

DISTRICT OF NORTH SAANICH

SUBDIVISION AND DEVELOPMENT

CONTROL BY-LAW

BY-LAW NO. 246

CONSOLIDATED FOR CONVENIENCE ONLY

DECEMBER 1991

The amending by-laws which have been consolidated into "District of North Saanich Subdivision and Development Control By-law 246 (1977)" are as follows:

277, 324, 327, 336, 380, 394, 423, 432, 452, 489, 572, 590, 594 and 649

as on December 1st, 1991.

**DISTRICT OF NORTH SAANICH SUBDIVISION & DEVELOPMENT
CONTROL BY-LAW CONSOLIDATION**

This consolidation of the District of North Saanich Subdivision and Development Control By-law and amendments has been prepared exclusively for the use of the District of North Saanich for convenience only.

The District of North Saanich does not represent that this consolidation is accurate or complete and anyone using this material should confirm its content by reference to the original By-laws.

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A by-law to regulate the subdivision of land, to establish a standard of services to be provided upon the subdivision of land, and to provide a standard of development for dedicated, unbuilt highways.

The Council of the District of North Saanich in open meeting assembled enacts as follows:

DIVISION ONE

SECTION 1.1 TITLE, COMPONENTS AND FORMAT OF BY-LAW

(a) **Short Title**

This By-law may be cited as the Subdivision and Development Control By-law of the District of North Saanich and further referred to as this By-law.

(b) **Components**

BL 489 This By-law consists of provisions set out in Division One through Four and Schedules A and B which are an integral part of this By-law. Schedule 'A' sets forth the procedure to be followed in making application for subdivision approval. Schedule B is the Zoning Map of the District of North Saanich.

(c) **Application**

This By-law shall apply to all lands and lands covered by water within the area incorporated as The District of North Saanich.

(d) **Measures**

Metric units are used for all measurements in this By-law. The approximate equivalent of those units in currently used units of Canada measure (feet, gallons, etc.) are shown in brackets following each metric measurement and such bracketed figures are included for convenience only and do not form part of this By-law.

(e) **Servicing Levels**

Services required by this By-law to be provided shall be designed and installed in accordance with the service levels set out in Division Four of this By-law.

SECTION 1.2 ADMINISTRATION AND INTERPRETATION

(a) **Purpose**

The purpose of this By-law is to guide Municipal growth for the ultimate benefit of the community as a whole by ensuring that land is subdivided in an orderly and economical way to produce a safe, efficient, convenient and healthful environment and to preserve and enhance the natural amenities of the land.

(b) **Basic Provisions**

(1) Nothing herein contained shall be deemed to limit or extend the discretionary powers and authority conferred upon the Approving Officer by the Land Registry Act or the Municipal Act.

(2) No land within the Municipality shall hereafter be subdivided until approval by the Approving officer has been obtained.

(3) To obtain subdivision approval, an applicant shall submit an

application for subdivision to the Approving Officer in the form and manner required under this By-law.

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- (4) Where lands proposed to be subdivided are included in the Agricultural Land Reserve, the provisions of the Land Commission Act and the regulations made thereunder shall apply.
- (5) The Approving Officer shall give due regard to and take cognizance of the Official Community Plan for the District of North Saanich when dealing with applications for the approval of any plan of subdivision.

c) General Provisions

- (1) The Approving Officer shall:
 - (i) be an officer duly appointed by the Council of the Municipality;
 - (ii) maintain a permanent record of all subdivision applications submitted under this By-law;
 - (iii) approve or reject every application for the subdivision of land.
- (2) The Approving Officer shall not grant approval of any subdivision of land if the proposed subdivision:
 - (i) is not suited to the configuration of the land being subdivided, or,
 - (ii) is not suited to the use for which it is intended, or,
 - (iii) makes impracticable the future subdivision of the land within the proposed subdivision or of any adjacent land;
 - (iv) does not satisfy the requirements of the Medical Health Officer in respect to a source of potable water and in respect to sewage disposal.
- (3) The Approving Officer may:
 - (i) bring the proposed subdivision to the attention of the owners of neighbouring properties, or of officials of the Municipality, of other public agencies and of utility companies;
 - (ii) require the submission of profiles of every new highway shown on the plan, and such topographical details as may indicate the engineering problems to be dealt with in opening up the streets shown upon the plan;
 - (iii) require the submission of a sketch showing that the parcels into which the land is proposed to be subdivided can conveniently be further subdivided, but this shall only be demanded if in the opinion of the Approving Officer the situation of the land is such that there is reason to anticipate its re-subdivision;
 - (iv) pursuant to Section 24A of the Land Registry Act, require that a condition or a covenant in favour of the District of North Saanich be registered as annexed to any lot created by means of plan of subdivision, or any specified portion thereof, that is not to be built on, or is to be or not to be used in a particular manner.
- (4) The Approving Officer may refuse to approve a proposed subdivision if:
 - (i) it does not conform to the By-laws of the District; or

- (ii) the anticipated development of the subdivision in his opinion would injuriously affect the established amenities of adjoining or adjacent properties; or
- (iii) he is of the opinion that the cost to the Municipality of providing public utilities or other municipal works or services would be excessive; or,
- (iv) the anticipated development of the subdivision, in his opinion, would be against the public interest.

d) Severability

If any section, subsection, clause, subclause, or phrase of this By-law is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this By-law.

e) Repeal

By-law 134, cited as the Subdivision and Development Control By-law of the District of North Saanich, 1972, and amendment By-laws 162/74, 182/74 and 192/74 thereto are hereby repealed except insofar as they repeal any other By-law.

f) Penalties for Violation

Any person guilty of an infraction of this By-law shall be liable on summary conviction to a penalty not less than One Hundred Dollars (\$100) and not exceeding Five Hundred Dollars (\$500) and costs of conviction, and a further penalty not exceeding One Hundred Dollars (\$100) for every day or portion of a day during which the infraction continues. The penalties imposed under this subsection shall supplement and shall not substitute for any other remedy to an infraction imposed by this by-law.

SECTION 1.3 DEFINITIONS

In this By-law, unless the context otherwise requires:

APPLICANT means a person applying for the approval of a subdivision, whether as the owner of the property proposed to be subdivided or as agent for the owner.

APPROVAL means approval by the Approving Officer for the deposit of a subdivision plan in the Land Registry Office in accordance with the Land Registry Act.

APPROVING OFFICER means the Approving Officer for the District of North Saanich.

ARTERIAL ROAD means a highway designated by the Official Community Plan intended to carry larger volumes of traffic than local and collector roads at medium and high speeds primarily between major traffic generators, and which is not intended to directly serve adjacent land.

BUILDING AREA means a specified portion of a lot which is topographically and otherwise suited to the construction of a building in accordance with this By-law, and the Building, Zoning and other relevant By-laws.

CATEGORY A SUBDIVISION means a subdivision which does not create new highways or abandon existing highways, does not necessitate the Corporation to install new services or utilities and does not create more than three (3) new parcels or involve the alteration of boundaries or amalgamation of more than three (3) existing parcels.

