

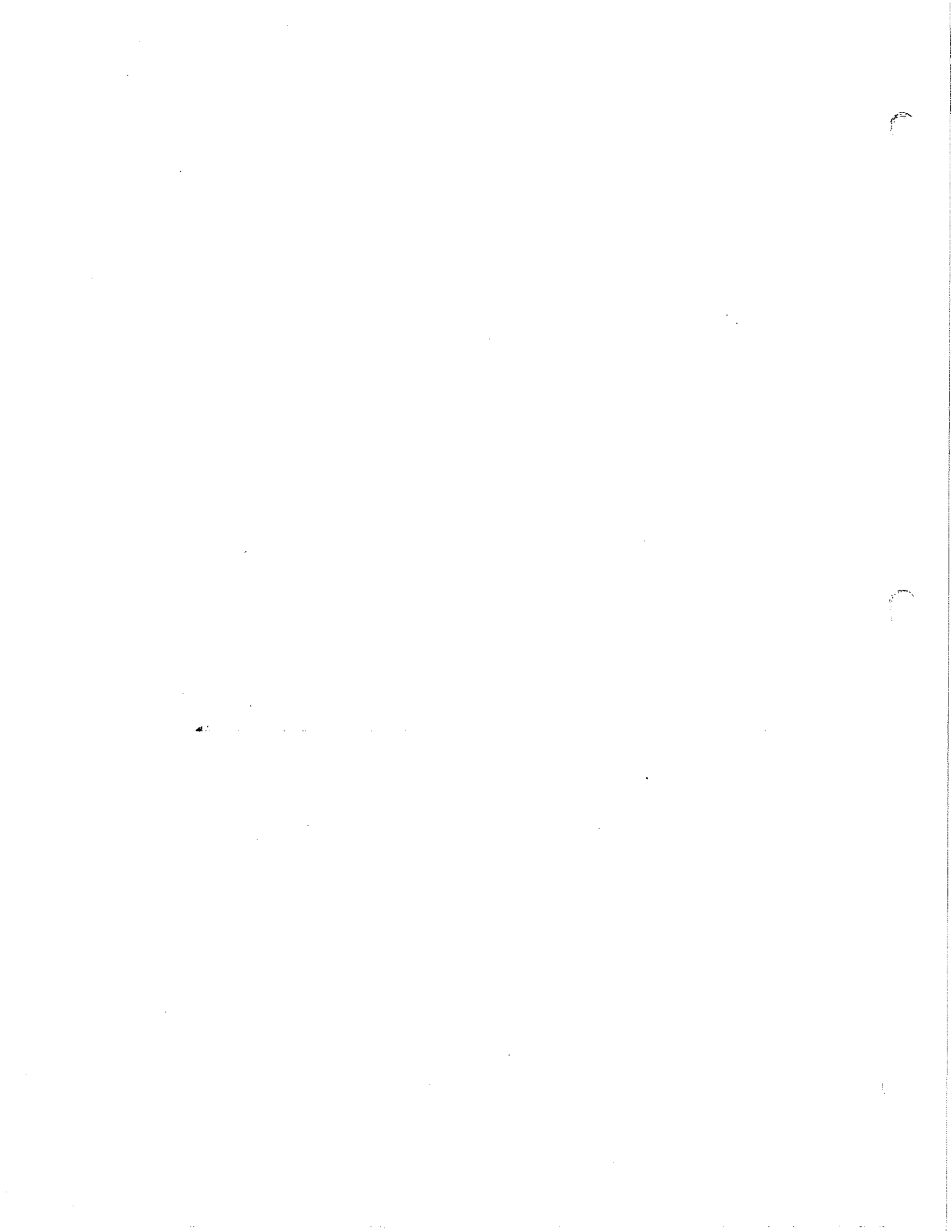
DISTRICT OF VANDERHOOF

BYLAW NO. 659, 1992

A Bylaw of the District of Vanderhoof to establish subdivision and development servicing requirements.

