

VILLAGE OF QUEEN CHARLOTTE  
BYLAW No. 107-2019

Development, Works and Services, Subdivision Bylaw

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The Council of the Village of Queen Charlotte in open meeting assembled enacts as follows:

1. **Purpose**

This BYLAW is intended to regulate and require the provision of *works and services* in respect to *Development* and the *subdivision* of land pursuant to the *Land Title Act*.

2. **Definitions**

In this Bylaw, unless the context otherwise requires, the following words and expressions shall have the following meaning assigned to them:

**APPROVING OFFICER** means the person appointed by the *Council* of the *Village* as the *Approving Officer* in accordance with the *Land Title Act* as amended from time to time;

**APPLICANT** means a person applying for approval of *Works and Services* related to a *Development* and/or the approval of a *Subdivision*, whether as an *Owner* thereof or duly authorized agent, or as a purchaser under an *Agreement for Sale*, or such purchaser's duly authorized agent;

**BOND** means cash or an irrevocable Letter of Credit in favour of the *Village*;

**CERTIFICATE OF COMPLETION** means a document signed by the *Superintendent of Public Works* certifying that required *Works and Services* have been completed to the satisfaction of the *Village*;

**CONTRACTOR** means a person or firm having a contract with an *Owner* or the *Village* to construct *Roads* or install *Municipal* works or services or any other items required by this Bylaw;

**CONSTRUCTION** means the activities of re-*Construction*, installation, erection, repair, alteration, addition, demolition, removal, land clearing and/or preparation, excavation or shoring with respect to a *Building* or *Structure*;

**COUNCIL** means the *Council* of the Corporation of the *Village* of Queen Charlotte;

**CUL-DE-SAC** means a *Local Road* which terminates in an area for the turning of motor vehicles;

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**DEVELOPMENT** means any land preparation and improvement or *Construction* activity that requires a *Siting and Use Permit for a Building or Structure* in accordance with a Building Bylaw and/or *Siting and Use Permit* Bylaw;

**ENGINEER** means an individual holding a valid membership in the professional Engineer Association of British Columbia; or such person or persons authorized by the *Village*;

**FINAL ACCEPTANCE** means the *Village's* acceptance of *Works and Services* provided pursuant to this Bylaw at the end of the warranty period with all defects and deficiencies remedied to the satisfaction of the *Superintendent of Public Works*;

**FINAL SUBDIVISION APPROVAL** means that approval granted by the *Approving Officer* when all relevant requirements of this Bylaw, the *Land Title Act* and any other relevant Bylaws and legislation have been fulfilled;

**FRONTAGE** means that length of a *Parcel* or *Lot* boundary which immediately adjoins a *road* or *Highway*;

**HIGHWAY** means a public street, *Road*, trail, lane, bridge, trestle, tunnel, ferry landing, ferry approach, any other public way or any other land or improvement that becomes or has become a *Highway* in accordance with the *Transportation Act* as may be amended from time to time; for the purpose of this Bylaw the term shall be reserved for Provincial *Highway* rights of way;

**LANE** means a *Road* more than ten feet, but less than thirty feet in width which provides secondary means of access to a site;

**LATECOMER FEES** means the payment by a latecomer developer or subdivider of *Development* related costs that were paid up front by a previous subdivider or developer where roads, water, sewage or drainage works were provided with excess or extended capacity;

**LOT** means an area or land the boundaries of which are shown on a plan registered in a Land Title Office, or with a Crown Land Registry, or are described in the certificate of title of the land, and that has not been divided into smaller areas by a plan or instrument registered in the Land Title Office, or with a Crown Land Registry;

**OWNER** shall mean any person registered in the books of the Land Title Office or Crown Land Registry Office as *Owner* of the land or of any charge on the land being subdivided, whether entitled thereto in his, her, its, or their own right or in a representative capacity or otherwise;

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**PANHANDLE** means a *Lot* which requires a relatively narrow strip of land, or *Panhandle*, to provide principal vehicle access to a *Road* and where the *Lot Frontage* on a *Highway* is less than 10% of the *Lot* perimeter;

**PARCEL** means any *Lot*, block or other area in which land is held or into which land is subdivided, including strata *Lots* created by strata plan, but does not mean a *Highway* or portion thereof;

**PERMIT** means a *Permit* issued by the *Village* of Queen Charlotte;

**PRELIMINARY LAYOUT APPROVAL (PLA)** means a document issued by the *Approving Officer* which sets out terms and conditions for final *Subdivision* plans approval;

**QUALIFIED PROFESSIONAL** means an individual who holds a license, provisional license, certificate, registration or permit issued by a governing body.

