

# Subdivision Application & Development Guide

A Guide to Subdividing and Developing Property in 100 Mile House, B.C.

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## SECTION #1

## GENERAL INFORMATION

### Introduction

The District of 100 Mile House has prepared this brochure to assist in the understanding of the process of Subdivision of Lands.

Upon review of the following information anyone intending to submit a subdivision application is urged to contact the District of 100 Mile House for assistance.

### What Constitutes a Subdivision?

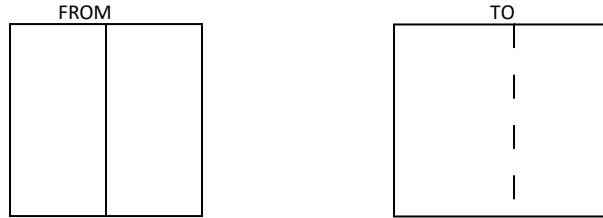
Subdivision is the process of altering legal property boundaries or to create new legal parcels of land. The subdivision of property or properties may involve one of the following procedures:

- creating several parcels from one or more existing parcels;
- adjusting or realigning an existing property line; or
- creating bare land strata lots from one or more existing parcels;
- creating several lots from an existing property, with creation of a road.

**Note:** An application to strata title an existing “building” goes through a different subdivision approval process. It can be found in Section #8 of this brochure.

**Subdivision Approval by the Approving Officer is Not Required Where:**

- Consolidating two or more properties into one lot

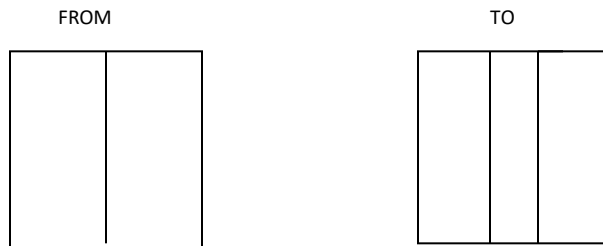


**Subdivision Approval of the Approving Officer Is Required Where:**

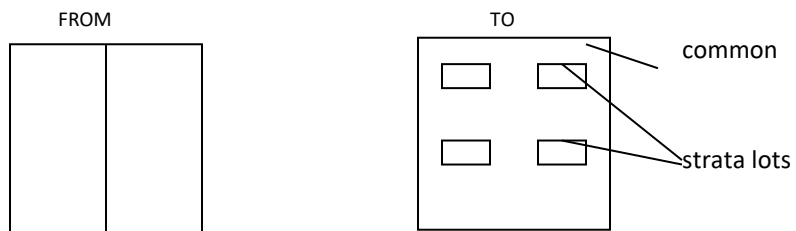
- Adjusting or realigning an existing property line



- Creating several lots from one or more existing properties



- Creating several strata lots from one or more existing properties.



- Creating several lots from an existing property, with creation of a road.



### **What is the Purpose of the Subdivision Process?**

The Provincial government has granted municipalities the power to regulate the process of subdivision of land. The Land Title Act provides for the appointment of Approving Officers who are responsible for administering any application to subdivide lands. All requests for subdivision in 100 Mile House must be processed through the subdivision approval process.

Council is not responsible for approving a subdivision application (unless it is to strata title an existing building).

Prior to registering a Subdivision Plan in the Land Title Office it must first have the approval of the District's Approving Officer. The Approving Officer ensures each Subdivision Application is evaluated with respect to:

- Provincial statutes, regulations, and local government bylaws
- Municipal Zoning Bylaw, Works & Services Bylaw, Development Permits, Development Variance Permits and Development Cost Charges
- Floodplain construction requirements as applicable
- Future park land provisions
- Necessary utilities, services and access
- Environmental sensitivity
- Community compatibility
- Long-term plans, including the Official Community Plan (OCP), for surrounding properties

The Approving Officer also has a wide discretion to refuse to approve a subdivision plan if the Approving Officer considers it inappropriate for a variety of reasons listed in the Act, including the deposit of the plan being against the public interest.

## SECTION # 2

## Subdivision Application

This section describes the application process for subdividing property where the District of 100 Mile House is the subdivision approving authority.

### **Preliminary Submissions and Considerations**

Prior to making an application for *subdivision*, a *Subdivider* may be required to provide preliminary layout and servicing information as prescribed on the application form. The *Approving Officer* will review the information submitted with consideration of the contents of all applicable *District* bylaws or policies, and may request further clarification or additional requirements that must be met for the *District* to accept and process an application for *subdivision*.