WHEREAS pursuant to Division 7, Part 29 of the Municipal Act, a local government may, by bylaw, regulate and require the provision of works and services in respect of the subdivision or development of land;

NOW THEREFORE the Council of the District of Vanderhoof, in open meeting assembled, enacts as follows:



DISTRICT OF VANDERHOOF  
SUBDIVISION AND DEVELOPMENT  
SERVICING BYLAW NO. 659, 1992

Table of Contents

	<u>PAGE NO.</u>
SECTION 1.0 TITLE	1
SECTION 2.0 DEFINITIONS	2
SECTION 3.0 CONDITIONS OF SUBDIVISION	6
3.1 General Regulations	6
3.2 Site Suitability	6
3.3 Area, Shape and Dimensions of Lots	6
3.4 Panhandle Lots	7
3.5 Double Frontage Lots	7
3.6 Access to Lots	7
3.7 Provision of Parkland at Time of Subdivision	7
3.8 Debris and Waste	7
SECTION 4.0 PROVISION OF SERVICES IN SUBDIVISIONS	8
4.1 Service Levels	8
4.2 Subdivisions Where Servicing Requirements May Be Waived	8
4.3 Cost of Services	8
4.4 Excess or Extended Services	8
4.5 Performance Agreement for Subdivision Approval Before Completion of Works and Services	9
4.6 Maintenance Bond	9

Table of Contents (cont'd)

	<u>PAGE NO.</u>
SECTION 5.0 SERVICING REQUIREMENTS FOR SUBDIVISIONS	10
5.1 Highways	10
5.2 Street Lighting	10
5.3 Water System	10
5.4 Sewage Disposal	10
5.5 Drainage System	11
SECTION 6.0 SERVICING REQUIREMENTS FOR SUBDIVISIONS UNDER THE CONDOMINIUM ACT OR FOR DEVELOPMENT WITH NO SUBDIVISION	12
6.1 Development Servicing	12
6.2 Domestic Water	12
6.3 Sewage Disposal	12
6.4 Access Roads and Parking	12
6.5 Site Drainage	13
SECTION 7.0 SERVICING REQUIREMENTS FOR HIGHWAYS ABUTTING A SITE BEING SUBDIVIDED OR DEVELOPED	14
SECTION 8.0 ADMINISTRATION	15
8.1 Application Fee	15
8.2 Authorization to Enter on Lands Being Subdivided	15
8.3 Penalty	15
8.4 Compliance with other Bylaws	15
8.5 Severability	15
8.6 Schedules Form Part of Bylaw	16
SECTION 9.0 ENACTMENT	17
9.1 Repeal of Previous Bylaw	17
9.2 Bylaw Adoption	17

INDEX OF SCHEDULES

	<u>PAGE NO.</u>
SCHEDULE A - SERVICE LEVELS	A-1
SCHEDULE B - SUBDIVISION DESIGN DRAWINGS AND CONSTRUCTION PROCEDURES	B-1
SCHEDULE C - PERFORMANCE AGREEMENT	C-1
SCHEDULE D - SUBDIVISION AND DEVELOPMENT SERVICING, DESIGN AND CONSTRUCTION REQUIREMENTS (under separate cover)	D-1
1.0 HIGHWAYS	
2.0 CURB, GUTTER AND SIDEWALKS	
3.0 WATER SYSTEM	
4.0 SANITARY SEWER SYSTEM AND SEWAGE DISPOSAL	
5.0 STORM DRAINAGE	
6.0 POWER, TELEPHONE, CABLEVISION AND STREET LIGHTING	
7.0 STANDARD DRAWING INDEX	

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**SECTION 1.0 - TITLE**

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**This Bylaw may be cited for all purposes as the "District of Vanderhoof Subdivision and Development Servicing Bylaw No. 659, 1992."**

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SECTION 2.0 - DEFINITIONS

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2.0 In this Bylaw:

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 the Approving Officer affixing his signature to the subdivision plan pursuant to the Land Title Act.

APPROVING OFFICER means the person appointed by Council to exercise the jurisdiction conferred on him by the Land Title Act.

BOULEVARD means that portion of a highway between the curb lines or the lateral boundary lines of a highway and the adjoining property or between curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways.

CERTIFICATE OF ACCEPTANCE means a certificate issued by the District Engineer upon completion and acceptance by the Engineer of any works and services required to be provided by the terms of this Bylaw.

COMMUNITY SEWER SYSTEM means a system of sewerage or sewage disposal works which is owned and operated by the municipality.