**RIGHT-OF-WAY** means land or any interest in land acquired for the purpose of:

- a) public rights of passage with or without vehicles; or
- b) erecting and maintaining any pole-line; or
- c) laying, placing and maintaining drains, ditches, pipes, transmission lines or wires for the conveyance, transmission or transportation of water, electric power, forest products, oil or gas or both oil and gas or solids as defined in the Pipeline Act; or
- d) the transmission or disposal of sanitary sewage, storm water or drainage; or
- e) the operation and maintenance of any other undertaking of the *Village*; and shall include a statutory right-of-way as defined in the *Land Title Act*;

**ROAD** means all municipal public rights of way designed for vehicular movement and access within the *Village*;

**ROAD, COLLECTOR** means a *Road* which is so designated on any current municipal plan of *Roads* or of proposed *Roads*; or a *Road* which is designated to form part of the *Road* system of the *Village* and carries a substantial volume of traffic other than traffic having its origin or destination in parcels abutting on the *Road*, and located to provide efficient inter-connection of major destinations and *Local Roads*; cross section elements are defined in Schedule A to this Bylaw;

**ROAD, LOCAL** means a *Road* that serves low traffic volumes and which is so designated on any current plan of *Roads* or of proposed *Roads*, or a *Road* which is used or intended to be used primarily provide access to parcels abutting thereon and serves low traffic volumes; cross section elements are defined in Schedule A to this Bylaw;

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**SEWER SYSTEM** means the sanitary sewer system operated by the *Village*;

**SITING AND USE PERMIT** means a *Permit* issued by the *Village* in accordance with the *Siting and Use Permit Bylaw*;

**SUBDIVISION** means a change in the existing size, shape, number or arrangement of registered *Parcels*, whether or not involving the creation of a greater number of *Parcels* than existing and whether carried out by plan, by metes and bounds, strata plan, bare land strata plan, or otherwise;

**SUPERINTENDENT OF PUBLIC WORKS** means the municipal employee or *Contractor* assigned to the role of supervising municipal public works, including, but not limited to *Roads*, parks, *Water System*, and *Sewer System*;

**TENTATIVE PLAN APPROVAL** means compliance with the requirements and conditions of the *Preliminary Layout Approval*;

**UTILITY** means any facilities in a *Highway* or in a right-of-way for the purpose of providing a service to property, and may include, but not be limited to, water distribution, sewage and drainage collection, street lighting, electric power distribution, telephone, cable, or fibre for television and internet, and natural gas distribution systems;

**VILLAGE** means the *Village* of Queen Charlotte, inclusive of any responsibilities it may assign to employees or to agents acting on its behalf;

**WALKWAY** means a public right-of-way for pedestrian traffic and to accommodate necessary *Utility* and drainage;

**WATER SYSTEM** means the water system operated by the *Village*;

**WORKS AND SERVICES** means *Construction* such as *Roadways*, lanes, drainage, water and sewer systems, earthworks and slope stabilization, walkways, landscaping, street lighting and underground wiring, and includes *Works and Services* whether on *Highways*, rights of way or common property, to be provided for in a *Subdivision* or *Development* of land under this Bylaw;

**WORKS AND SERVICES AGREEMENT** means an agreement prescribed by the *Village* between the *Village* and the *Owner* in accordance with the *Local Government Act*, as may be amended from time to time, that works and services will be completed to service a *Subdivision* or *Development* by a date specified in the agreement and that sufficient security has been provided to the *Village* to secure the *Construction* of those works.

**3. Application**

- 3.1 The provisions of this Bylaw apply to all lands within the area incorporated as the Village of Queen Charlotte.
- 3.2 The purpose of this Bylaw is to regulate the *Subdivision and Development* of land including the *Lot* arrangement, overall layout design and the *Construction of Highways, Works and Services* in order to promote orderly and efficient *Developments* in harmony with the environment, that are suited to the uses for which they are intended.
- 3.3 This Bylaw should be used in conjunction with all Schedules to this Bylaw, the Village Zoning Bylaw, Siting and Use Bylaw, Water Bylaw, Sewer Bylaw, and the Official Community Plan Bylaw. Users of this Bylaw are advised that they should also be knowledgeable of the requirements of other applicable enactments including, without limitation and as may be amended from time to time, the:
- a) *Land Title Act*;
  - b) *Local Government Act*;
  - c) *Community Charter*;
  - d) *Real Estate Act*;
  - e) *Land Survey Act*;
  - f) *Forest Land Reserve Act*;
  - g) *Waste Management Act*;
  - h) *Highway Act*;
  - i) *Builders Lien Act*; and
  - j) *Water Act*.
- 3.4 As a condition of the approval of a *Subdivision* or the issuance of a *Siting and Use Permit* the *Owner* of the land is required to provide *Works and Services* in accordance with the standards established in this Bylaw, on that portion of a *Highway* immediately adjacent to the site being *Subdivided* or *Developed*, up to the center line of the *Highway*.

**4. Interpretation**

- 4.1 Unless otherwise defined herein, all words or expressions used shall have the same meaning assigned to them as like words or expressions contained in the *Land Title Act* and the *Local Government Act* as may be amended from time to time.