### **Preliminary Layout Review Meeting**

The purpose of Preliminary Layout Review meeting(s) is to protect the applicant from pursuing a subdivision application that could not be approved and to alert the applicant to deficiencies and outstanding requirements in an otherwise viable application. Prior to submitting a formal Subdivision Application, you may wish to prepare a preliminary plan, preferably prepared by a registered B.C. Lands Surveyor, and have a Preliminary Layout Review meeting with the District's Planner and/or Approving Officer to discuss the feasibility of a proposal.

The Preliminary Plan may include, but not be limited to, information or considerations on:

- What are current and proposed zoning requirements?
- Is your proposal affected by the Agricultural Land Reserve?
- Would a Subdivision Application be consistent with The Official Community Plan?
- What support material(s) would a formal subdivision application require?
- Is the land subject to natural or environmental hazards or any Municipal Plans which may conflict with a Subdivision Application (ie: future road network(s); future sanitary sewer, storm water or potable water systems)?
- Would off-site servicing costs be applicable?
- Are development cost charges applicable?
- How does the District of 100 Mile House established policy on the provision of parkland and open space affect the subdivision?
- How would the District Works and Services Bylaw affect a Subdivision Application?
- Size and shape of lots.
- Adequacy of buildable area.
- Legal and reasonable access to all lots being created.

Depending on the complexity and size of the Subdivision, a potential applicant may need the services of a consultant to prepare the initial proposal.

## **Subdivision Application**

Subdivision Application documents can be provided at the District of 100 Mile House Municipal Office, located at **385 Birch Avenue**, and once completed, applications for Subdivision shall be submitted by the applicant or agent at the Municipal Office, and should include the following:

- Signed letter of authorization from the owner if applicant is operating as agents on the owners' behalf;
- The applicable Subdivision Application Fee (please note that the application is not accepted until the fee is paid);
- A copy of a Certificate of Indefeasible Title for each parcel within the subject lands dated not more than 30 days prior to application;
- Copies of all registered charges on title, except mortgage related charges (ie: covenants, easements, rights of way);
- A completed Site Profile if applicable, or a signed and dated declaration stating the property was not used for industrial or commercial activity, and no Schedule B activities have occurred on the property;
- A dimensioned site plan(s) to a scale 1:1000 or larger, completed by a British Columbia Land *Surveyor*, of the proposed *subdivision lot lines* and the siting of existing *structures* to be retained, trees, *watercourses*, easements and rights-of-way, ravines and flood plains, and any other pertinent topographical information;
- A sketch plan of the proposed layout. The plan must be drawn to scale; dimensions and areas should be in metric units. Please ensure the following are shown:
  - The date
  - The metric scale of the plan and the direction of "North" with an arrow
  - Legal description of the property being subdivided and adjacent properties
  - The arrangement of all parcels (including remainders), roads, easements and right-of-way to be created
  - The metric dimensions of all parcels (including remainders) and roads including: the length of all property boundary lines and arcs; the width of all roads, easements and right-of way
  - All water courses within the proposed subdivision or adjacent to the land to be subdivided, indication of the natural boundary and top of banks and slopes



- All buildings, sources of domestic water, sewage disposal fields or other known utilities
- A statement of intended future use of the subject land
- A statement or preliminary site servicing plan showing all proposed works and services
- Any proposed phasing of the subdivision
- Provide:
  - 3 paper copies of proposed subdivision plan
  - One digital copy of proposed subdivision plan
  - The Approving Officer may request the applicant to supply additional copies as required.

In addition to these requirements, the *Approving Officer* may require the *Subdivider* to retain the professional services of planners, engineers, and *surveyors* to analyze the proposed *subdivision* in relationship to the subject and adjacent undeveloped lands to ensure these lands are not compromised and restricted from future development resulting from the proposed *subdivision*.

The Approving Officer may also require submission of any or all of the following prior to responding to the *subdivision* application:

- sketch plan of a feasible ultimate *subdivision* of adjacent or reasonably adjacent lands where future *subdivision* is possible or anticipated;
- profiles of proposed *highways* and such topographical details as may indicate the engineering problems to be dealt with in opening up the *highways*;
- geotechnical or hazardous conditions report prepared by a *Consulting Engineer* qualified in geotechnical engineering;
- environmental impact study; and
- traffic impact study prepared by a *Consulting Engineer* qualified in traffic engineering.

Additional information may be requested at any time during the subdivision process. The subdivision application is enclosed as Appendix #5.