COMMUNITY WATER SYSTEM means a system of waterworks within the meaning of Section 21 of the Health Act which is owned, operated and maintained by the municipality, an improvement district under the Water Act or the Municipal Act, or which is regulated under the Water Utilities Act, and authorized by Council.

COUNCIL means the duly elected Council of the District of Vanderhoof.

CUL-DE-SAC means a highway with only one point of intersection with another highway and which terminates in a vehicle turning area, referred to as the "terminus".

DEVELOPMENT means affecting a change in the use of land and in the nature of the use of land, including but not limited to the subdivision of land, and the building or placement of structures on land.

DEVELOPER means the owner of land proposed to be subdivided or his representative.

DISTRICT means the District of Vanderhoof.

DISTRICT ENGINEER means the person or persons designated from time to time by Council to fulfill the duties assigned by this Bylaw.

EASEMENT means the authorization by a property owner for the use by another property owner, agency or utility for a specified purpose of any designated part of his property.

FRONTAGE means the width of a parcel measured along a line 6 metres back from the front parcel line and parallel thereto.

GRADIENT OR GRADE expressed as a percentage is determined by dividing the vertical height from the lowest to highest elevations on the lot by the horizontal distance between the lowest and highest points.

HIGHWAY means a public street, road, walkway, bridge, lane, thoroughfare and any other public way, but does not include a private right-of-way on private property.

LOT means the smallest unit into which land is subdivided as shown on the records of the Land Title Office.

LOT LINE means the legally defined limits of any lot as shown on a legal survey or subdivision plan.

LOT LINE, FRONT means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot where two lot lines abut streets, the lot line of the shortest length shall be the front lot line. In the case of a through lot, the lot line abutting the street by which vehicle access to the parcel is gained shall be considered as the front lot line.

LOT LINE, SIDE means a lot line marking the boundary between two lots, or between a lot and a lane, or between a lot and the public street in the case of a corner lot, of which one or both ends intersect a front lot line.

MEDICAL HEALTH OFFICER means the Medical Health Officer appointed under the Health Act for the territorial jurisdiction of the area in which a subdivision is located.

OWNER means a person registered in the books of the Land Title Office as owner of land, whether entitled to it in his own right or in a representative capacity or otherwise, and includes the registered holder of the last registered Agreement for Sale and Purchase.



PANHANDLE PARCEL means any parcel which is serviced and gains highway frontage through the use of a narrow strip of land which is an integral part of the parcel (hereinafter called the "Access Strip").

POTABLE WATER means water as approved for drinking purposes by the Medical Health Officer in accordance with the Health Act.

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

PRIVATE SEWER SYSTEM means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by a person other than the municipality, but does not include conventional septic tank systems within the meaning of the Health Act.

PROFESSIONAL ENGINEER means a person who is registered or duly licensed as such to practice within the Province of British Columbia, under the provisions of the Engineering Professional Act, R.S.B.C.

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

- a) public rights of passage with or without vehicles including walkways; or
- b) constructing, maintaining, or operating any railway;
- c) erecting and maintaining any pole-line;
- d) laying, placing and maintaining drains, ditches, pipes, transmission lines, or wires for the conveyance, transmission, or transportation of water, electric power, communication, or for the disposal of sewage;
- e) the operation and maintenance of vehicular traffic and as registered as a public right-of-way.

ROADWAY means the portion of the highway that is improved, designed or ordinarily used for vehicular traffic.

STREET OR ROAD - ARTERIAL means a street or road used primarily by fast or heavy traffic of which a significant portion has both its origin and destination outside of the subdivision area.

STREET OR ROAD - COLLECTOR means a street or road which carries traffic from local streets to arterial streets and includes the principal entrance streets for circulation of traffic within a subdivision.

STREET OR ROAD - LOCAL means a street or road used primarily for travel and access to and from the parcels of land contiguous thereto.

SUBDIVISION means any change in the existing size, shape, number or arrangement of a registered lot or lots, whether by plan or metes and bounds description and may include a lot line adjustment or consolidation.

WATERCOURSE means a natural depression with well defined banks and a bed of 0.6 meters or more below the surrounding land serving to give direction to a current of water on the average at least six months of the year, or having a drainage area of two square kilometers or more.