CATEGORY B SUBDIVISION means any subdivision which cannot be defined as a Category A Subdivision.

CLUSTER OPEN SPACE means an area of land within a cluster subdivision which is set aside and designated for private park and recreation use by the residents of the cluster subdivision.

CLUSTER SUBDIVISION means a subdivision of land creating residential lots and permanent open space areas within and throughout the subdivision.

COLLECTOR ROAD means a highway designated by the Official Community Plan, located within an area of major traffic generation and which is used primarily for the collection and distribution of traffic between arterial and local roads as well as providing access to some adjacent land.

COMMUNITY WATER SYSTEM means a system of water works for the purpose of supplying and distributing water, which is owned, operated, and maintained by the District of North Saanich or the Sidney Water Works District under the Municipal Act, and the Water Act as amended from time to time.

CUL-DE-SAC STREET means a dead end local street which terminates in a turning area for motor vehicles.

DEPTH OF LOT means the mean distance between front and rear lot lines, excluding the access strip of panhandle lots.

DOUBLE FRONTAGE LOT means a lot which has two more or less opposite boundaries both of which have frontage on a public highway other than a lane.

FRONTAGE means the same as "LOT LINE; FRONT LINE" as defined herein.

HIGHWAY has the meaning assigned in the Land Registry Act and 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 or private property.

LANE means a road allowance less than 30 feet in width, which affords a secondary means of access to abutting lots and provides utility routes.

LOCAL ROAD means a highway located within an area of traffic generation and used primarily to provide access to adjacent lots.

LOT means the land designated as a separate and distinct parcel, whether covered by water or not, legally recorded on a plan or by description filed in the Land Registry Office.

LOT LINE means any boundary of a lot other than a building line and in particular:

- (a) **Flankage Lot Line** means a side lot line which abuts the street on a corner lot.
- (b) **Front Lot Line** means the lot line that divides the lot from the street, provided that, in the case of a corner lot in a residential zone, the shorter lot line that abuts a street shall be deemed to be the front lot line. In the case of a corner lot in a commercial or industrial zone, the front lot line shall be established by the location of the major access point to the building.
- (c) **Side Lot Line** means a lot line other than a front or rear lot line.
- (d) **Rear Lot Line** means the lot line opposite the front lot line.

MEDICAL HEALTH OFFICER means the Medical Health Officer for the Capital Regional District.

MUNICIPALITY means, in accordance with the context, either the area incorporated as the District of North Saanich or the said Municipality.

OFFICIAL COMMUNITY PLAN means the Official Community Plan for the District of North Saanich designated by By-law.

PANHANDLE LOT means any lot, the building area of which is serviced and gains street frontage through the use of a relatively narrow strip of land which is an integral part of the lot (herein called "the access strip").

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

PARK means a park established under the Parks Act, Municipal Act, Regional Parks Act, or any land dedicated under the Land Registry Act.

POTABLE WATER means water which is approved for drinking purposes by the Medical Health Officer in accordance with the Health Act and meets Municipal standards.

PRELIMINARY ACCEPTANCE means acceptance in writing by the Approving Officer of the proposed subdivision in principle.

PROFESSIONAL ENGINEER means a person who is registered or duly licensed as such under the provisions of the Engineering Profession Act of B.C.

PUBLIC OPEN SPACE means an area of land set aside at the time of subdivision, by dedication or other means of conveyance, for the purpose of public park and recreation use.

REGULATIONS GOVERNING SEWAGE DISPOSAL means those regulations contained in B.C. Regulations 202/67, as amended by B.C. Regulations 45/68, and as further amended from time to time.

STREET LINE means the limit of the road or street allowance and is the dividing line between a lot and a street.

SUBDIVISION means the division of land into two or more parcels, whether by plan or by metes and bounds description or otherwise, and shall also be deemed to include a plan consolidating two or more parcels into a lesser number of parcels.

WIDTH OF A LOT means the mean distance between the side lot lines, excluding access strips of panhandle lots.

DIVISION TWO

SECTION 2.1 ESTABLISHMENT OF SUBDIVISION DISTRICTS

- a) For the purpose of this By-law, the Municipality is hereby classified and divided into subdivision districts, the boundaries of which are defined on the map hereinafter described.
- BL 489** b) There shall be as many subdivision districts as there are zones, and the boundaries of such subdivision districts shall coincide with the boundaries of the said zones as shown on Schedule B, the "Zoning Map of the District of North Saanich: which map is hereby made an integral part of this By-law.
- BL 489** c) For convenience of reference, the subdivision districts created by By-law, shall have the same short form and general designations as given in the Zoning by-law No. 464, as amended from time to time.

SECTION 2.2 LOT AREAS, WIDTHS AND SERVICE LEVELS

Except as hereinafter provided, the minimum areas, minimum dimensions, and minimum service levels of lots created by subdivision shall be in accordance with the following table:

TABLE 1

Subdivision District	Minimum Lot Area	Minimum Lot Width	Minimum Service Level					
			Streets	Water Supply	Storm Drainage	Sewage Disposal	Electric Power & Communications	Sidewalks & Footpaths
R1 (Residential Comprehensive)	1400 m ² (15,069.47 sq. ft.)	27 m. (88.58 ft.)	4	2	2	2	2	2
R2 (Residential)	2000 m ² (.494 ac.)	26 m. (85.30 ft.)	3	2	2	1	2*	2
	4000 m ² (.988 ac.)	46 m (150.92 ft.)	3	1	2	1	2	1
R3 (Residential) *	4000 m ² (.988 ac.)	46 m. (150.92 ft.)	3	2+	1+	1	1	1
R4 (Residential Multiple)*	4000 m ² (.988 ac.)	46 m (150.92 ft.)	3	2	2	2	2	2
RM1 (Residential Multiple) ++	20 ha (50 ac.)	10% of perimeter	1	2	2	3	3	1
A1 (Rural 1)	4 ha (9.884 ac.)	10% of perimeter	1	1	1	1	1	1
A2 (Rural II)	2 ha. (4.942 ac.)	10% of perimeter	1	1	1	1	1	1
A3 (Rural III)	2 ha (4.942 ac.)	10% of perimeter	1	1	1	1	1	1
A4 (Rural IV)	8000 m ² (1.977 ac.)	10% of perimeter	3	1	1	1	1	1
C1 (Local Commercial)	1300 m ² (13,993.08 sq. ft.)	30 m (98.43 ft.)	3	2	1	1	1	1
C2 (Restaurant)	2000 m ² (.494 ac.)	30 m (98.43 ft.)	3	2	1	1	1	1
C3 (Motel)	1.2 ha (2.965 ac.)	10% of perimeter	3	2	2	1	1	1
C4 (Commercial Recreation)	4 ha (9.884 ac.)	10% of perimeter	3	1	1	1	1	1
CS1 (Light Industry)	1300 m ² (13,993.08 sq. ft.)	30 m (98.43 ft.)	4	2	1	1	1	1
M1 to M6 (Marine Zones)	4000 m ² (.988 ac.)	10% of perimeter	3	2	1	1	1	1
P1 (Civic Institutional)	N/A	N/A	N/A					
P2 (Public Assembly)	2000 m ² (.494 ac.)	30 m (98.43 ft.)	3	2	2	1	1	1
Pe (Exhibition)	4 ha. (9.884 ac.)	10% of perimeter	3	2	2	1	1	1

* As amended by By-law No. 324

** As amended by By-law No. 327

+ As amended by By-law No. 452

++ As amended by By-law No. 489

SECTION 2.3 EXCEPTIONS

- a) Notwithstanding Section 2.2, the Approving Officer may permit a reduction in the lot area or width requirements of not greater than 5%, provided that in other respects the subdivision complies with this By-law and the Approving Officer is satisfied that because of unusual terrain or the size or the configuration of the land, the minimum lot area or width cannot be achieved, and, therefore, subdivision is precluded; and that such a reduction would not injuriously affect the established amenities of adjoining properties or be against the public interest.