### **Circulation of Application**

Your application and all attachments will be reviewed for completeness. The District's Planning Department coordinates the review of your application which may involve other Municipal Departments and outside agencies.

The referral departments and agencies will review a proposed Subdivision Application and make comments to ensure the acceptability of the layout and the adequacy to all relevant servicing requirements.

Municipal Departments or outside Agencies could include but are not limited to:

- Ministry of Transportation and Infrastructure
- Archaeological Branch
- Agricultural Land Commission
- Railway
- Fire Department
- First Nations
- Ministry of Environment
- Police Department
- BC Hydro
- Fortis BC
- Interior Health
- Heritage Conservation Branch
- Adjacent property owners
- Consulting Engineers
- Department of Fisheries and Oceans
- Water Management Branch
- District of 100 Mile House, Community Services Department
- Regional government
- Other stakeholders

When the Approving Officer is satisfied with the proposed subdivision adequacy, a Preliminary Letter of Review (PLR) may then be processed if deemed applicable.

## SECTION # 3

## Preliminary Review Process

### Preliminary Layout Review Letter

The purpose of a Preliminary Review is to alert the applicant to deficiencies and outstanding requirements in an otherwise viable application.

Subsequent to the review and circulation of information and drawings, the *Approving Officer* may provide the *Subdivider* with a Preliminary Layout Review or PLR letter setting out requirements and undertakings the *Subdivider* will have to complete prior to formal considerations by the *Approving Officer* of the *plan of subdivision* approval. The letter typically suggests and comments on any requirement considered deficient, relevant or conditional including but not limited to off site works, dedications, restrictive covenants, rights-of-way, or easements, which must be met prior to the Approving Officer granting final approval by signing the legal survey plan (and thus permitting registration). The *Approving Officer* may require the *Subdivider*, at the *Subdivider's* expense, to submit information in support of any application as a condition of approval in the Preliminary Layout Review letter.

An application will be valid for 12 calendar months from the date of the PLR. The *Approving Officer* may consider a six month extension, upon written request by the *Subdivider*. *Subdivisions* not completed and submitted for *Final Approval* prior to the expiry date must be re-submitted as a new *subdivision* application complete with fee payment. It should be noted that a fee is applicable to extension requests, and there may be other fees involved with development application processing, which can be found in Development Application Procedures and Fees Bylaw.

Although the Approving Officer will seek to list all outstanding issues, the PLR letter in no way constitutes a conditional approval of a *subdivision* and neither the *Approving Officer* nor the *District* is bound, in any way, to approve a future *plan of subdivision*, based on information presented in the Preliminary Layout Review letter. It is important to understand that new requirements may arise after a PLR is issued and that Final Approval is not guaranteed until all conditions are satisfied.

Depending on the complexity and size of the proposed subdivision, you may again need the services of a consultant to prepare subdivision requirements beyond the initial stage (ie: water, sewer, storm, and roads) design details. This process has the potential requirement for a servicing agreement or perhaps a delay in providing a PLR until all conditions are satisfied.

### **Approving Officer Considerations**

In considering an application for *subdivision*, the Approving Officer will, in addition to the authority, duties and obligations contained in the *Land Title Act*, give due regard to all applicable OCP policies and objectives.

In considering a proposed *plan of subdivision*, the Approving Officer will not approve a plan whereby the *subdivision*:

- a) would, in the Approving Officer's opinion, be against the public interest;
- b) is unsuitable for the intended use as stated by the applicant;
- c) makes future *subdivision* of either the *subject land* or adjacent lands impractical;  
or
- d) if the location, use, or condition of any existing structure or building upon the *subject land* would contravene *District* bylaws or Province of British Columbia statutes and regulations, except if in the opinion of the Approving Officer, the degree of contravention is lessened by the *subdivision*, or the regulatory authority has issued a variance or relief of the requirement for compliance.

In considering a proposed *plan of subdivision*, the Approving Officer may not approve a *plan of subdivision* which:

- a) contains unduly irregular geometry including angles less than forty-five degrees;
- b) in the Approving Officer's opinion, would place excessive load upon or exceed capacity of any *public utility*; or
- c) creates a non-conforming *lot* or increases the degree of non-conformity of an existing non-conforming *lot*.

### **Lot Configuration**

The minimum *lot* size, *frontage* and *highway* width requirements for all newly created *lots* in the *District* must comply with the regulations and provisions with respect to area, shape and dimensions for the stipulated *zone*.