ZONE means a land use designation established under Zoning Bylaw No. 658 of the District of Vanderhoof and all amendments thereto.

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SECTION 3.0 - CONDITIONS OF SUBDIVISION

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General Regulations

- 3.1 Subdivision of land in the District of Vanderhoof shall be in compliance with the provisions of this Bylaw.

Site Suitability

- 3.2 No subdivision will be approved which:
- (a) is not suited to the configuration of the land being subdivided;
  - (b) is not suited to the use for which it is intended;
  - (c) will make impractical the future subdivision of the land within the subdivision or of any adjacent land;
  - (d) would cause any building, structure or used source of potable water to contravene any applicable Bylaw of the District of Vanderhoof;
  - (e) is unsuitable for subdivision or development due to flooding, slope instability, improper drainage, rock formations, steep topography, utility easements or other potentially hazardous characteristics.

Area, Shape and Dimensions of Lots

- 3.3
- (a) No lot shall be created by subdivision that has an area in square metres or hectares less than those set out for the zone in which it is located as required in the District of Vanderhoof Zoning Bylaw No. 658, and all amendments thereto.
  - (b) Where a parcel being created by subdivision fronts on a highway, the minimum frontage is the lesser of:
    - i) 1/10 the perimeter of the lot that fronts on the highway; or
    - ii) the minimum frontage specified for the zone in which the parcel is located as required in the District of Vanderhoof Zoning Bylaw No. 658, and all amendments thereto.

- (c) The side lines of a parcel to be created by subdivision shall be as close as practicable at right angle or radial to street lines, and the Approving Officer shall ensure that the shape and dimensions of the parcel are logical for the use intended.

#### Panhandle Lots

- 3.4 (a) Panhandle lots shall be avoided except where required due to topography or other site constraints.
- (b) Where access to a lot created by subdivision is proposed via a panhandle:
  - i) and the parcel is capable of further subdivision, the panhandle must be at least 20 metres in width;
  - ii) the panhandle shall not be included in the calculation of the minimum parcel area.

#### Double Frontage Lots

- 3.5 Double frontage and reversed frontage lots shall be avoided except where required due to topography or other site constraints.

#### Access to Lots

- 3.6 Each lot created by subdivision shall abut a public street from which safe and ready access to a driveway on each lot can be provided.

#### Provision of Parkland at Time of Subdivision

- 3.7 In the case of residential subdivisions where three or more lots are created and the smallest lot created is less than 2 hectares in size, Council may require a public parkland dedication or cash-in-lieu payment as specified in Section 3.3, Policy 10 - Provision of Parkland at Time of Subdivision in the District of Vanderhoof Official Community Plan Bylaw No. 686, 1991, and amendments thereto.

#### Debris and Waste

- 3.8 No debris or any waste material shall be left on any parcel created by subdivision or on any adjoining highway.

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SECTION 4.0 - PROVISION OF SERVICES IN SUBDIVISIONS

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Service Levels

- 4.1 All subdivisions shall be provided with services as prescribed in Schedule "A" of this Bylaw.

Subdivisions Where Servicing Requirements May Be Waived

- 4.2 Notwithstanding Subsection 4.1, the servicing requirements of this Bylaw may be waived where the parcel being created is to be used solely for unattended equipment necessary for the operation of:

- a) a community water system;
- b) a community sewer system;
- c) a community gas distribution system;
- d) a radio or television receiving or broadcasting antenna;
- e) a telecommunication relay station;
- f) an air navigational aid;
- g) an automatic telephone exchange;
- h) an electrical substation or power generating station;
- i) parks and playgrounds; or
- j) any other similar public service facility or utility.

Cost of Services

- 4.3 Unless otherwise provided in this Bylaw, all works and services required in the Bylaw shall be constructed and installed at the expense of the owner of the land being subdivided.

Excess or Extended Services

- 4.4 The District may require that the owner of the land that is proposed for subdivision or development provide excess or extended services that will provide access to or serve land other than the land being subdivided or developed pursuant to the provisions of Section 990 of the Municipal Act. The provision of excess or extended services may include upgrading existing or undersized mains.