 - b) The minimum standards specified in Section 2.2 above and Section 2.2 (c)(3) following, shall not apply:
 - (i) where the lot being created is to be used solely for the unattended equipment necessary for the operation of:
 - a community water system;
 - a community sewer system;
 - a community gas distribution system;
 - a community radio or television receiving antenna;
 - a radio or television broadcasting antenna;
 - a telecommunication relay station;
 - an automatic telephone exchange;
 - an air or marine navigational aid;
 - electrical substations or generating stations;
 - any other similar public service or quasi-public service facility or utility; or

 - (2) where the lot is a cluster open space area pursuant to Section 2.3(c) of this By-law.

 - (3) Where the owner of the land proposed to be subdivided enters into a covenant pursuant to Section 24A of the Land Registry Act in favour of the District in a form satisfactory to the Approving Officer prior to the deposit of the subdivision plan in the Land Registry Office; or

 - (4) where a lot is created to provide a residence for a relative pursuant to the Municipal Act, R.S.B.C. 1979, as amended from time to time, but the lot to be subdivided for this purpose shall be not less than 4 ha. (9.884 ac.).
- BL649**
- (5) where a lot being created is for park use only; or,

 - (6) in an A-3 Subdivision District, where the size of the parcel or parcels proposed to be subdivided exceed 4 ha. (9.884 ac.), in which case the subdivision may be in accordance with the requirements of the following table.

TABLE 2

Subdivision District	Average Lot Area	Minimum Lot Area	Minimum Lot Width	Service Level					
				Streets	Water Supply	Storm Drainage	Sewerage Disposal	Electric Power and Communications	Footpaths
A3 (Rural III)	2 ha (4.942 ac.)	8000 m ² (1.977 acres)	10% of perimeter	3	1	1	1	1	1

- (7) Notwithstanding the requirements of Table 2 above, parcels existing in an A3 Subdivision District at the date of adoption of this By-law that exceed 2.4 ha. (5.931 ac.) in size and are less than 4 ha. (9.884 ac.) in size may be subdivided into not more than two lots providing that one lot shall be not less than 1.6 ha. (3.954 ac.) in size and the remaining lot not less than 8000m² (1.977 ac.) in size and the minimum service levels set forth in Table 2 are adhered to.

c) Cluster Subdivision

The minimum standards specified in Section 2.2 above, shall not apply in an A3 Subdivision District where a cluster subdivision is created, in which instance the following requirements shall be met:

(1) Site Size

Any parcel of land proposed to be subdivided to a cluster layout shall have a minimum area of 8 ha. (19.768 ac.), existing at the date of adoption of this By-law, provided that where the proposed cluster subdivision is to proceed in stages, the parcel size may be less than 8 ha. (19.768 ac.) if the Approving Officer is satisfied that the sum of all stages of the subdivision will exceed 8 ha. (19.768 ac.) upon completion.

(2) Layout

All cluster subdivisions shall be designed in accordance with the following principles:

- (i) areas of steep slope, shorelands, mature trees, natural drainage courses, ravines, rock outcrops, hill tops and other natural features shall be incorporated into the cluster open space area wherever feasible;
- (ii) streets and other services shall be kept to the shortest practical length;
- (iii) cul-de-sac streets shall be utilized wherever feasible to avoid through traffic within the residential clusters;
- (iv) each residential unit shall have direct access to the cluster open space area where practical;
- (v) individual housing clusters shall not exceed 12 dwelling units per cluster, where practical;
- (vi) housing clusters shall be separated one from the other by not less than 60m. (196.85 ft.) open space area, where practical;
- (vii) cluster open space areas shall be continuous throughout the subdivision and shall be arranged to be contiguous to the open space area of any adjoining cluster subdivision and/or public park area.

(3) Lot Areas, Widths and Service Levels

The minimum areas, minimum widths and minimum service levels of any lot created in a cluster subdivision shall be in accordance with the following table:

TABLE 3

Minimum Lot Area	Minimum Lot Width	Minimum Service Level					
		Streets	Water Supply	Storm Drainage	Sewage Disposal	Electric Power and Communications	Sidewalks & Footpaths
4000 m ² (.988 ac.)	46 m (150.92 ft.)	2	1	2	1	1	2

(4) Density

The number of residential lots within a cluster subdivision shall be governed by the proportion of the gross site area set aside as cluster open space area, not exceeding the following scale:

Percentage of Gross Site Area in Open Space	Maximum Allowable Density Over Gross Site Area
10%	1 lot per 1.8 ha. (4.448 ac.)
15%	1 lot per 1.7 ha. (4.201 ac.)
20%	1 lot per 1.6 ha. (3.954 ac.)
25%	1 lot per 1.5 ha. (3.707 ac.)
30%	1 lot per 1.4 ha. (3.459 ac.)
35%	1 lot per 1.3 ha. (3.212 ac.)
40%	1 lot per 1.2 ha. (2.965 ac.)
45%	1 lot per 1.1 ha. (2.718 ac.)
50%	1 lot per 1 ha. (2.471 ac.)
55%	1 lot per .9 ha. (2.224 ac.)
60%	1 lot per .8 ha. (1.977 ac.)

(5) Ownership of Cluster Open Space Areas

The area or areas set aside as open space within a cluster subdivision shall be subject to one of the following ownership arrangements:

- (i) registration of the subdivision under the provisions of the Strata Titles Act, with the open space area designated common property owned and managed by the Strata Title Corporation pursuant to the Act.
- (ii) registration of the open space area as a lot or lots, with ownership vested jointly amongst the owners of the residential lots within the cluster subdivision.

(6) Restrictive Covenants

- (i) At the time final approval for any cluster subdivision is issued, a restrictive covenant in favour of the District of North Saanich shall be registered in the Land Registry Office against the open space area, pursuant to Section 24A of the Land Registry Act, prohibiting subdivision and residential development over the open space area.
- (ii) Where the ownership arrangement of Section 5(ii) of this By-law is utilized, a further restrictive covenant shall be registered against the title of each residential lot prohibiting title transfer in the absence of simultaneous transfer of the part ownership in the open space lot or lots.