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**5. Administration**

- 5.1 The provisions of this Bylaw shall be administered by the Chief Administrative Officer (CAO) or such other Officer as may from time to time be appointed by resolution of the *Council*.
- 5.2 The *Approving Officer* shall be the Chief Administrative Officer (CAO) or such other Officer as may from time to time be appointed by resolution of the *Council*.
- 5.3 No land within the *Village* shall be *Subdivided* until approval of the *Approving Officer* has been obtained.
- 5.4 The determination of any excess or extended services, as defined by the *Local Government Act*, as may be amended from time to time, to be provided by the *Applicant* is delegated to the *Superintendent of Public Works* who may rely on an expert hired by the *Village*.
- 5.5 The prescription and execution of any *Works and Services* agreement is the responsibility of the Chief Administrative Officer, who may delegate responsibility to the *Superintendent of Public Works* or an expert hired by the *Village*.

**6. General Provisions**

- 6.1 Prior to approval, the *Village Approving Officer* will review any *Development* that requires a *Permit* from the *Village*, which may or may not be subject to *Subdivision* approval.
- 6.2 The *Approving Officer* may:
  - a) bring the proposed *Development* or *Subdivision* to the attention of the *Owners* of neighbouring property, or of other municipal officials, or of other public bodies, or officials, or of *Utility* companies, for comment and recommendation;
  - b) serve notice or require that the *Applicant* serve notice of the proposed *Development* or *Subdivision* on the *Owner* or other person whose land or interest therein, in their opinion, might be detrimentally affected by it; and
  - c) require the submission of profiles of every new *Road* and *Lane* shown on the plan, and such topographical details as may indicate the engineering problems involved in developing such *Roads* and *Lanes*.
- 6.3 The *Approving Officer* shall not grant approval of any *Development* or *Subdivision* of land:
  - a) unless all the requirements of this Bylaw and all other Bylaws have been met;
  - b) where the proposed *Development* or *Subdivision* fails to regard any Official Community Plan provisions applicable to the area being proposed for *Development* or *Subdivision*;

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- c) if there is any cost to the *Village* of providing public *Utilities* and other *Works and Services* to the anticipated *Development* or *Subdivision*;
  - d) if, in their opinion, the anticipated *Development* or *Subdivision* would injuriously affect the established amenities of adjoining or adjacent properties, or would be against the public interest;
  - e) unless all regulations controlling access to the land to be *Developed* or *Subdivided* are complied with; and
  - f) that is otherwise contrary to law.
- 6.4 The *Approving Officer* shall not approve any plan of *Development* or *Subdivision* which;
- a) is not suited to the configuration of the land being *Developed* or *Subdivided*; or
  - b) is not suited to the use to which it is intended; or
  - c) will make impracticable the future *Subdivision* of the land within the proposed *Subdivision* or any adjacent land; or
  - d) leaves any portion of a parcel being *Subdivided* described as a remainder of such parcel unless, in the opinion of the *Approving Officer*, such remainder may be further *Subdivided* and the *Approving Officer* has reason to believe that such *Subdivision* will occur.
- 7. Development of Land Requiring a Village Permit**
- 7.1 All *Development* shall require a *Village Permit*.
- 7.2 Fees for *Development* application and approval extensions for *Preliminary Layout Approval*, and *Final Subdivision Approval* are required and shall be in accordance with Schedule B 'Subdivision and Works and Services Fees' of this Bylaw.
- 7.3 All *Development* shall be subject to applicable Development Permit Area guidelines of the Official Community Plan.
- 7.4 All *Development*, whether requiring a *Subdivision* approval or not, shall be subject to the *Works and Services* provisions in Section 10 'Works and Services Requirements' of this Bylaw as determined by the *Village*.
- 7.5 No *Development* shall proceed in advance of securing the applicable *Village Permits*.
- 7.6 *Development* activity subject to *Permits* include any land grading and excavation undertaken in preparation for *Construction*.
- 7.7 *Development proposals not subject to Subdivision approval shall submit the required information to accompany a Siting and Use Permit application (Section 4 of Siting and Use Permit application)*
- a) The *Village* may also require the *Applicant* to furnish:

- 1) such additional information as may be required to determine the suitability of the area for *Development*;
- 2) data on the measures necessary to remedy wet conditions or liability to flood;
- 3) report and map of natural hazards on and off site, including geotechnical conditions, debris flows, steep slopes, wildfire, and any other relevant natural hazards; and
- 4) a comprehensive Erosion and Sediment Control Plan as prepared by a *Qualified Professional*.

**8. Subdivision Application Requirements and Procedure**

- 8.1 Fees for application and extensions for *Preliminary Layout Approval*, and *Final Subdivision Approval* are required and shall be in accordance with Schedule B 'Subdivision and Works and Services Fees' of this Bylaw.