Performance Agreement for Subdivision Approval Before Completion of Works and Services

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- 4.5 All works and services required to be constructed and installed at the expense of the owner of the land being subdivided shall be constructed and installed in accordance with the provisions of this Bylaw before the Approving Officer approves of the subdivision, unless the owner of the land:
- a) deposits with the District a performance bond in the form and amount prescribed in Schedule "C" of this Bylaw; and
  - b) enters into an agreement with the District as provided for in Schedule "C" of this Bylaw to construct and install the required works and services by the date specified in the agreement or forfeit to the District the amount secured by the performance bond.

Maintenance Bond

- 4.6 Where the owner of the land being subdivided is required to construct and install works and services in accordance with the provisions of this Bylaw, the owner shall provide the District with a maintenance bond as prescribed in Schedule "C" of this Bylaw.

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SECTION 5.0 - SERVICING REQUIREMENTS FOR SUBDIVISIONS

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Highways

- 5.1 All highways created by a subdivision plan, including widening of existing highways, shall:
- a) comply with the dimension, location, alignment and gradient requirements set out in Schedule "D" of this Bylaw; and
  - b) be cleared, graded and surfaced in accordance with the standards set out in Schedule "A" and Schedule "D" of this Bylaw.

Street Lighting

- 5.2 In subdivisions where highways are created, street lighting shall be installed and constructed in accordance with the standards set out in Schedule "A" and Section 6.0 of Schedule "D" of this Bylaw.

Water System

- 5.3 Each parcel created by a subdivision shall be supplied with a complete water distribution system connected to a community water system or proven source of potable water as specified in Schedule "A", and all system components shall be installed in accordance with the standards set out in Section 3.0 of Schedule "D" of this Bylaw.

Sewage Disposal

- 5.4 In subdivisions where parcels are created, provision for sewage disposal shall be as follows:
- a) Where ground disposal of sewage effluent is proposed, the construction of individual sewage disposal facilities shall be the responsibility of the owner of the parcel and subject to the approval of the Medical Health Officer.

- b) Where a private sewer system is proposed, the construction of the sewage collection and disposal works shall be the responsibility of the owner of the parcel and subject to the approval of the Provincial Ministry having authority.
- c) Where a community sanitary sewer system is proposed, each parcel created by the subdivision shall be provided with a complete sewage collection system connected to the community sanitary sewer system, and all system components shall be installed in accordance with the standards set out in Section 4.0 of Schedule "D" of this Bylaw.

Drainage System

- 5.5 Where a parcel created by subdivision is required to be served by a drainage system as specified in Schedule "A", each lot created shall be provided with a drainage connection system constructed in accordance with the standards set out in Section 5.0 of Schedule "D" of this Bylaw.

As a condition of subdivision approval, the District may require the dedication of natural watercourses and drainage features to provide surface flow routes for stormwater.



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SECTION 6.0 - SERVICING REQUIREMENTS FOR SUBDIVISIONS UNDER THE  
CONDOMINIUM ACT OR FOR DEVELOPMENT WITH NO SUBDIVISION

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Development Servicing

- 6.1 As a condition of the issuance of a building permit on the site being developed, the District of Vanderhoof may require that the owner of the land being developed shall provide works and services which are directly attributable to the development in accordance with a site servicing plan prepared by the owner and approved by the District Engineer.

Domestic Water

- 6.2 The development shall be provided with domestic water service including laterals to the property connected to a community water system or a proven source of potable water, based on the servicing level requirements specified in Schedule "A" of this Bylaw, in accordance with the site servicing plan.

Sewage Disposal

- 6.3 For areas identified in Schedule "A" where community sanitary sewer service is required, the development shall be provided with sanitary sewer service including laterals to the property connected to the community sanitary sewer system in accordance with the site servicing plan. On parcels outside the area where connection to the community sanitary sewer system is required, the development shall be provided with a sewage collection and disposal system approved by the Provincial Ministry having authority and in accordance with the site servicing plan.

Access Roads and Parking

- 6.4 (a) For developments where on-site parking and/or on-site loading facilities are to be provided, the development shall be provided with vehicle access from a highway or highways in accordance with the site servicing plan.

For a development site fronting on a Controlled Access Highway designated pursuant to the Highway Act, the proposed method of providing access to the site shall also be subject to approval by the Ministry of Transportation and Highways.