(7) Land Dedication for Public Trails

Pursuant to Section 3.7 of this By-law, the owner of each cluster subdivision shall provide, without compensation, an area of land not exceeding 5% of the area being subdivided for the purpose of providing public trails within the cluster open space area. The location, alignment and width of land for public trails shall be acceptable to the Approving officer and shall follow any scheme for a trail network prepared by the municipality.

(8) Use of Cluster Open Space Area

Any cluster open space area shall be left predominantly in a natural, undisturbed state for the use and enjoyment of the residents. Except where specifically permitted by Council through a zoning by-law no uses other than the following shall be permitted in any open space area:

- (i) ornamental landscaping
- (ii) garden plots
- (iii) private trails, bridle paths and walkways
- (iv) public trails, bridle paths and walkways
- (v) open air recreation facilities including:

tennis courts and other ball games, open swimming pools, children's play equipment, and fields for organized sports and games.

(9) Tree Cutting Prohibition

No person shall undertake or cause to be undertaken the cutting or removal of any trees from a cluster open space area except as may be specifically permitted under the provisions of the By-law to regulate the Logging of Lands within the District of North Saanich, as amended from time to time.

(10) General Compliance with By-law

With the exception of the special provisions for a cluster subdivision contained in Section 2.3(c) (1 through to (9) of this By-law, all other requirements of this By-law shall apply to a cluster subdivision.

DIVISION THREE

SECTION 3.1 GENERAL REQUIREMENTS - SUBDIVISION

a) Easements

For purposes of installation and maintenance of drainage ways and utilities, registerable easements of not less than 3 m. (9.842 feet) in width will be provided where necessary. Where underground wiring is not provided, or where practicable, rear parcel easements shall be encouraged for pole lines.

b) Highways Along Drainage Ways

In the case of major drainage ways as designated by By-law, the applicant may be required to dedicate a highway along the course of such drainage way; save and except that no parcel shall be so designed as to require the use of such highway for primary access.

c) Watercourse Rights-of-Way

Where a subdivision is traversed by a watercourse, drainage way or stream, a drainage right of way shall be provided along such watercourse, drainage way or stream, or its or their planned alignment of a width deemed necessary by the Approving Officer for construction, maintenance, conservation or beautification purposes.

d) Public Utility Rights-of-Way

Rights-of-Way across lots in the proposed subdivision shall be provided for public utilities where necessary to a width satisfactory to the Approving Officer. The applicant shall make all arrangements to obtain the necessary rights-of-way, both within and beyond the subdivision.

e) Land for Water Facilities

The Approving Officer may require an easement or a grant of lands for water wells, storage facilities and distribution facilities.

f) Street Lights

Street lights shall be installed at street intersections, turning areas and at any other location, where in the opinion of the Approving Officer, a street light is required for the safety of the public.

g) Street Name Signs

The owner shall provide for street name signs to Municipal standards on all new streets.

h) Street Dedications and Costs

- (1) streets shall be dedicated and developed to conform with the minimum right-of-way requirements of Division IV of this By-law;
- (2) all streets shall be developed at no cost to the Municipality to conform with the specifications of Division IV of this By-law.

i) Natural Cover

Except where safety, practicability, and foundation construction necessitate, owners shall be encouraged to leave cover and trees undisturbed.

(j) Design and Installation Standards

The design of all streets and services shall be undertaken by a Professional Engineer retained by the applicant. All such designs shall be in accordance with the specifications contained in Division IV of this By-law, and under the conditions stipulated in the Lot Layout Approval of the subdivision and the remainder of this By-law. Installation shall be in accordance with the plans as submitted to and approved by the Director of Engineering of Services. The applicant's Professional Engineer shall lay out and supervise installations of all works, and shall submit "as-built" drawings on completion of all such works.

SECTION 3.2 GENERAL REQUIREMENTS - LOTS

a) Minimum Frontage

BL594 Subject to Section 994 of the Municipal Act, as amended from time to time, no parcel of land in any proposed subdivision shall have less than 10% of its perimeter fronting on a street, except as provided for in this By-law.

b) Relaxation of Minimum Frontage - General

In considering an application to waive the frontage requirements as provided for in Section 3.2(a), Council may give consideration, inter alia, to the following:

- whether the parcel or parcels being subdivided already contravene the 10% frontage requirement and the proposed subdivision will improve the lot design.
- whether an attempt is being made to assemble land which conforms substantially with the Official Community Plan.
- whether the lot or lots being created conform in all other respects with the provisions of this By-law and would not affect the amenities of the surrounding area nor compromise the provision of works and services to the lot or lots.

c) Relaxation of Minimum Frontage - Cul-de-sacs

BL594 (i) Where the Approving Officer is satisfied that a cul-de-sac configuration provides adequate access for emergency vehicles, he may waive the 10% frontage requirement for parcels fronting on the cul-de-sac, but the minimum frontage shall not be less than 10 metres (32.81 ft.).

(ii) The frontage of a parcel fronting on a cul-de-sac shall be wide enough to serve the proposed parcel in relation to:

- topography
- physical features
- adjoining land
- the dimensions and location of any proposed building, and
- the potential for future subdivision.

(iii) The minimum width of any lot subject to this waiver measured 10 metres perpendicularly from the front property line, shall be 20 metres.

(iv) The average width of any lot subject to this waiver shall be as stipulated in Section 2.2 of this By-law.

d) Relaxation of Minimum Frontage - Panhandle Lots

In considering an application to waive the frontage requirements as provided for in Section 3.2(a), where the proposed subdivision would create a panhandle lot, Council may give consideration, inter alia, to the following:

- whether the area and width of the panhandle lot exclusive of the access strip, comply with the requirements of this By-law
- whether the width of the access strip at any point is not less than 7.5 m. (24.61 ft.) where the lot being created is not capable of being further subdivided under the provisions of this By-law.
- whether the width of the access strip at any point is not less than 20 m. (65.62 ft.) where the lot being created is capable of being further subdivided under the provisions of this By-law.
- whether the proposed panhandle lot is not in a subdivision district established for commercial or industrial users, in which districts panhandle lots are to be avoided entirely.
- whether the area is being subdivided to its highest density under this By-law.

BL572 - if two panhandle access strips share a common boundary along the length of the panhandle a minimum width of 6 metres (19.69ft.) for each panhandle may be permitted.

e) Side Lot Lines

The side lot lines shall be at right angles or radial to the street upon which the proposed lots abut, unless the contrary be deemed essential by the Approving Officer.

f) Double Frontage Lots

Double frontage lots shall not be permitted unless, in the opinion of the Approving Officer, such an arrangement is essential:

- to provide access to other parcels
- to provide a coherent arrangement of streets
- to complement a future pattern of subdivision
- because one of the streets concerned is a controlled access highway; or
- because one of the streets concerned is an arterial road, or other major road.

g) Corner Lots

Each corner lot intended for dwelling unit purposes shall have a width sufficient to permit the "building area" to be advantageously oriented to both streets.

h) Lot Depth Abutting Major Roads

- (1) Where any proposed lot abuts a designated arterial road, the "building area" shall not be closer than 27 m. (88.58 ft.) from such arterial road.
- (2) Where any proposed lot abuts a designated collector road, the "building area" shall not be closer than 15 m. (49.21 ft.) from such collector road.

i) Lot Configuration

For lots having an area less than 4,000 square meters (43,060 sq. ft.), the mean depth shall not be greater than twice (2x) its mean width wherever feasible.

j) Staking Out of Subdivision

The Approving Officer may require that the applicant have a proposed subdivision staked out on the ground by a British Columbia Land Surveyor or Professional Engineer at any stage subsequent to application.

