amendment to this bylaw that describes the parameters of this type of arrangement, is necessary in order to move forward.

Staff are currently in the process of preparing a comprehensive, modern Development and Subdivision Servicing Bylaw which will ultimately end up rescinding the draft Subdivision Bylaw No. 216 that is attached for Council’s considerations and readings at this meeting. However, due to the size and complexity of the Development Servicing Bylaw being worked on and the timing it requires, it would be prudent to discuss this portion of the document as a stand-alone bylaw that rescinds the TNRD Bylaw and incorporates the provision of bulk/hailed water for future development.

Recommendation: That Council proceed with preliminary readings and deliberations of Subdivision Bylaw No. 216 as presented.

Prepared by: B. Payette, CAO

DISTRICT OF BARRIERE

DRAFT - BYLAW NO. 216

A BYLAW TO REGULATE SUBDIVISIONS AND CONTROL DEVELOPMENT

Purpose

The purpose of this bylaw is:

- (1) To regulate the subdivision of land;
- (2) To assist in assuring that each parcel in a subdivision for residential purpose has an adequate source of domestic water; and,
- (3) To preserve the established amenities of the District of Barriere.

The Council of the District of Barriere, in open meeting assembled, enacts as follows:

- 1.1 This Bylaw may be cited for all purposes as the "District of Barriere Subdivision Bylaw No. 216".
- 1.2 "Thompson-Nicola Regional District Subdivision Bylaw No. 799, 1982" is repealed.
- 1.3 This Bylaw shall apply to all areas within the District of Barriere (hereinafter called the "District").

2. Interpretation and Administration

- 2.1 In this Bylaw, unless the context otherwise requires, all words and phrases shall have their normal or common meaning except where the same are changed, modified, or expanded within this Bylaw.
- 2.2 "Proven Water Source" means a source of potable water that is available and proven with respect to volume, delivery and continuity of supply from an on-site groundwater system, a surface water system, hauled water, or a Community Water System.
- 2.3 "Community Water System" means a system of waterworks that serves two (2) or more parcels and that is owned, operated, and maintained by the District.

3. Frontage

- 3.1 In accordance with Section 944 of the Local Government Act, a parcel created

by subdivision shall not have less than one-tenth (1/10) of its perimeter fronting on a highway unless exemption is granted by the District of Barriere Council.

4. Water Supply Requirements

- 4.1 A source of groundwater capable of providing not less than two thousand and two hundred seventy-three (2,273) litres (500 Imperial gallons) per day shall be provided on each parcel created by subdivision unless connection to a community water system or authority to divert domestic surface water is available.
- 4.2 Notwithstanding the provisions of Section 7.1, a subdivision in which the minimum area of each parcel is four (4) hectares or greater may be approved without the construction of wells on each parcel, provided the owner submits to the District a comprehensive report prepared by a registered professional engineer or geoscientist licensed in B.C. and having experience in groundwater hydrology stating that a source of water capable of meeting the requirements of this Bylaw is possible on each proposed parcel.
- 4.3 If either a private well or a municipal water system connection is not feasible, rainwater catchment supplemented by hauled water shall be a permitted proven source of water. A Section 219 Covenant shall be placed on the title of all affected lots clearly identifying the current source of water and limiting future expectations for provision of water by the District.

5. Exemption

- 5.1 The requirements of Section 7.1 shall not apply in the following cases:
 - (a) Where the subdivision does not result in an increase in the number of parcels.
 - (b) Where a parcel has an existing dwelling unit.
 - (c) Where a parcel will be registered as the legal remainder of the parent parcel, and where it has potential for further subdivision under the zoning existing at the time of subdivision.
 - (d) Where the minimum size of a parcel is eight (8) hectares.

6. Sharing

- 6.1 A minimum of two (2) to a maximum of four (4) parcels may be permitted to share the same source of water, provided the system of waterworks installed meets the current provincial requirements.

7. Surface Water Supply

- 7.1 Where a surface water supply is proposed as a source of water for domestic purpose, the owner shall provide the District with either a provincial water license for domestic purposes.

- 7.2 Should a rainwater catchment system be proposed for each individual lot, a water licence for that surface water supply is not required.