- (b) Where the highway fronting the site is paved or is to be paved, all access roads, on-site parking areas and on-site loading areas shall be surfaced by asphaltic concrete paving.

#### Site Drainage

6.5 The development shall be provided with site drainage collection and disposal facilities in accordance with the site servicing plan. The drainage component of the site servicing plan shall illustrate the following:

- (a) site grading - showing existing and post-development contours;
- (b) method of on-site collection;
- (c) subject to the approval by the District and, if appropriate, Ministries having jurisdiction such as Highways and Environment, the method of storm water disposal may be by:
  - i) connection to a municipal storm system;
  - ii) discharge to a surface drainage course;
  - iii) discharge to a natural watercourse;
  - iv) on-site disposal to dry wells.

The District may require that the site servicing plan provide for the dedication of natural watercourses and drainage features to provide surface flow routes for stormwater.

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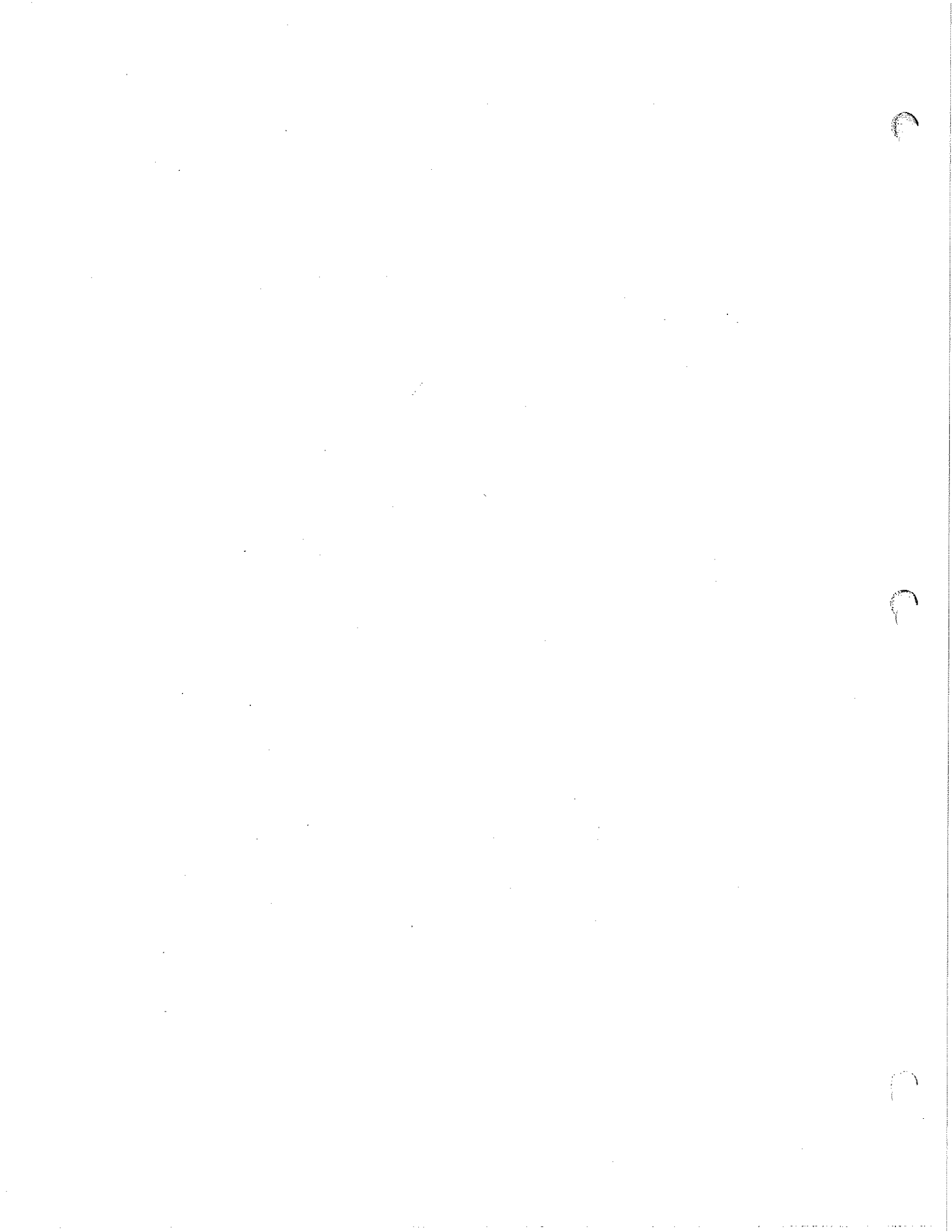
**SECTION 7.0 - SERVICING REQUIREMENTS FOR HIGHWAYS ABUTTING A SITE  
BEING SUBDIVIDED OR DEVELOPED**