SECTION 3.3 GENERAL REQUIREMENTS - STREETS

a) The Approving Officer's Responsibilities

The Approving Officer shall consider:

- (1) The sufficiency of the proposed streets as they relate to the configuration of the land, the present and future use of adjacent land, existing and planned streets, lanes and walkways, the likely nature of the use of the proposed streets and any local circumstances.
- (2) Whether the proposed parcels which are adjacent to controlled access highways be served by local or collector streets having localized points of access to such highway.
- (3) Whether a street is an Arterial or Collector Street, in which instance, notwithstanding the service level specified in Section 2.2 of this By-law, he may require that street be developed to a higher service level.
- (4) Whether the street service level specified by this By-law for a proposed subdivision or portion thereof is unsuitable in view of anticipated usage of the street and would therefore be against the public interest, in which case he shall require such street to be developed to a service level which in the Approving Officer's opinion is suitable.

b) Relationship to Community Plan and Zoning By-law

All streets shall be considered in relation to the Official Community Plan, Zoning By-law and any other By-law which is concerned with or affects the use and development of land in order to create a transportation system which will be integrated with the proposed land use.

c) Walkway Access

The Approving Officer may require walkway access, not less than 3 m. (9.84 ft.) wide in any instance, including between streets, shopping areas, parks, beaches, schools or other public facilities.

d) Existing Streets

Existing streets within a proposed subdivision in a Subdivision District, where the standard of surfacing, curbing, drainage or other works is less than that prescribed by this By-law for the Subdivision district, shall be improved to such standard by the applicant. The Approving Officer may relax this requirement where the proposed subdivision is a category A subdivision.

e) Dedicated - Unbuilt Streets

- BL 327** (1) Undeveloped dedicated highways required to serve a subdivision shall be classified by the Approving Officer or Engineering Services Director in accordance with Table 22 of the Official Community Plan By-law and shall be constructed to the prescribed service levels as specified in Section 2.2 of this By-law.

e) Dedicated - Unbuilt Streets (continued)

BL 327 (2) Notwithstanding the requirements of this By-law concerning highway development standards, a person or developer may make application to Council to construct or improve any dedicated highway or portion thereof to a lower service level permitted by this By-law. The application may be approved or denied by a majority vote of Council.

f) Road Opening Plans

Where Council, by By-law, has adopted a road opening plan for any specified area to define the pattern to which dedicated but undeveloped roads shall be built, improvement of such roads shall conform to the road opening plan.

g) Street Classification and Design

Unless otherwise provided for by By-law, every street within a proposed subdivision shall be designed so that it can be classified as an arterial, collector or local street and the following Traffic Engineering and Community Planning Principles shall be followed in street design:

- (1) "T" intersections shall be provided on minor streets where possible;
- (2) "Y" shaped intersections shall be avoided;
- (3) discouragement of through traffic within residential subdivisions and on minor streets;
- (4) avoidance of intersection jogs and tight curves;
- (5) intersections shall be at right angles;
- (6) optimum block lengths and pathway locations;
- (7) intersections with more than four legs shall be avoided;
- (8) intersections shall not be located in or near sharp curves or near the crest of any rise or hill;
- (9) intersecting street boundaries shall be rounded to a 6 m. (19.69 ft.) radius curve, if:
 - one of the intersecting streets is 15 m. (49.21 ft.) or less in width; or
 - one or both the intersecting streets are arterial streets; or
 - the interior angle of the street intersection is 80 degrees or less.

h) Partial Width Streets

Partial width streets may be permitted by the Approving Officer where the location and rate of development is such that the remainder of the right-of-way can be expected to be dedicated and developed within the near future. No partial-width street shall have less than a 12 m. (39.37 ft.) right-of-way.

i) Tree Clearance

Streets other than major streets, shall not be cleared full width except where required or permitted by the Approving Officer. Trees and ground cover which will not interfere with the placement of servicing of roadways, drainage channels, services or utilities shall be retained. Where there is little or no natural tree cover, the applicant may be required to provide tree plantings within street rights-of-way. Boulevards shall be levelled, raked and seeded by the applicant.

(j) Cul-de-Sacs

Cul-de-sac streets, designed to be permanent, shall be provided at the closed end with an area designed to permit safe and adequate space for turning of motor vehicles. Provision shall be made in the turning area for a landscaped island unless the Approving Officer is satisfied that it is impractical to comply.

(k) Jogs

Jogs in street alignment at intersections shall be permitted, provided the distance between centre lines at the job is sufficient to ensure traffic safety.

(l) Bends

Where bends occur in street alignment, the Approving Officer may require that the angle be replaced by a curve of suitable radius.

(m) Reversed Curves

If reversed curves are required in street alignment, the Approving Officer may require that they be separated by tangents of sufficient length.

(n) Where the land to be subdivided borders on the shore of any navigable water, accesses shall be given by a 20 m. (65.62 ft.) highway right-of-way, or such lesser widths as the Approving Officer may deem acceptable due to topography or other circumstances, according to the following:

- (1) at distances not greater than 200 m. (656.17 ft.) between centre lines where the parcels into which the land is to be subdivided are 4000 m² (.988 ac.) or less;
- (2) at distances not greater than 400 m. (1312.34 ft.) between centre lines where the parcels into which land is to be subdivided exceed 4000 m² (.988 ac.)

subject to Appeal to the Minister of Highways of British Columbia, as to strict compliance with the requirements of this clause, including the amalgamation of accesses where desirable.

(o) Streets in a proposed subdivision shall be created to the width required by this By-law, but upon subdivision, the owner shall not be required to provide without compensation:

- (1) for the purpose of a street allowance within the subdivision, land exceeding 20 m. (65.62 ft.) in width; or
- (2) for the purpose of widening a street that is less than 20 m. (65.62 ft.) in width and that borders or is within the subdivision, land of a width exceeding 10 m. (32.81 ft.) or the difference between 20 m. (65.62 ft.) and the width of the street, whichever is the lesser.

(p) Street Names

No street names shall be used which will duplicate or could be confused with names of existing streets and shall be acceptable to the Post Office and approved by Council.