### **Lot Frontage**

Notwithstanding the preceding lot configuration, *lot frontage* minimum will be 10% of the perimeter length of the *lot*, unless authorized by the Approving Officer.

### **Panhandle Lot**

Panhandle lots are covered in the Zoning Bylaw. The provision of access by means of a *panhandle* to a *lot* may be considered by the Approving Officer in conformance with the following:

- a) at the turnaround section of a cul-de-sac;
- b) where topography of the *subject land* precludes conventional *subdivision*;

- c) to provide access to passive park, conservation areas and similar public use *lots*;
- d) as secondary access for *lots* having *frontage* onto *arterial roads* and Provincial *highways*;
- e) where, in the opinion of the *Approving Officer*, *highway* dedication serves no purpose for any existing, future, or adjacent *subdivision*; and
- f) where *lot area* meets zoning requirements exclusive of the *panhandle* area.

In considering approval or denial of *panhandle frontage*, the *Approving Officer* will consider the following:

- a) future *subdivision* potential of the *subject land* and surrounding lands;
- b) age, density, and development configuration of the *subject land* and surrounding lands, especially as relates to the possibility or probability of future development along any *lot lines* of the subject land;
- c) all applicable *Official Community Plan* policies, statutes, and bylaws; and
- d) adequate *panhandle* width for the proposed *lot* having due regard for topography.

Residential Zone *panhandles* shall generally have a minimum width of six metres and should accommodate a safe *driveway* of not less than 3.5 metres in width. *Panhandles* in any other *zone* shall have a minimum width of nine metres and should accommodate a safe driveway of not less than seven metres in width.

The *Approving Officer* will generally deny a *subdivision* to create *panhandle lots* having a *panhandle* length in excess of 40 metres.

*Panhandle lots* will not be permitted where the primary or sole access is off *District arterial*, *collector* or Provincial *highway*, or future development and *highway* configuration shall, in the opinion of the *Approving Officer*, be compromised by approval of a *panhandle lot*.

### **Highway Dedication**

When the *Subdivider* proposes a *highway* in a *plan of subdivision*, the *Approving Officer* must consider the sufficiency of the *highway* under the *roadway* classification prescribed by the OCP Transportation Network Map Schedule E.

The *Subdivider* shall provide without compensation, land up to 20 metres in width for new *highways* or widening of existing *highways* that border or are within a *subdivision*. If in the opinion of the *Approving Officer*, *roadway* cannot be adequately supported within a 20 metre road dedication due to terrain or site conditions, an additional dedication of land without compensation may be required to support, protect or drain the *roadway*.

Additional *highway* dedication for *public utilities* may be required without compensation to support utility appurtenances and at intersections where, in the opinion of the *Approving Officer*, the provision of traffic turn-lanes is necessary.

The *Approving Officer* may require *highway* dedication without compensation, for internal sidewalks or paths within a *subdivision* where the *Approving Officer* determines that pedestrian movements and links to an existing or future *highway* should be accommodated.

### **Infrastructure Provision**

Except as otherwise provided by bylaw or varied by *Council*, the *Subdivider* shall develop, design, construct, install, provide *works and services* for *lot* services including, but not limited to *roadways, boulevards, pathways, sidewalks, drainage, sanitary sewer, waterworks, street lighting, gas, underground wiring for cable, hydro, and telecommunication* in conformance with Works and Services Bylaw No. 1257 to the minimum or other standards established in Schedule A of the noted bylaw.

These *works and services* may comprise both *on-site* and *off-site* improvements, including:

- a) fully completed *highways* within, leading to, *flanking*, or adjacent to the *subject land*;
- b) all *lots* created by *subdivision* shall be connected to *District water, District sanitary sewer* and may be connected to *District drainage* systems in conformance with the minimum standards established by Works and Services Bylaw No. 1257; and
- c) provide for extensions of *works and services* to *lots* and systems beyond the proposed *subdivision* and, where necessary, excess or extended services may be required for lands beyond the *subject land*, at the expense of the *Subdivider*.

In a *subdivision* where a complete *highway* and *roadway* cannot be provided by the *Subdivider*, the *Approving Officer* may allow the dedication and construction of half-road along the perimeter of the *subject land*, all subject to the provisions of Works and Services Bylaw No. 1257.

### **Park Dedication**

Prior to *Final Approval* of a *plan of subdivision*, a *Subdivider* must dedicate, without compensation, land for park purposes, or provide cash-in-lieu of land as set out in the *Local Government Act*.