8. Groundwater Supply

- 8.1 Where groundwater is proposed as a source of domestic water, the owner shall provide the District with a well log, pump test and groundwater report verifying that a well capable of providing not less than two thousand two hundred and seventy-three (2,273) litres (500 Imperial gallons) of water per day has been constructed on each parcel. All well construction and testing shall be carried out under the supervision of a registered professional engineer or geoscientist licensed in BC and having experience in groundwater hydrology, in accordance with good engineering practice, who shall prepare a groundwater report on the results with due consideration of possible interference with neighbouring wells and surface water sources, the combined effect on the aquifer of pumping from all wells simultaneously, and the seasonal fluctuation in groundwater levels affecting all wells.
- 8.2 Notwithstanding the provisions of Section 8.1, where the subdivision will contain four (4) parcels or less, the District may accept a Statutory Declaration from the owner stating that all requirements of this Bylaw have been met. Well construction, testing, and groundwater reports under these circumstances may be carried out under the supervision of someone other than a registered professional engineer or geoscientist licensed in BC and having experience in groundwater hydrology, provided that such tests are carried out between August 1 and March 31. Where pump testing is conducted between April 1 and July 31, however, the requirements of Section 8.1 shall apply.

9. Water Quality

- 9.1 All sources of groundwater utilized to meet the requirements of this Bylaw shall be of potable quality in accordance with the Guidelines for Canadian Drinking Water Quality (Guidelines) and shall be verified, in writing, by a registered professional engineer or geoscientist licensed in B.C. having experience in groundwater potability assessment. The owner shall submit a copy of this approval to the District.
- 9.2 Where a source of groundwater being used to meet the requirements of this Bylaw does not meet the Guidelines, the District may accept the registration of a Section 219 Covenant which identified the aesthetic or health parameter(s) that do not meet the Guidelines provided the registered professional engineer or geoscientist can recommend that the non-compliant parameter(s) can be simply and reliably treated to comply with the Guidelines."

10. Owner Responsibility

- 10.1 All services and requirements of this Bylaw shall be met and installed without any cost or expense to the District, and the District shall not be held responsible for

any installation, repairs, alterations or maintenance of any well or system required pursuant to this Bylaw. Provided further that the District, in accepting information required by the Bylaw, shall be saved harmless by the owner from any loss, damage, costs, charges, and expenses in any way arising from or caused by anything done or not done or maintained as required by the provisions of this Bylaw.

11. Effective Date

11.1 This Bylaw shall come into force and be binding on all persons from the date of its adoption.

READ A FIRST time this day of , 2022.

READ A SECOND time this day of , 2022.

READ A THIRD time this day of , 2022

Received the approval of the Minister of Municipal Affairs this day of ,2022.

RECONSIDERED and ADOPTED this day of , 2022.

Mayor Ward Stamer

Tasha Buchanan, Corporate Officer

THOMPSON-NICOLA REGIONAL DISTRICT

BYLAW NO. 799

A BYLAW TO REGULATE SUBDIVISIONS AND CONTROL DEVELOPMENT

Purpose

The purpose of this bylaw is:

- (1) To regulate the subdivision of land;
- (2) To assist in assuring that each parcel in a subdivision for residential purpose has an adequate source of domestic water;
- (3) To preserve the established amenities of the Thompson-Nicola Regional District.

The Board of Directors of the Thompson-Nicola Regional District, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as the "Thompson-Nicola Regional District Subdivision Bylaw No. 799, 1982".
2. "Thompson-Nicola Regional District Subdivision Bylaw No. 388, 1977" is repealed.
3. The provisions of Regulation 262/70, as made pursuant to the Local Services Act, are incorporated in and form part of this Bylaw except the provisions of Sections 6.01, 6.02, 6.03, and 6.08 of Regulation 262/70.
4. This Bylaw shall apply to all areas within the Thompson-Nicola Regional District (hereinafter called the "District") except within the boundaries of any municipality.
5. Interpretation and Administration
 - 5.1 In this Bylaw, unless the context otherwise requires, all words and phrases shall have their normal or common meaning except where the same are changed, modified, or expanded by the definitions set forth in Regulation 262/70, except the definition of community water system which is defined in Section 5.2 of this Bylaw.
 - 5.2 "Community Water System" means a waterworks system:
 - a) that is owned and operated by a municipality, regional district, improvement district or a water utility as defined in the Water Utility Act; and
 - b) that has been approved under the Health Act.

6. Frontage

- 6.1 In accordance with Section 944 of the Local Government Act, a parcel created by subdivision shall not have less than one-tenth (1/10) of its perimeter fronting on a highway unless exemption is granted by the Board of Directors.

(Amended by Bylaw No. 1056 Adopted on July 16, 1987)

7. Water Supply Requirements

- 7.1 A source of groundwater capable of providing not less than two thousand and two hundred seventy-three (2,273) litres (500 Imperial gallons) per day shall be provided on each parcel created by subdivision unless connection to a community water system or authority to divert domestic surface water is available.