SECTION 3.4 GENERAL REQUIREMENTS - WATER SUPPLY

a) The Approving Officer's Power

Notwithstanding any other provision of this By-law, the Approving officer may:

- (1) require that a community water system be provided;
- (2) refuse to approve a subdivision intended to be served by a community water system if he is satisfied that the subdivision will injuriously reduce the quantity of water normally available to established users of water from the community water system;
- (3) refuse to approve a subdivision, where he concludes that the proposed subdivision would contribute to a significant decline in the quality of potable water of adjacent properties, unless the applicant enters into an agreement, satisfactory to the Approving Officer, to undertake specified measures to ensure the proposed subdivision will not cause a decline in water quality;
- (4) require the applicant to arrange and finance a hydrologic survey by a qualified person to ascertain that an adequate supply of ground water is available to support the proposed subdivision.

b) Private Water Supply

Each lot in a proposed subdivision shall have a proven source of potable water of adequate quantity in accordance with the Residential Standards of the National Building Code as amended from time to time.

c) Standards

Where a community water system is to be installed to serve a subdivision, the applicant shall carry out such installation in accordance with the standards established by the Director of Engineering Services, at no cost to the municipality.

d) Agreement to Install Community Water System

A community water system approved pursuant to this By-law, shall be constructed at the applicant's expense, provided, however, that a subdivision may be approved prior to the construction of the community water system, if an arrangement ensuring such construction satisfactory to the Approving Officer has been made, but in no case shall the subdivision be approved before the plans of the community water system have been approved.

e) Fire Hydrants

Fire hydrants shall be installed by the applicant at intervals required by the Approving Officer according to the standards established by the Fire Underwriters' Association.

f) Water Pressure Devices

Where the elevation of the land is such as to require pressure relief valves, reservoirs, pumps and/or other devices to control the water pressure and water supply, such devices shall be supplied by the applicant.

SECTION 3.5 GENERAL REQUIREMENTS - SEWAGE DISPOSAL

a) Onsite Sewage Disposal

- (1) Where a community sewerage system is not provided, the applicant for a proposed subdivision shall submit evidence to the satisfaction of the Approving Officer that a private system such as a septic tank and disposal field can be installed on each lot in compliance with the Provincial Sewage Disposal Regulations, prior to Preliminary Acceptance being granted for the proposed subdivision.
- (2) Each proposed lot in a proposed subdivision, not provided with a community sewerage system, shall have an area of soil suitable for absorption of septic tank effluent to be determined by percolation tests carried out in accordance with the method described in the Provincial Sewage Disposal Regulations. Such area of soil shall meet all requirements of the Provincial Sewage Disposal Regulations pertaining to water table, bed rock and slope; and shall encompass sufficient area to accommodate a disposal field for a three-bedroom house. The owner or his agent shall submit written results pertaining to the required percolation tests and the proven depth of permeable soil.

BL489 (3) Private onsite sewage disposal system with a required capacity in excess of 5,000 Imperial Gallons Per Day shall be in accordance with the requirements of any authority having jurisdiction over the system pursuant to the Waste Management Act and the Municipal Act.

b) Community Sewer Systems

The following requirements apply to a subdivision where a community sewer system is provided:

- (1) The design of any community sewer system to serve the subdivision shall be in accordance with the requirements of any authority having jurisdiction over the system pursuant to the Health Act and the Pollution Control Act, and in accordance with the Municipal Act, when the Municipality has an applicable by-law setting out the terms and conditions of any extension of its community sewer system.
- (2) The community sewer system approved pursuant to Section 3.5(b)(1) above, shall be installed as approved before the subdivision is approved.

Notwithstanding the requirements of Section 3.5(b)(1) above, a subdivision may be approved prior to the construction of the community sewer system, provided that an arrangement ensuring performance of such construction satisfactory to the Approving Officer has been made with the Municipality when there is an applicable by-law setting out the terms and conditions of any extension of its community sewer system, but in no case shall the subdivision be approved before the plans for the community sewer system have been approved.

- (3) Where a subdivision is within an area authorized by the Council to be sewerred but construction of the sewer system has not as yet reached the location of the proposed subdivision, the Approving Officer may grant relief from the requirements of this By-law as far as sewers are concerned and approve a subdivision on the basis that septic tanks may be used for sewage disposal if the applicant has obtained the relevant approvals under the Health Act or the Pollution Control Act.
- (4) Where a subdivision is located in an area where the sewers have been completed and it is physically possible to serve the subdivision by an extension of a sewer within an area designated for sewer service by the municipality, a sewer shall be extended to serve each lot in the subdivision prior to its being approved.

b) Community Sewer Systems (continued)

- (5) The applicant shall pay the full costs of a house connection to each lot created.
- (6) The sewer lateral and house connections shall be installed prior to road construction.
- (7) The sewer lateral shall be financed by the applicant.

SECTION 3.6 GENERAL REQUIREMENTS - STORM DRAINAGE

- a) In accordance with recognized good engineering practice, a piped storm drainage system, where required by this By-law, shall be provided, and shall be designed to drain all roadways and adjoining parcels of land within the proposed subdivision, to a watercourse or drainageway which is maintained by the Municipality, and which waterways or drainageway is outside of the property being subdivided, except in a cluster subdivision where the storm water may be discharged to open drainageways located in the cluster open space area.
- b) A piped storm drainage system shall have connections provided for each and every lot created in the subdivision with such connections being outside of the perimeter of the lot it is installed to serve, or any other lot, at no expense to the Municipality.
- c) The drainage system of a subdivision shall discharge to a water course or drainageway of sufficient depth and capacity to receive the same and declared to be a part of the drainage system of the municipality by by-law or one over which the Municipality accepts responsibility for maintenance.
- d) A piped storm drainage system in accordance with Division Four of this By-law shall serve proposed lots at such a depth that buildings within the Building Areas can be constructed in conformity with the Building and Plumbing By-law, and year round drainage can be assured. Drain connections shall be installed to each lot, all at no cost to the municipality.
- e) Storm flow works on all streets within a subdivision shall be provided at no expense to the municipality in accordance with the specifications of this By-law. Culverts may be required where natural watercourses cross proposed highways.
- f) The subdivider shall be responsible for the provision of storm drains up to the cost of providing a 38.1 cm. (15 in.) diameter pipe. The Municipality will contribute one and one-half times the difference in material cost between a 38.1 cm. (15 in.) diameter pipe and the cost of the pipe actually installed.
- g) The provisions of the Municipal Drainage and Erosion Control By-law shall be observed in the design and installation of all storm drainage works and the clearing of land on all proposed lots and rights-of-way.

SECTION 3.7 GENERAL REQUIREMENTS - PUBLIC OPEN SPACE

a) The Approving Officer's Power

Notwithstanding any other provisions of this By-law, the Approving Officer may require:

- (1) the owner of land being subdivided to provide, without compensation, land for public open space in the locations and to the extent required by him for the purpose of providing sufficient open space within the proposed subdivision for park and public use, and
- (2) where the land being subdivided adjoins a lake, river, stream or other body of water, the dedication, without compensation, of a strip of land not exceeding 7 m. (22.97 ft.) in width along the bank or shore for the purpose of providing public access.

b) Public Open Space Dedication Limitation

The amount of land required to be provided or dedicated pursuant to this By-law, without compensation, shall not exceed 5% of the total land area being subdivided.

c) Measurement of Waterfront Strip

Land required to be dedicated under Section 3.7 (a)(2) of this By-law shall be measured from:

1. the highwater mark, or
2. the controlled highwater mark, or
3. the natural boundary of the lake, river, stream or other body of water as defined in the Land Act.

d) Exemption from Public Open Space Requirement

The requirements of this section do not apply:

- (1) to subdivisions of less than 3 lots, or
- (2) to subdivisions where the smallest lot being created is larger than 2 ha. (4.942 ac.), or
- (3) to consolidations of existing subdivided parcels.