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As a condition of the approval of a subdivision or the issuance of a building permit, the District of Vanderhoof may require that the owner of the land being developed provide works and services directly attributable to the development on that portion of a highway immediately adjacent to the site being subdivided or developed, up to the center line of the highway, including:

- (a) Highway Improvements - clearing, grading and surfacing in accordance with the standards set out in Section 1.0 of Schedule "D" of this Bylaw;
- (b) Water System Improvements - in areas identified in Schedule "A" where connection to a community water system is required, construction of water distribution system components in accordance with the standards set out in Section 3.0 of Schedule "D" of this Bylaw;
- (c) Sewer System Improvements - in areas identified in Schedule "A" where connection to the community sanitary sewer system is required, construction of a sewer collection system in accordance with the standards set out in Section 4.0 of Schedule "D" of this Bylaw;
- (d) Drainage System Improvements - provision of drainage facilities as required in Schedule "A", and construction of specific drainage system improvements in accordance with the standards set out in Section 5.0 of Schedule "D" of this bylaw.

The required works and service on a highway immediately adjacent to the site being subdivided or developed shall not include specific works or services that are included in the calculations used to determine the amount of a development cost charge, unless the owner agrees to provide the works or services, in which case the calculation of the development cost charge will be subject to Section 983(8) of the Municipal Act.



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SECTION 8.0 - ADMINISTRATION

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Application Fee

- 8.1 An applicant for subdivision approval shall submit with the application a fee of TWENTY-FIVE DOLLARS (\$25.00) for the first lot created by the proposed subdivision and TEN DOLLARS (\$10.00) for each additional lot.

Authorized to Enter on Lands Being Subdivided

- 8.2 The Approving Officer or the District Engineer, being officers of the District of Vanderhoof, are authorized to enter, at all reasonable times, upon the lands for which application to subdivide has been made, in order to ascertain whether the provisions of this Bylaw are being obeyed.

Penalty

- 8.3 (a) Any person who violates any of the provisions of this Bylaw shall, on summary conviction, be liable to a penalty not exceeding ONE THOUSAND DOLLARS (\$1,000.00), plus the cost of prosecution.
- (b) Each day's continuance of an offense under sub-section 8.3(a) constitutes a new and distinct offense.

Compliance with Other Bylaws

- 8.4 Subdivision approval shall not relieve the applicant of compliance with the regulations and provisions of all other Bylaws of the District of Vanderhoof.

Severability

- 8.5 If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason deemed to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Bylaw.

Schedules Form Part of Bylaw

8.6 Schedules "A" through "D" are attached to and form part of this Bylaw.

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SECTION 9.0 - ENACTMENT

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Repeal of Previous Bylaw

9.1 Subdivision Control Bylaw No. 449, 1982, and all amendments thereto are hereby repealed.

Bylaw Adoption

9.2 READ A FIRST TIME THIS ..... DAY OF ....., 1992.

READ A SECOND TIME THIS ..... DAY OF ....., 1992.

READ A THIRD TIME THIS ..... DAY OF ....., 1992.

RECONSIDERED AND ADOPTED THIS ..... DAY OF ....., 1992.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I hereby certify the above to be a true copy of District of Vanderhoof Subdivision and Development Servicing Bylaw No. 659, 1992 as adopted by the District Council.

\_\_\_\_\_  
Clerk

**DISTRICT OF VANDERHOOF**

**SUBDIVISION AND DEVELOPMENT SERVICING BYLAW NO. 659, 1992**

**SCHEDULE A - SERVICING LEVELS**