- 7.2 Notwithstanding the provisions of Section 7.1, a subdivision in which the minimum area of each parcel is four (4) hectares or greater may be approved without the construction of wells on each parcel, provided the owner submits to the District a comprehensive report prepared by a registered professional engineer or geoscientist licensed in B.C. and having experience in groundwater hydrology stating that a source of water capable of meeting the requirements of this Bylaw is possible on each proposed parcel.

(Amended by Bylaw No. 2198 Adopted April 10, 2008)

7.3 Exemption

The requirements of Section 7.1 shall not apply in the following cases:

- (a) Where the subdivision does not result in an increase in the number of land registry parcels for the land concerned;
- (b) Where a parcel has an existing dwelling unit;
- (c) Where a parcel will be registered as the legal remainder of the parent parcel, and where it has potential for further subdivision under the zoning existing at the time of subdivision;
- (d) Where the minimum size of a parcel is:
 - (i) sixteen (16) hectares in the AF-1 (Agricultural/Forestry) Zone; or
 - (ii) eight (8) hectares in the RL-1 (Rural) Zone.

(Amended by Bylaw No. 1056 Adopted on July 16, 1987)

7.4 Sharing

A minimum of two (2) to a maximum of four (4) parcels may be permitted to share the same source of water, provided the system of waterworks installed meets the requirements of the Health Act. A copy of this approval shall be submitted by the owner to the District.

7.5 Surface Water Supply

Where a surface water supply is proposed as a source of water for domestic purpose, the owner shall provide the Regional District with either:

- a) A water license for domestic purpose issued by the Ministry of Environment, Regional Water Manager, or Comptroller of Water Rights for each parcel created by subdivision.
- b) Proof of Application for a water license under the Water Act or Proof of Application for Amendment to an existing license suitable for division, and a water supply vs. licensed demand comparison report prepared by a professional engineer and accepted by the Regional Water Manager. The report must state as one of its conclusions, that the source upon which the application is made has available not less than two thousand two hundred seventy-three (2,273) litres (500 Imperial gallons) per day of unrecorded water for each parcel created by subdivision. The report shall be stamped 'accepted' by the Regional Water Manager.

(Amended by Bylaw No. 1056 Adopted July 16, 1987)

7.6 Groundwater Supply

- (a) Where groundwater is proposed as a source of domestic water, the owner shall provide the District with a well log, pump test and groundwater report verifying that a well capable of providing not less than two thousand two hundred and seventy-three (2,273) litres (500 Imperial gallons) of water per day has been constructed on each parcel. All well construction and testing shall be carried out under the supervision of a registered professional engineer or geoscientist licensed in BC and having experience in groundwater hydrology, in accordance with good engineering practice, who shall prepare a groundwater report on the results with due consideration of possible interference with neighbouring wells and surface water sources, the combined effect on the aquifer of pumping from all wells simultaneously, and the seasonal fluctuation in groundwater levels affecting all wells.

(Amended by Bylaw No. 2198 Adopted April 10, 2008)

- (b) Notwithstanding the provisions of Section 7.6 (a), where the subdivision will contain four (4) parcels or less, the District may accept a Statutory Declaration from the owner stating that all requirements of this Bylaw have been met. Well construction, testing, and groundwater reports under these circumstances may be carried out under the supervision of someone other than a registered professional engineer or geoscientist licensed in BC and having experience in groundwater hydrology,

provided that such tests are carried out between August 1 and March 31. Where pump testing is conducted between April 1 and July 31, however, the requirements of Section 7.6(a) shall apply.

(Amended by Bylaw No. 2198 Adopted April 10, 2008)

8. Water Quality

- 8.1 (a) All sources of groundwater utilized to meet the requirements of this Bylaw shall be of potable quality in accordance with the Guidelines for Canadian Drinking Water Quality (Guidelines) and shall be verified, in writing, by a registered professional engineer or geoscientist licensed in B.C. having experience in groundwater potability assessment. The owner shall submit a copy of this approval to the District.
- (b) Where a source of groundwater being used to meet the requirements of this Bylaw does not meet the Guidelines, the District may accept the registration of a Section 219 Covenant which identified the aesthetic or health parameter(s) that do not meet the Guidelines provided the registered professional engineer or geoscientist can recommend that the non-compliant parameter(s) can be simply and reliably treated to comply with the Guidelines.”

(Amended by Bylaw No. 2198 Adopted April 10, 2008)

9. Underground Wiring

- 9.1 All subdivision and development in that Part of Electoral Area “J” known as the ‘Tobiano Resort’ as shown on the map and list of affected legal descriptions attached hereto as Schedule “A”, shall be serviced with underground wiring.