SECTION 4.1 SERVICE LEVELS

a) Category A Subdivision - Service Levels

Except as is provided elsewhere in this By-law, any service required to serve a category A subdivision shall not be less than the lowest standard of such service existing in adjacent lots, unless in the opinion of the Approving officer, such standards would be against the public interest.

b) Category B Subdivisions - Service Levels

- (1) Service requirements for a Category B Subdivision shall be in accordance with the service levels specified for the Subdivision district in which the subdivision is located, as set forth in Section 2.2 of this by-law.
- (2) The following are the minimum requirements for the various services to be provided, at the cost of the owner of the land to be subdivided.

I. STREETS

Service Level 1_ - minimum R.O.W. 15 m. (49.21 ft.)

5 cm. (1.97") Hot Mix paving to a 5 m. (16.40 ft.) width laid over a 25 cm. (9.84") base and 5 cm. (1.97") of crushed gravel.

Gravel shoulders designed to conform with good engineering practice but to be of a minimum width of 1 m. (3.28 ft.) from the edge of the hot mix paving.

Construction shall be designed so that the roadways meanders from one side of the road allowance to the other once per 90 m. (295.28 ft.) along the R.O.W.

Road surface drainage to be provided by one roadside ditch of a depth not to exceed 60 cm. (1.97 ft.) from the grade of the crown of the paved running surface. Where the Approving Officer requires that a second ditch shall be provided such drain shall be constructed in the manner specified in this subparagraph.

No tree of a diameter at breast height greater than 30 cm. (.98 ft.) shall be removed from the dedicated right-of-way of the Country Lane unless specifically authorized by the Approving Officer.

No clearing of any vegetation or trees shall be permitted except within a area 8 m. (26.26 ft.) wide following the permitted course of the roadway to be improved or built by the applicant, or as otherwise permitted by the Approving Officer.

All stumps and debris shall be removed from the road allowance prior to approval of the subdivision.

All areas of the R.O.W. on which the natural vegetation was disturbed shall be replanted with ground cover or trees of a type to be found elsewhere on the R.O.W.

Service Level 2 - identical requirements to Service Level 1 plus curbs and gutters.

Service Level 3 - minimum R.O.W. 20 m. (65.62 ft.)

BL 572 7 m. (22.97 ft.) hot mix asphalt, plus 1 m. (3.28 ft) gravel shoulders or 8.5 m. (27.88 ft.) hot mix asphalt and concrete curb and gutter.

Service Level 4 - minimum R.O.W. 20 m. (65.62 ft.)

9 m. (29.53 ft.) hot mix asphalt paving and concrete curb and gutter.

Service Level 5 - minimum R.O.W. 20 m. (65.62 ft.)

10 m. (32.81 ft.) hot mix asphalt paving and concrete curb and gutter.

II. WATER SUPPLY

Service Level 1 - Private wells and distribution pipes or a private water distribution system serving 5 or more persons, established as a "water utility" and regulated under the Water Utilities Act and Energy Act as amended from time to time.

Service level 2 - Community water system to be installed and connected to a community watermain capable of supplying sufficient water to service each lot in the subdivision.

III. STORM DRAINAGE

Service Level 1

BL 452 An open ditch drainage system is required. However, the Approving Officer may require that portions of the drainage system be piped to a permanent standard (for example, where the drainage course crosses private property, where grades are such that erosion would occur in an open ditch, where ditches if permitted would be over 0.75 m (2.5 ft.) in depth). A drainage right-of-way may be required to facilitate future drainage works. A drain outlet, acceptable to the Approving Officer, shall be provided for each building lot.

Service Level 2

A piped storm drainage system servicing each proposed lot in accordance with the provision of this By-law and accepted engineering standards shall be installed

IV. SEWAGE DISPOSAL

Service Level 1

Septic Tanks or other private disposal systems permitted pursuant to the Health Act.

Service Level 2

Installation of a community sanitary sewer system capable of servicing each lot in the subdivision.

BL 489 Service Level 3

Private disposal systems permitted pursuant to the Waste Management Act.

V. ELECTRIC POWER AND COMMUNICATIONS

Service Level 1

Power and communication lines may be placed overhead.

Service Level 2

Power and communication lines shall be installed underground.

Service Level 3

BL 489 Power and communication lines may be placed overhead on common road allowances but shall be installed underground from the common road allowance to the dwelling units.

VI. SIDEWALKS AND FOOTPATHS

Service Level 1

Sidewalks and/or footpaths are not required, except where the Approving Officer deems otherwise.

Service Level 2

Sidewalks and/or footpaths shall be installed to provide for pedestrian movement in accordance with the requirements established for any proposed subdivision by the Approving Officer.

Read a first time the 2nd day of August 1977.

Read a second time the 6th day of September 1977.

Read a third time the 3rd day of October 1977.

RECONSIDERED, FINALLY PASSED AND ADOPTED the 11th day of October 1977.

Original signed by:
P.J.G. GRIEVE, MAYOR

Original signed by:
E.F. FAIRS, CLERK

SCHEDULE A

PROCEDURE FOR SUBDIVISION APPLICATION

General

- (a) All proposed subdivisions shall require initial consideration and Preliminary Acceptance, before an application for approval can be considered. This first stage of the subdivision review process serves as the basis for detailed design, engineering, and installation for those service and works required before approval can be granted.
- (b) The applicant is advised to wait for Preliminary Acceptance before proceeding with detailed surveys or works.
- (c) Preliminary Acceptance does not obligate the Approving Officer to give approval for Land Registry Act purposes.
- (d) (1) Preliminary Acceptance shall be valid for six (6) months from the date of issue unless extended by Approving Officer pursuant to subsection (2) hereof.

BL 336

- (2) Upon written application one or more extensions of the time limit referred to in subsection (1) may be granted by the Approving Officer provided that such extensions shall not exceed nine (9) months in the aggregate.
- (e) The applicant is advised to ascertain the requirements of this By-law, the Municipal water utility standards and requirements, the Zoning, Building, Plumbing, Drainage, Road Widening and Classification, and other By-laws affecting land-use, the Health Act, the Pollution Control Act, and the Controlled Access Highways Act (where applicable), prior to application for Preliminary Acceptance.
- (f) Approval by the Approving Officer does not obligate the Municipality to provide utility services.
- (g) After Approval, the subdivision plan must be deposited in the Land Registry Office within 60 days, unless an extension of time has been granted on application to the Land Registrar, or the plan has been re-approved by the Approving Officer.

CATEGORY 'A' SUBDIVISION

(No new Highways, services, or utilities, and involving no more than three (3) parcels).