**SUBDIVISION PROCEDURE:  
STEP 1 – PRELIMINARY INQUIRY**

**8.2 Preliminary Inquiry**

- a) The *Applicant* shall request a pre-submittal design meeting with the *Approving Officer* and the *Superintendent of Public Works* to discuss the design concept, planning context, and submittal requirements. The *Approving Officer* will use this opportunity to provide information regarding the requirements of the various bylaws and explain the process. The *Approving Officer* should also determine if the proposal is appropriate according to the requirements of the *Village Zoning*, *Official Community Plan (OCP)* and *Development, Works and Services, Subdivision Bylaws*. If the proposal does not conform to land use policies for the area, it will be suggested that the *Owner* consider changes to the proposal or pursue other avenues such as an amendment to the *Official Community Plan* and/or *Zoning Bylaws* to accommodate the proposed use.

**STEP 2 – SUBMISSION OF APPLICATION**

**8.3 Submission of Application**

- a) The *Applicant* may submit in writing to the *Approving Officer*, an application for preliminary acceptance which shall state the name and postal address of the *Applicant*, the legal description and approximate location of the parcel to be *Developed* or *Subdivided*, and a letter of authorization from the *Owner(s)* of the land.

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- b) No application shall be accepted unless deemed complete by the *Approving Officer*.
- c) The *Applicant* shall submit to the *Approving Officer* two (2) paper copies of a preliminary layout drawn to a scale clearly indicating:
  - 1) The dimensions and full legal description of the *Parcel* or *Parcels* to be *Subdivided* with the boundaries outlined in red;
  - 2) The intended use of each parcel to be created by the *Subdivision*;
  - 3) The location and extent of protected and natural areas including water courses and water *Frontages*;
  - 4) Existing *Road Frontages* and *Road* names;
  - 5) Any existing property lines and *Roads* to be eliminated by the proposed *Subdivision*;
  - 6) The arrangement of the *Parcels* and *Roads* which would be created by the *Subdivision* including the widths of the proposed *Roads*;
  - 7) The proposed *Road* grades where steep and uneven terrain exists;
  - 8) Plan, profiles, and location of existing and proposed *Utilities*;
  - 9) Easements or *Rights-of-Ways* located and identified;
  - 10) The proposed water and sewer main extensions to service the *Subdivision* (if applicable);
  - 11) Existing sanitary sewers, septic tanks, drainage ditches, water mains and wells;
  - 12) The location of any wells on the *Parcel* or *Parcels* to be *Subdivided* if the proposed *Lots* are to be served by septic systems;
  - 13) Existing buildings accurately located and identified;
  - 14) The approximate location of any buildings to be demolished upon approval of the *Subdivision*;
  - 15) For side hill or steeply sloping parcels topographic information at 1 meter intervals;
  - 16) A design stamped or signed by a *Qualified Professional* (if applicable); and
  - 17) A copy of the State of Title Certificate, along with any registered covenants, easements or right-of-ways;

### STEP 3 -PRELIMINARY LAYOUT REVIEW

8.6 The *Approving Officer* will proceed with the *Preliminary Layout Review* of the proposed *Subdivision* if:

- a) All the necessary information has been submitted;
- b) All planning considerations have been addressed; and
- c) Appropriate application fees have been paid.

To facilitate the *Approving Officer's* review, the *Owner* must provide information regarding various servicing and *Utility* requirements. This can include, but is not limited to:

- a) *Roads* – Are changes to the *Road* system going to be required as a result of the proposed *Subdivision*?
- b) *Water System* – Is there sufficient capacity in the available water system? Will extensions or upgrading be required? Will a community *Water System* extension be required?
- c) *Sewer System* – Will the current systems be sufficient? Is an upgrade in capacity going to be necessary? Will a community *Sewer System* extension be required?
- d) Storm Sewer/Drainage Ditches – Will the current system be sufficient? Will upgrading of the system's capacity be necessary?
- e) Electrical/Street Lighting;
- f) Telephone/Cablevision; and
- g) Fibre optic Internet.

8.7 The *Approving Officer* may require the *Applicant* to furnish:

- a) Such additional information as may be required to determine the suitability of the area for *Subdivision* or the suitability of the size, shape, and orientation of the *Parcels* required;
- b) Data on the measures necessary to remedy wet conditions or liability to flood; and
- c) Reports and maps of natural hazards on and off site, including geotechnical conditions, debris flows, steep slopes, wildfire, and any other relevant natural hazards prepared by a *Qualified Professional*;

- d) A comprehensive Erosion and Sediment Control Plan as prepared by a *Qualified Professional*.
- 8.8 If a physical examination of land is required *the Approving Officer* may, at the cost of the *Owner* of the land proposed to be *Subdivided*, personally examine or have an examination or report made on the proposed *Subdivision*.
- 8.9 Within sixty (60) days of the receipt by the *Approving Officer* of the application, or any additional information required under this Bylaw or the *Land Title Act*, as may be amended from time to time, the *Approving Officer* shall, in writing, either refuse or grant preliminary acceptance.
- 8.10 In the case of refusal, the notice of refusal shall explicitly state the reason for refusal. Under section 89 of the *Land Title Act*, the *Owner* may appeal the decision to deny the application to the Supreme Court within one (1) month of receiving the *Approving Officer's* rejection.