The *District* will determine whether the *Subdivider* provides an area of land in a location acceptable to the *District*, or a cash payment equal to the market value of five percent (5%) of the total area of *subject land within the boundaries of the application*.

The *Approving Officer* will determine the market value equivalent to five percent (5%) of the *subject land* and, if the *Subdivider* wishes to dispute the value of the *subject land*, the *Subdivider* may at their sole expense, retain a professional appraiser acceptable to the *District* to undertake a land appraisal.

## SECTION # 4

## Construction Process

As a condition of *subdivision* approval, every *Subdivider* providing *works* and *services* must undertake one of the following two processes to complete the *works* and *services*:

### **Option 1: Plan of *Subdivision* Approval Prior to Construction**

- a) submission of complete engineering design drawings prepared and sealed by a *Consulting Engineer*, certifying that all *works* and *services* are designed to the standards and specifications established by the *District*;
- b) deposits security in cash or a letter of credit and as prescribed by Works and Services Bylaw No. 1257, in an amount to the satisfaction of the *District* having regard to the estimated construction cost of installing and undertaking for all *works* and *services* not provided prior to submission of the plan of *subdivision*;
- c) enters into a *Servicing Agreement* with the *District*, including Maintenance Period, as defined by Works and Services Bylaw No. 1257, to construct and install the required *works* and *services* by a specified date or forfeit the security;
- d) completion and execution of all statutory rights-of-way documents and covenants for Land Title Office registration, as well as any required *Permits* and *Servicing Agreements* as the case may be;
- e) provides a plan of subdivision, in a form acceptable to the Approving Officer, and signed by all parties having a registered interest in the *lot(s)*; and
- f) provides a certificate confirming all taxes, fees and charges have been paid.

### **Option 2: Plan of *Subdivision* Approval Post Construction**

- a) supplies, constructs and installs all the *works* and *services* at the expense of the *Subdivider*, as required by Works and Services Bylaw No. 1257, to service each *lot* to be created by the *plan of subdivision*, to the standards and specifications, including all necessary as-constructed record drawings and certifications required from the *Consulting Engineer*;
- b) deposits with the *District* security in the form and amount as prescribed by Works and Services Bylaw No. 1257 to the satisfaction of the Director, having regard to the *estimated construction cost* of installing any and all incomplete and/or deficient *works* and *services* required under Works and Services Bylaw No. 1257.
- c) enters into a *Servicing Agreement* with the *District* to construct and install any and all incomplete or deficient *works* and *services* by a specified date or forfeit the security;
- d) enters into an agreement for the required Maintenance Period, as defined by Works and Services Bylaw No. 1257, and deposits security with the *District*.
- e) provides all applicable documents as set out in Option 1 Approval prior to Construction alternative (d) to (f) as set out above.



If the *Subdivider* undertakes Option 2 and does not enter into a *Servicing Agreement* with the *District* prior to constructing the *works* and *services*, there is no assumed duty on the part of the *District* to accept ownership of the *works* and *services* or permit connection to the *District waterworks, sanitary sewer or drainage systems*.

The detailed construction process is provided in Appendix #3.

## SECTION # 5

## Subdivision Approval

### Approval Process

Within two months of receipt of a plan of *subdivision* being tendered for approval and all supporting requirements, the *Approving Officer* will either approve or reject any proposed *subdivision*. If a *subdivision* is rejected, the *Subdivider* shall be provided with the *Approving Officer's* reasons for rejection briefly stated in writing. The *plan* of *subdivision* will be returned to the *Subdivider* unsigned, less one copy retained by the *District*.

The *Subdivider* is responsible for complying with any other legislation associated with the *subdivision* of the *subject land*, including but not limited to *District* bylaws and Provincial and/or Federal statutes and regulations. The Applicant is also responsible for the preparation of restrictive covenants and right-of-way documents, as well as registration of the subdivision plans and legal documents in the Land Titles Office.

Once the Servicing Agreement and other conditions of the PLR are complete you may submit the final subdivision plan signed by all parties having a registered interest in the land. The Land Titles Office has very specific requirements as to how the plans must be signed and you should check these before the plans are executed. Your surveyor / agent can assist you with these requirements.

### Payment of Taxes and Charges

Prior to the date the *Final Approval* is signed by the *Approving Officer*, a *Subdivider* must pay the following:

- all *District* taxes, school taxes, rates and charges, assessed and levied against the *subject land*;
- any applicable development cost charges pursuant to any Development Cost Charge Bylaw in effect at the time; and
- any and all applicable fees stipulated in the *District's* Fee bylaw(s).