(Amended by Bylaw No. 2198 Adopted April 10, 2008)

10. Owner Responsibility

- 10.1 All services and requirements of this Bylaw shall be met and installed without any cost or expense to the District, and the District shall not be held responsible for any installation, repairs, alterations or maintenance of any well or system required pursuant to this Bylaw. Provided further that the District, in accepting information required by the Bylaw, shall be saved harmless by the owner from any loss, damage, costs, charges, and expenses in any way arising from or caused by anything done or not done or maintained as required by the provisions of this Bylaw.

11. Effective Date

- 11.1 This Bylaw shall come into force and be binding on all persons from the date of its adoption.

READ A FIRST time this 3rd day of June, 1982.

READ A SECOND time this 3rd day of June, 1982.

READ A THIRD time this 18th day of November, 1982.

I HEREBY CERTIFY the foregoing to be a true and correct copy of Bylaw No. 799, cited as "Thompson-Nicola Regional District Subdivision Bylaw No. 799, 1982", as READ A THIRD time by the Board of Directors.

Secretary

Received the approval of the Minister of Municipal Affairs this 27th day of January, 1983.

RECONSIDERED and ADOPTED this 3rd day of February, 1983.

Secretary

Chairman

I HEREBY CERTIFY the foregoing to be a true and correct copy of Bylaw No. 799, cited as "Thompson-Nicola Regional District Subdivision Bylaw No. 799, 1982".

Dated at Kamloops, B.C. this 16th day of February, 1983.

Secretary



PROOF OF WATER PROPOSAL

By: Voyageur Country Wilderness Estates Ltd. (DL57 and DL1570) – (The Developers)

For: District of Barriere – (DOB)

Re: Proof of Water PLA condition

BACKGROUND:

The Developers have been working with the DOB to find an efficient, effective and abundant water supply for the planned development at Dixon Creek (DL57 and DL1570).

Comprehensive studies have been undertaken to explore various options, as follows:

1. District Municipal Water Supply

Feasibility study completed by McElhanney Engineering - Kamloops

DETERMINATION:

- a. Economically unfeasible due to high altitude requiring at least two reservoirs and pumping stations at a cost in excess of \$3-4M to supply water to development.
- b. Unsustainable due to low capacity of wells in DOB that cannot supply enough water to development and/or poor quality water reservoirs.

2. Individual or Community Groundwater Wells

Feasibility study completed by Kala Geosciences – Kamloops

DETERMINATION:

- a. Unfeasible due to low probability of groundwater in most areas of development, particularly higher elevations, and/or difficulty and high cost/high risk of obtaining groundwater above 400' drilling mark.

3. Rainwater Collection augmented by Bulk Water Deliveries

Rainwater Feasibility study conducted by Adasak Mechanical – Kamloops

Bulk water feasibility study completed by TRUE Engineering - Kamloops

DETERMINATION:

- a. Rainwater collection is viable and can provide up to 20,000 gallons of water per annum (using a base 2,000 sf roof collection), enough to supply a household of 4 occupants using their home full time.
- b. Additional water may be required for full time users, particularly in the drier months of June, July and August.

- c. Bulk Water brought by hauler truck can provide any additional water needed but not supplied from the rainwater collection.
- d. TRUE Engineering study concluded DOB's only feasible option to supply bulk water to Development is via the Louis Creek well. LC does not currently have enough volume of water to supply the development. A new reservoir will be needed at an estimated cost of \$1.8M
- e. Cost of a new reservoir at LC is not economically feasible for a single development of 48 homes.
- f. DOB is looking at a Provincial/Federal grant program to build a new reservoir at LC, but this is not assured, and in the event a grant is approved, it will take at least 2 years to complete the construction of a new reservoir.

BULK WATER OPTIONS:

The Developers have identified several area service providers that can supply bulk water to homes for the purposes of "proving water" for our Development. Most are in the Kamloops area and obtain their water from the City of Kamloops reservoir. All can provide potable water for domestic use.

The three primary suppliers are: ***Kamloops Water Haul***; ***Lynx Water Hauling***; and ***Gallant Trucking***.

There is also a local, Barriere water hauler – ***M&M Water Haul***. We have contacted them and they have capacity for our demand as well as heated, insulated tanks for winter delivery.

Cost of trucked in water from Kamloops is between \$350 - \$600 per 4,000 gallon load, which can provide 2-3 month's supply, depending on consumption/conservation practices of end users. This is economically comparable to regular municipal water over the course of the year, especially when supplemented with abundant, no cost rainwater during winter, spring and fall.

This solution is immediately available.

If/when the DOB water supply at Louis Creek is expanded and can accommodate bulk water delivery, the Developers can consider contracting for bulk water from the District at a later date.