#### **STEP 4 – REFERRAL TO GOVERNMENT AGENCIES**

- 8.11 At the discretion of the *Approving Officer*, the application for *Subdivision* may be referred to appropriate agencies whose interests may be affected. These agencies may include but are not limited to:
  - a) North Coast Regional District;
  - b) Council of the Haida Nation;
  - c) Ministry of Transportation and Infrastructure;
  - d) Ministry of Environment;
  - e) Department of Fisheries and Oceans;
  - f) British Columbia Assessment Authority;
  - g) Northern Health Authority;
  - h) Village of Queen Charlotte Fire Department;
  - i) Local *Utility* Companies.

#### **STEP 5 – PRELIMINARY LAYOUT APPROVAL**

- 8.12 After the *Preliminary Layout Review* has been completed, the *Approving Officer* has four options:
  - a) Provide a *Letter of Preliminary Layout Approval*, subject to compliance with conditions s/he may specify in the notice of preliminary acceptance.

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- b) Ask the *Owner* for additional information in order to further consider the application;
  - c) Refer the application and the results of the technical review to the *Village's* planning and Public Works staff and/or consultants for their comments; or
  - d) Deny the application.
- 8.13 A Letter of Preliminary Layout Approval, whether conditional or unconditional, shall:
- a) Be considered only as acceptance in principle;
  - b) Not exempt the *Applicant* from a *Final Subdivision Approval* prior to the deposit of the *Subdivision* plan in the Land Title Office; and
  - c) Not bind the *Approving Officer* to grant the *Final Subdivision Approval*.
- 8.14 The Preliminary Layout Approval Letter shall:
- a) Be effective only for a period of ninety (90) days provided that it may be renewed by the *Approving Officer* for up to two further periods of ninety (90) days, thereafter a new application for approval of the *Subdivision* shall be required and shall be dealt with as an original application;
  - b) Become void upon the coming into effect of any Bylaw which would have caused the proposed plan of *Subdivision* to be refused had such Bylaw been in effect at the time of initial application; and
  - c) Be subject to all *Village* Bylaws and plans governing the proposed *Subdivision* and the *Applicant* shall be informed of their requirements.
    - 1) In the case of a *Parcel* of land having a watercourse or waterfront which is not included in the Flood Plain Area or Riparian Area, as determined by the Ministry of Environment, then a Restrictive Covenant, in a manner acceptable to the *Approving Officer*, may be filed on title, under the Land Title Act, as may be amended from time to time, during *Subdivision* registration.
    - 2) A Restrictive Covenant may prohibit the cutting, damage or removal of any trees or vegetation, and no building structure addition or pool shall be constructed, reconstructed, moved, extended or located in the setback area within the following minimum distances of the natural boundary of a watercourse, lake, or wetland:
      - i. Fifteen (15) metres (49.2 feet) for commercial and industrial uses of one hectare or greater;
      - ii. Five (5) metres (16.4 feet) for residential *Subdivisions* of three (3) lots or greater;

- iii. Five (5) metres (16.4 feet) for residential multi-family *Development*;  
or
  - iv. A lesser minimum based on the opinion of a qualified environmental professional.
- a) Compliance with *Preliminary Layout Approval* provisions constitutes the tendering of the *Subdivision* plan for examination and approval for the purposes of the *Land Title Act*, as may be amended from time to time.

## STEP 6 - FINAL APPROVAL

### 8.15 Final Subdivision Approval

- a) The *Applicant* may submit an application for *Final Subdivision Approval* only on completion of all *Works and Services* required under Section 9 'Subdivision Design and Arrangement' of this Bylaw or following the execution of an agreement in accordance with Section 10.1 (c) and 10.3 (related to parkland dedication) of this Bylaw.
- b) The application for *Final Subdivision Approval* shall:
  - 1) Include three (3) paper copies and one digital PDF of the *Subdivision* plan prepared by a BC Land Surveyor in a form acceptable to the Land Title Office;
  - 2) Include written notification to the *Approving Officer* from the *Applicant* of completion of all required works in accordance with Section 11.2 'Servicing Agreement' of this Bylaw;
  - 3) Include certification from the Collector of Taxes stating that all taxes which have been assessed or estimated on the land proposed for *Subdivision* have been paid;
- c) Following notification from the *Approving Officer* and payment of Engineering Inspection Fees (if applicable), the *Superintendent of Public Works* shall inspect the completed works and conduct any necessary examination to ensure that these works comply with the *Village* standards specified in the Master Municipal Construction Documents (MMCD), as amended from time to time, and the standards contained in Schedule A to this Bylaw.
- d) Any *Latecomer Fees* payable shall include interest rates in accordance with the *Local Government Act*, as may be amended from time to time.
- e) Within sixty (60) days of the receipt of an application for *Final Subdivision Approval*, the *Approving Officer* shall in writing:
  - 1) Grant *Final Subdivision Approval*, or

