



THE GOVERNMENT OF  
THE PROVINCE OF BRITISH COLUMBIA

1728

APPROVED AND ORDERED JUN. 3 1976

*W.S. Queen*

Lieutenant-Governor

EXECUTIVE COUNCIL CHAMBERS, VICTORIA JUN. 3 1976

*RES. 30/77*

Pursuant to the Municipal Act, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that By-law No. 300 of the Regional District of Okanagan-Similkameen cited as "Regional District of Okanagan-Similkameen Subdivision Bylaw No. 300, 1976"

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be approved in the form of by-law hereto attached.

*Gly V. Iwan*

Minister of Municipal Affairs.

*W. R. Bennett*

Presiding Member of the Executive Council.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 300

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A Bylaw to regulate the subdivision of land within the Regional District of Okanagan-Similkameen pursuant to Part XXI, Division (4) being Sections 711-713 inclusive of the Municipal Act of British Columbia.

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The REGIONAL BOARD of the Regional District of Okanagan-Similkameen, in open meeting assembled, ENACTS as follows:

1. TITLE

This bylaw may be cited for all purposes as the Regional District of Okanagan-Similkameen Subdivision Bylaw No. 300, 1976.

2. APPLICATION

- (1) The provisions of this bylaw apply to the subdivision of all land in the Regional District of Okanagan-Similkameen, except those lands within a municipality.
- (2) Where any site-area requirement for an intended use in an applicable zoning bylaw adopted pursuant to the Municipal Act, conflicts with the minimum parcel-area requirements of these regulations, the site-area shall apply.

3. PURPOSE

The purpose of these regulations is to assist in assuring the safe, healthful, equitable, efficient, economical, and attractive subdivision of land for the benefit of the community as a whole.

4. GENERAL

- (1) Minimum Parcel Size: Water Only -- Subject to the provisions of sections 6.04 and 6.05 of B C Reg 262/70 as the case may be, where a parcel is served by a community water system but not a community sewer system, that parcel shall not be smaller than 9,000 square feet, except that a parcel may be decreased in area by as much as 10 per cent, provided that the Approving Officer is satisfied with the validity of the owner's written claim that, because of unusual terrain or the size or the configuration of his land, 9,000-square-foot lots cannot be achieved and therefore subdivision is precluded, and that at the decreased size all requirements of section 6.04 can be met, but as many parcels as the Approving Officer considers practicable shall not be smaller than 9,000 square feet.

(2) Every proposed subdivision which is not within the boundaries of an Irrigation District or an Improvement District shall:

- (a) Where more than two additional parcels are created, and where the parcels are less than five acres in area, provide a community water system to each parcel.

"community water system" means a system of water-works which serves two or more parcels and which is owned, operated, and maintained by an improvement district under the Water Act or the Municipal Act, or a regional district, or which is regulated under the Public Utilities Act.

- (b) in all cases other than stated in (a) above establish that each parcel in the proposed subdivision has a proven source of potable water, capable of providing five hundred (500) imperial gallons (2275 litres) per parcel per day.
- (c) Proof of Water shall mean:

(i) Surface Water Supplies

Where a surface supply of water is to be the source of domestic water for a parcel of land, a Water Licence, or written assurance that sufficient water is available, shall be obtained from the Provincial Water Rights Branch. A Water Licence must provide for an annual average diversion of five hundred (500) imperial gallons (2275 litres) per parcel per day.

(ii) Groundwater Supplies

For any proposed subdivision dependant upon individual groundwater sources of water or each parcel, the developer shall provide on each parcel prior to registering the subdivision, a well capable of providing five hundred (500) imperial gallons (2275 litres) of water per parcel per day. Notwithstanding the above mentioned requirement, the developer of any proposed subdivision which would create five (5) or more new parcels may provide in lieu of individual wells, a detailed investigation report of groundwater conditions sufficient to evaluate water quality and the chances of constructing successful wells on the parcels within the subdivisions.

The quality of water provided on each parcel shall meet the requirements of the B C Health Department. Deep wells in good sand and gravel aquifers must be pump tested for a minimum of six (6) hours. Unless otherwise specified in writing by the Regional District,

wells other than specified above, shall be pump tested for a minimum of seventy-two (72) hours. Pump tests shall be carried out between August 15th and March 15th. A well report shall be submitted with respect to the above and must include the following:

- (a) the approximate locations of the well and the sewage absorption field on each parcel. No well shall be within one hundred (100) feet of a sewage disposal absorption field;
- (b) description of material penetrated;
- (c) details of well construction;
- (d) time of every observation during the test;
- (e) static level in well before starting;
- (f) pumping rate -- the discharge rate during pump testing shall not be less than two (2) gallons (9.1 litres) per minute using constant discharge (i.e. steady pumping rate) methods;
- (g) regular observations of the pumping level in the well and in any observation wells which are available;
- (h) time when pumping stops;
- (i) after pumping stops, a series of observations of the water level as it recovers to its original level.

All wells shall be provided with a cover made of reinforced concrete or metal. A wooden cover shall not be used.

Wells shall be constructed in such a way so as to prevent surface water from entering the well

All artesian wells shall be constructed in such a way that the flow may be controlled and shut off completely if necessary. All artesian leakage outside of a well casing shall be sealed off.

All abandoned wells shall be filled with clean earth fill and shall not be used for refuse disposal.

All groundwater reports, including well logs and pump tests, required by these regulations, shall be submitted to the Regional Office of the Provincial Water Rights Branch as well as to the Regional District of Okanagan-Similkameen.

All testing and reports relating to groundwater supplies shall be certified by a professional engineer specializing in groundwater hydrology or groundwater geology.

- (3) Every proposed subdivision which would create more than five (5) additional parcels where the parcels are less than five (5) acres in area and which is within the boundaries of a fire protection district shall provide fire protection facilities. Hydrants appropriate for the particular fire protection district shall be provided in such a manner that distances to any developable property shall not be greater than 350 feet.

The provisions of the Provincial Subdivision Regulations (B C Reg 262/70), unless superseded by this bylaw, shall apply to all subdivisions.

- (a) Every proposed parcel shall have a frontage with respect to the highway upon which the parcel fronts of not less than one-tenth (1/10th) of the perimeter of the parcel.
- (b) The Board may, by an affirmative vote of at least two-thirds (2/3) of all members thereof, exempt a person proposing to subdivide land from the limitations under clause (a) of this subsection.

Bylaw No. 216, 1974, adopted the 24th day of October, 1974  
is hereby repealed.

READ a FIRST time this 22<sup>nd</sup> day of April, 1976.

READ a SECOND time this 22<sup>nd</sup> day of April, 1976.

READ a THIRD time this 22<sup>nd</sup> day of April, 1976.

I hereby certify the foregoing to be a true and correct  
copy of Bylaw No. 300, cited as the "Regional District of Okanagan-  
Similkameen Subdivision Bylaw No. 300, 1976", as read a third time  
by the Regional Board on the 22<sup>nd</sup> day of April, 1976.

Dated at Penticton, B C this 6<sup>th</sup> day of May, 1976.

W. Ormiston  
Secretary-Treasurer

APPROVED by the Lieutenant-Governor in Council pursuant  
to the provisions of Section 798A(2) of the Municipal Act this  
\_\_\_\_\_ day of \_\_\_\_\_, 1976.

RECONSIDERED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1976.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary-Treasurer

I hereby certify that this is a true copy of Bylaw No. 300,  
of the Regional District of Okanagan-Similkameen, cited as the  
"Regional District of Okanagan-Similkameen Subdivision Bylaw  
No. 300, 1976."

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Secretary-Treasurer