(a) Required Information

The applicant shall submit the following to the Approving Officer:

- (1) Five (5) copies of a plan of the proposed subdivision at the scale of either

<u>Metric Ratio Scale</u>	or	<u>Imperial Scale</u>
1:500		1" – 50'
1:1000		1" – 100'
1:2000		1" = 400'
1:5000		1" – 600'

depending on the size of the subdivision, and based insofar as the perimeter boundaries of the land being subdivided are concerned, on the Registered Plan. The plan shall show:

Category 'A' Subdivision (continued)

- (i) the layout and dimensions of proposed parcels;
 - (ii) the uses and locations of existing buildings and structures, and the distances between such and adjacent existing and proposed parcel boundaries;
 - (iii) the location of all aboveground and underground services, whether existing or proposed by the applicant, including private sewage disposal fields and wells;
 - (iv) location of the "Building Area" on each parcel;
 - (v) the location, size and purpose of easements, other rights-of-way, culverts and water courses;
 - (vi) the location, type and height of essentially mature trees located within the area to be subdivided.
- (2) Five (5) copies of a plan of future subdivision, where required by the Approving Officer.
 - (3) A certificate of Encumbrances.
 - (4) A certificate that each parcel in the proposed subdivision has a proven source of potable water where a community water system is not provided.
 - (5) Evidence to the satisfaction of the Approving Officer that each proposed lot within the proposed subdivision can support a private sewage disposal system in compliance with the Provincial Sewage Disposal Regulations.
- b) Notwithstanding anything elsewhere contained in this By-law, where in the opinion of the Approving Officer the proposed subdivision is clearly a part of a larger scheme, all or part of which is likely to be subdivided within the near future, he shall declare the proposal to be Category B Subdivision.
- c) Preliminary Acceptance
- The Approving Officer shall consider the application and except for cause shall within 60 days of submission in writing either reject or grant Preliminary Acceptance to the subdivision.
- d) Metes and Bounds Description
- Applications which make use of Metes and Bounds Descriptions, as permitted by the Land Registry Act, shall provide the information required in clause (a)(1) sub-clause (i) to (vi) of this Schedule.
- e) Approval
- Where Preliminary Acceptance has been granted, the applicant shall submit the following to the Municipal Clerk, before approval can be granted:
- (1) A certificate stating that all the taxes which have been assessed on the subject land have been paid, and that all other installments on rates, charges, and local improvement taxes have been paid.
 - (2) Satisfactory evidence that all the requirements of the Land Registry Act have been complied with.

CATEGORY 'B' SUBDIVISION

(Requires new highway, services or utilities, or involves more than three (3) parcels, or any subdivision so designated by the Approving Officer.)

a) Required Information

The applicant shall submit the following to the Approving Officer:

- (1) Five (5) copies of a plan of the proposed subdivision at a scale of either

<u>Metric Ratio Scale</u>	or	<u>Imperial Scale</u>
1:500		1" – 50'
1:1000		1" – 100'
1:2000		1" – 400'
1:5000		1" – 400'

depending on the size of the subdivision, and based insofar as the perimeter boundaries of the land being subdivided are concerned, on the Registered Plan. The plan shall show:

- (i) the layout, alignment, and dimensions of all proposed streets and parcels;
 - (ii) the uses and locations of existing buildings and structures, the distances between such and adjacent existing and proposed parcel boundaries, and the location and use of adjoining lots in which the owner of the land to be subdivided has an interest and/or share of ownership;
 - (iii) the location of all aboveground and underground services, whether existing or proposed by the applicant, including private sewage disposal fields and wells;
 - (iv) contours at 1.5 m. (492 ft.) intervals to an approved Municipal datum;
 - (v) location of the "Building Area" on each parcel;
 - (vi) the location, size and purpose of easements, other rights-of-way, culverts and water courses;
 - (vii) the relationship of the proposed subdivision to adjacent streets and properties, and the connections of proposed streets thereto;
 - (viii) the location, type and height of essentially mature trees and hedges lying within the area to be subdivided; (In the case of heavily forested properties, a general statement of characteristics and the outline of forested area shall be permitted).
 - (ix) the plan layout and gradients of services required by this By-law.
- (2) Street profiles where required by the Approving Officer.
- (3) Five (5) copies of a plan of future subdivision, including additional streets and parcels, where required by the Approving Officer. Where the owner of the land to be subdivided has an interest and/or share of ownership in contiguous parcels other than those involved in the application such parcels shall be included in the plan.
- (4) The name of the Professional Engineering firms which will be responsible for the design, installation and supervision of works.
- (5) A Certificate of Encumbrances.

- (6) A certificate that each parcel in the proposed subdivision has a proven source of potable water where a community water system is not provided.
- (7) Evidence to the satisfaction of the Approving Officer that each proposed lot within the proposed subdivision can support a private sewage disposal system in compliance with the Provincial Sewage Disposal Regulations.

b) Preliminary Acceptance

The Approving Officer shall consider the application and comment thereon, and within 60 days of submission shall in writing either reject, recommend alterations, or grant Preliminary Acceptance to the subdivision.

c) Approval

- (1) Final approval for registration purposes of a subdivision granted Preliminary Acceptance shall be considered only on completion of all works and agreements required by this By-law
- (2) Upon Preliminary Acceptance being granted for a subdivision, the applicant will be required to:

BL 590

- (i) provide for the deposit of cash, certified cheque or negotiable sureties of an amount sufficient to cover one hundred fifty percent (150%) of the estimated engineering and execution costs of the required works as estimated by the Municipal Engineer. Deposits will be returned after the required works have been carried out, less estimated first year maintenance costs. Ten percent (10%) of the estimated cost of engineering and execution of the works will be held as maintenance security for a period of one year after the completion of the works.
 - (ii) construct all roads and install all services required by this By-law;
 - (iii) if the works are not complete within twelve (12) months after the date of Preliminary Acceptance or Preliminary Approval of the subdivision, or such additional period as granted for cause by a two-thirds majority vote of Council after recommendation by the Approving Officer, the deposits will be forfeited and the works completed by the Municipality, in which case the applicant will be charged the actual construction costs, with any difference in cost being billed or refunded. First year maintenance costs will be treated in like manner.
- (3) The following shall be submitted to the Municipal Clerk by the applicant for approval:
 - (i) application for approval;
 - (ii) a certificate stating that all taxes which have been assessed on the land have been paid, and that all other installments on rates, charge, and local improvement taxes have been paid;
 - (iii) all the requirements of the Land Registry Act, to be provided by a B.C. Land Surveyor. Subdivision parcel, services, and street design shall not vary from that given Preliminary Acceptance, except where permitted in writing by the Approving Officer. Where desired by the applicant and acceptable to the Approving Officer, the approval of a subdivision granted Preliminary Acceptance may be carried out in stages.

- (4) Upon being notified in writing by the Director of Engineering Services that the requirements of this By-law have been fulfilled, or after completion of an agreement referred to in clause (c)(2)(i) to (iii), the Clerk shall forward all material to the Approving Officer, who shall approve or reject the application within 60 days; save and except that where the Approving officer has cause to withhold approval, he shall notify the applicant in writing within 30 days of receiving the application, stating the reason why approval is being withheld. Where further information is required, the Approving Officer shall approve or reject the application within 60 days after such further information has been provided.