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- 2) Notify the *Applicant* that *Final Subdivision Approval* is being withheld, stating explicitly the reason or reasons therefore.
- f) *Final Subdivision Approval* shall be withheld only where:
  - 1) The complete works are not in accordance with the plans for which plan acceptance was granted; and/or
  - 2) The required works have not been carried out according to the requirements of this Bylaw.
- g) *Final Subdivision Approval* shall be certified by the return to the *Applicant* of the *Subdivision* plan required under Section 7 'Development of Land Requiring a Village Permit' of this Bylaw, signed and dated by the *Approving Officer* in accordance with the provisions of the *Land Title Act*, as may be amended from time to time.
- h) *Final Subdivision Approval* in the form of a plan signed by the *Approving Officer* shall be used for registration purposes within sixty (60) days from the date of approval after which time approval is revoked unless the Registrar grants an extension of time under the provisions of the *Land Title Act*, as may be amended from time to time.

**GENERAL PROVISIONS**

**9. Subdivision Design and Arrangement**

- 9.1 Every lot to be created shall abut on a Road.
- 9.2 *Panhandle Lots* are discouraged.
- 9.3 *Pedestrian Walkways* shall be dedicated and constructed where they are deemed by the *Approving Officer* to be essential to provide safe circulation or access to schools, playgrounds, shopping centres, transportation, beaches, and other community facilities or for proper circulation of pedestrian traffic. Such *Walkways* shall have a minimum 3 metre right-of-way and a minimum hard surface width of 2.5 metres.
- 9.4 *Road* connectivity to new and existing *Roads* shall be prioritized and only in the event of limitations due to topography or parcel configuration shall *Cul-de-Sacs* be allowed.
- 9.5 No *Parcel* shall be created which has an area less than that required by the standards of the Zoning Bylaw.
- 9.6 *Parcels* that abut a *Road* at both front and rear shall not be permitted unless, in the opinion of the *Approving Officer* such an arrangement is essential:
  - a) To provide access to other parcels; or

- b) To provide a coherent arrangement of *Roads*; or
  - c) To compliment a future pattern of *Subdivision*.
- 9.7 Notwithstanding the provisions of the Zoning Bylaw the *Approving Officer* may refuse to authorize the creation of *Parcels* meeting minimum size requirements where in their opinion, by reason of topography, soil or drainage conditions, such minimum standards would injuriously affect the established amenities of adjoining or adjacent properties or would be against the public interest.
- 9.8 The *Approving Officer* shall ensure that:
- a) No junctions or intersections of *Roads* is designed so as to create an undue hazard to traffic;
  - b) Jogs in *Local* or *Collector Road* alignment are avoided unless the distance between *Road* centre lines at the jog is sixty (60) metres (196.85 feet) or more;
  - c) Termination of roads shall be by a *Cul-de-Sac* in accordance with the standards in Schedule A to this Bylaw;
  - d) The maximum length of a terminating road shall not exceed 150 metres; and
  - e) *Walkways* are provided as and where required.
- 9.9 Any non-navigable watercourse in lands to be *Subdivided* may be made part of the municipal drainage system by dedication to the municipality at the time of *Subdivision* where a *Right-of-Way* is not considered sufficient by the *Approving Officer*.

## 10. Works and Service Requirements

- 10.1 The *Applicant* shall provide without compensation;
- a) For *Subdivision*, *Roads* up to a width of twenty (20) metres (65.6 feet);
  - b) For *Development* or *Subdivision* land of a width not exceeding ten (10) metres (32.8 feet) for the purpose of widening a *Road* to twenty (20) metres (65.5 feet); and
  - c) For a *Subdivision* creating two (2) *Lots* or more, excluding a *Lot* with an existing principal building, a 5% park land dedication or cash-in-lieu payment to the *Village* based on the land valuation following *Subdivision*.
- 10.2 The following shall be completed at the sole expense of the *Applicant*:
- a) The removal of all structures encroaching upon and of obstructions of any kind to, the free and uninterrupted use by the public of the full width and extent of all new *Roads*;
  - b) The clearing of all new *Roads* to at least the minimum standard set forth in the BC Standard Specifications for Highway Construction (2016), as amended from time to time, and Schedule A of this Bylaw;

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- c) The grading, draining, and surfacing of all new *Roads* to at least the minimum standard set forth in the Geometric Design Guidelines for BC Roads (2007), as amended from time to time, and standards in Schedule A of this Bylaw;
  - d) The connecting to the public *Water System* of the *Village* of a complete and fully operative system of water mains, valves, valve chambers and hydrants to at least the minimum standard set forth in the MMCD, as amended from time to time, and Schedule A of this Bylaw, unless the *Approving Officer* deems acceptable the use of wells or in creek systems, in which case they must comply with Northern Health regulations as may be applicable;
  - e) The connecting to the public sanitary *Sewer System* of the *Village* of a complete and fully operative system of lateral sewers, manholes, necessary pumping stations and connections extending to and connected with the appropriate public sewage pumping stations, or other appropriate points of connection to the public sewer system and all of the said works shall be constructed to at least the minimum standard set forth in the MMCD, as amended from time to time, and Schedule A of this Bylaw, unless the *Approving Officer* deems acceptable the use of septic fields or composting toilets, in which case they must comply with Northern Health regulations as may be applicable;
  - f) The *Construction* of on-site rainwater management facilities such as detention ponds, rainwater gardens, and where appropriate, direct piping to municipal drainage ditches;
  - g) Construction of swale style ditches for rainwater management in accordance with Schedule A; and
  - h) The *Construction* of street lighting connections, where required, to at least the minimum standards set forth in the MMCD, as amended from time to time, and Schedule A of this Bylaw.
- 10.3 The *Approving officer* shall determine at the time of application for a *Preliminary Layout Approval* whether park land is to be provided or a payment is to be made in accordance with the *Local Government Act*, as may be amended from time to time, taking into account whether there is sufficient land in the vicinity of the proposed *Subdivision* for public park and open space, and shall determine the location and configuration of any park land to be provided in accordance with the following considerations:
- a) Suitability for active and passive recreation;
  - b) Suitable access;
  - c) Safety for users; and
  - d) Community needs.

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- 10.4 All works required to be done herein in connection with the *Subdivision* of any lands shall be completed in accordance with the MMCD, as amended from time to time, and Schedule A of this Bylaw.
- 10.5 In the event that an *Applicant* constructs *Works and Services* in excess of what is required or extended beyond undeveloped *Parcels*, the *Village* may enter into an agreement with the *Applicant* which identifies the costs that will be recoverable to the *Applicant* by means of a *Latecomer Fee* which will be assessed to a future *Applicant* that benefits from the *Works and Services*.
- a) Every *Applicant* for approval of a *Subdivision* shall pay all school taxes and all municipal taxes, rates and charges, assessed and levied against the lands to be *Subdivided*, and where such taxes, rates and charges for the then current year have not been assessed, levied and imposed on the said lands at the date on which the *Subdivision* is submitted for *Preliminary Layout Approval*, pay the amount estimated by the Collector of Taxes.
- 10.6 Deficiency Period
- a) Upon receiving a *Certificate of Completion*, the *Applicant* shall provide to the *Village* a cash *Bond* equivalent to 5% of the estimated *Construction* cost of *Works and Services* when determined by the *Superintendent of Public Works* that such is necessary.
- b) A deficiency period of one year is established to ensure that *Works and Services* are satisfactory.
- c) Upon a satisfactory review by the *Superintendent of Public Works*, the deposit shall be returned.

**11. Servicing Agreement**

- 11.1 For any *Development* or *Subdivision*, a Servicing Agreement shall be required when determined by the *Superintendent of Public Works* that such is necessary.
- 11.2 All *Works and Services* to be *Constructed* and installed to serve any proposed *Development* or *Subdivision* shall be *Constructed* and installed to the standards prescribed in Schedule A of this Bylaw to the satisfaction of the *Superintendent of Public Works* at the *Applicant's* expense prior to the issuance of a *Siting and Use Permit*, or approval of a *Final Plan of Subdivision*.
- 11.3 A *Final Plan of Subdivision* may be approved prior to the completion of the required works, if the owner of such lands:
- a) Deposits with the *Village* in cash or a *Bond* from a bank or other financial institution in a form approved by the Chief Administrative Officer in the amount of 120% of the estimate by an *Engineer* of the cost of installing and paying for all *Works and Services* required by this *Subdivision* Bylaw before the

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*Subdivision* plan is approved by the *Approving Officer*, and shall enter into a form of agreement prescribed by the *Village* to do the work; and

- b) Release of cash deposits or other financial guarantees shall be made in according to the following:
    - 1) If the total estimated value of *Construction* is less than \$10,000.00, no releases will be permitted;
    - 2) If the total estimated value of *Construction* is \$10,000.00 or greater, but less than \$100,000.00, up to 75% of the deposit may be released. when the *Constructed* works have been completed in compliance with the specifications contained herein, and inspected and approved by a qualified professional *Engineer*; and
    - 3) If the total estimated value of *Construction* is \$100,000.00 or greater, up to 85% of the deposit may be released when the *Constructed* works have been completed in compliance with the specifications contained herein, and inspected and approved by a qualified professional *Engineer*.
  - c) Upon satisfaction of the relevant provisions in article 11.3 (b) above, any remaining cash or letter of credit deposited with the *Village* will be returned to the owner:
    - 1) One year after the date of approval of the works by the *Village*, the *Village* shall deduct from this remainder the cost of repairing any damage to the said works during the one year period except such damage as is the result of the negligence of the *Village*, its servants or agents; or
    - 2) Upon the deposit of a *Bond* of maintenance in a form acceptable to the *Village* guaranteeing payment of all costs of maintenance to the works for a period of one year from the date of approval thereof by the *Village* except such maintenance as is required from damage to the works caused by the negligence of the *Village*, its servants or agents.
- 11.4 The *Owner* shall provide evidence that s/he will indemnify and save harmless the municipality against:
- a) All actions and proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought by reason of the *Construction* and installation of all services therein described; and
  - b) All expenses and costs which may be incurred by reason of the execution of the said work resulting in damage to any property owned in whole or in part by the municipality or which the municipality by duty or custom is obliged, directly or indirectly, in any way or to any degree, to construct, repair or maintain; and

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- c) All expenses and costs which may be incurred by reason of liens for non-payment of labour or materials, workmen's compensation assessments, unemployment insurance, Federal or Provincial Taxes, and for encroachments.

**12. Penalties and Procedural Provisions**

- 12.1 A person who violates a provision of this Bylaw is guilty of an offence and liable on conviction to a fine not exceeding two thousand dollars (\$2,000) plus the cost of prosecution.
- 12.2 A separate offence is considered to be committed on each day during which a violation continues.
- 12.3 The rejection of a plan by the *Approving Officer*, or the failure of the *Approving Officer* to act within the specified time limit, may be appealed in accordance with the provisions of the *Land Title Act*, as may be amended from time to time.

**13. Repeal**

- 13.1 Bylaw No. 45, 2010, a Bylaw to Regulate and Require the Provision of Works and Services in Connection with the Subdivision and Development of Land, and all amending Bylaws thereto are hereby repealed.

**14. Severability**

- 14.1 The provisions of this Bylaw are severable and the invalidity of any part of this Bylaw shall not affect the validity of the remainder of this Bylaw.

READ A FIRST TIME the 21<sup>st</sup> day of October, 2019.

READ A SECOND TIME the 4<sup>th</sup> day of November, 2019.

READ A THIRD TIME the 18<sup>th</sup> day of November, 2019.

ADOPTED ON the 2<sup>nd</sup> day of December, 2019.



Mayor K. Olsen



Corporate Officer

Certified Correct



Corporate Officer

## Schedule A

### Construction and Design Standards

**1. Master Municipal Construction Documents**

1.1 The Master Municipal Construction Documents (MMCD), particularly the Design Guideline Manual, as may be amended from time to time, shall serve as the standard for *Construction* materials and water and sanitary sewer infrastructure design.

**2. Geometric Design Guidelines for BC Roads (Chapter 500 Low Volume Roads)**

2.1 The Geometric Design Guidelines for BC Roads, Chapter 500 Low Volume Roads, serves as the guiding standard for the design of *Local Roads* in *Subdivisions*.

**3. Village Subdivision Road and Drainage Standards**

3.1 Notwithstanding standards of the Geometric Design Guidelines for BC Roads and MMCD, the *Village* standards for *Local Roads* and rainwater management shall be according to the following:

a) *Road design*

- 1) Minimum *Right-of-Way* width: twenty (20) metres (65.6 feet)
- 2) Minimum two-way driving lane width: six (6) metres (19.7 feet)
- 3) Minimum shoulder width: one (1) metre (3.3 feet) each side
- 4) Driving surface: Gravel or asphalt

b) Rainwater management drainage shall be according to the following principles, subject to appropriate design by a *Qualified Professional*:

- 1) within a *Development Lot*, rainwater runoff from impervious surfaces such as roofs and pavement shall be conveyed to ditches or swales within the public *Right-of-Way* via a controlled means such as a French drain or ditch;
- 2) within public *Rights-of-Way*, whether publicly or privately managed, access *Roads* rainwater shall be conveyed via grassed channels or swale drainage "ditch";
- 3) grassed channels or swale drainage 'ditch' shall have a maximum side slope of 2:1 (width: height);
- 4) minimum 2.0% slope for grassed channels or drainage swales; and
- 5) minimum one and a half (1.5) metre-wide (4.9 feet) channel for a grassed swale, subject to professional design.

**4 Cul-de-Sac Design**

4.1 *Cul-de-Sacs* shall be no longer than 150 metres in length and may be designed as a “bulb” or “hammerhead”, depending upon site conditions. Specific geometric standards are provided in Geometric Design Guidelines for BC Roads.

**5 Walkways for Pedestrians**

5.1 *Walkways* for pedestrian use shall be a minimum of 1.5 metres in width and may be surfaced with crusher fine gravel, concrete or asphalt pavement.

## **SCHEDULE B**

### **Subdivision and Works and Services Fees**

#### **1. Subdivision Fees**

##### **1.1 Preliminary Layout Approval application for Fee Simple Lots**

- (a) \$300 for first *Lot* (excludes parent *Lot* if principal structures exist)
- (b) \$200 per each additional *Lot*

##### **1.2 Final Approval application for Fee Simple Lots**

- (a) \$250 per *Lot*

##### **1.3 Approval extensions for Fee Simple Lots**

- (b) \$75 per *Lot*

#### **2. Works and Services Inspection Fee**

- (a) 3% of *Construction* cost

#### **3. Engineering Inspection Fee**

- (b) 100% of inspection cost