The fees prescribed herein are in addition to any fee prescribed under the *Land Title Act* or any other Provincial enactment.

### Agency Approvals

In addition to receiving *District* approvals, other agencies may also be required to provide approvals and *permits*.

### ***Ministry of Transportation & Infrastructure***

The *Ministry of Transportation & Infrastructure* has jurisdiction over the land use and access to *lots* with *frontage* on controlled access *highways*.

When submitting a *plan of subdivision* to the *Approving Officer* where a *lot(s)* has *frontage* on a controlled access *highway*, the *Subdivider* is advised that the *District* will refer the application to the Ministry of Transportation & Infrastructure for approval, prior to issuing *Final Approval*. The *District's Approving Officer* must not approve the *plan of subdivision* unless the plan of *subdivision* has been signed by the *Ministry of Transportation & Infrastructure's Approving Officer* signifying that the proposed *subdivision* is acceptable to the *Ministry of Transportation & Infrastructure*.

A *Subdivider* must not construct, alter or repair any *work* or *service* on a controlled access *highway* without first obtaining a permit from the *Ministry of Transportation & Infrastructure* under the Transportation Act, S. B. C. 2004, c. 44. The *Subdivider* must supply said permit to the *District* prior to *District* approvals or *work* or *service* commencement on a controlled access *highway*.

Where a *lot* requires direct access to a controlled access *highway*, a *Building Inspector* must not issue a *Building Permit* until the *Ministry of Transportation & Infrastructure* has issued a *highway* access permit to the *Subdivider* under the Transportation Act, S. B. C. 2004, c 44. A copy of the permit must be attached to the *Building Permit* application.

All conditions and restrictions noted in the permit should also be incorporated into the *Servicing Agreement*.

### ***Ministry of Environment***

Where a *subdivision* or development requires the extension of a *highway* across or within a *watercourse* or utility *works* and *services* within a *watercourse*, a permit under the Water Act RSBC 1996, c. 483 is required.

The *Approving Officer* shall not approve a *subdivision* without first receiving a copy of any required Provincial approval including submission and due consideration of an environmental impact assessment.

### **Department of Fisheries and Oceans – Canada**

Where a *subdivision* requires *works* and *services* within or adjacent to a stream or *watercourse*, which alters fish habitat, a Habitat Compensation Agreement issued under the Fisheries Act (Canada), R. S. 1995, c. F-14 is required.

The *Consulting Engineer* shall submit all reports, designs and related documentation to the Department of Fisheries and Oceans – Canada for review and approval for any proposed *works* or *services* within or about a stream or *watercourse* that temporarily or permanently alters fish habitat.

The *Approving Officer* shall not approve a *subdivision* without first receiving a copy of the signed Habitat Compensation Agreement where applicable under the section noted above.

### **Agricultural Land Commission**

Where *subject lands* are designated as Agricultural Land Reserve (ALR), the *Subdivider* is advised that the *District* will refer the application to the Agricultural Land Commission for approval, prior to issuing *Final Approval*.

The *District's Approving Officer* must not approve the *plan of subdivision* unless the plan of *subdivision* has been signed by the Agricultural Land Commission signifying that the proposed *subdivision* is acceptable to the Agricultural Land Commission or that the subject land is excluded from the Agricultural Land Reserve.

### **Ministry of Health**

The *Approving Officer* shall not approve a *subdivision*, without first receiving a copy of the provincial permit for the proposed *waterworks* or *sanitary sewer* improvements where and as required.

### **Plan Registration**

When the Approving Officer has deemed all aspects and requirements of the subdivision process have been met, the Approving Officer will sign the Application to Deposit Plan. Plans and documents must be registered within 60 calendar days of approval by the Approving Officer.

## SECTION # 6                      Phased Strata Subdivision Approval

In addition to all applicable subdivision requirements, the following applies to any application for any phased strata *subdivision* as defined in the *Strata Property Act*.

The *Subdivider* must submit a “Phased Strata Plan Declaration – Form P: pursuant to the *Strata Property Act*, providing the following:

- a) a schedule of the phasing and specifying common facilities to be constructed in conjunction with a particular phase of proposed Land Title Office deposit;
- b) a sketch plan showing the *lot(s)* to be included in the phased strata plan, the present *lot* boundaries, the approximate boundaries of each phase and the approximate location of the common facilities;
- c) a schedule setting out the estimated date for the beginning of construction and completion of construction of each phase; and
- d) a statement of the maximum number of units and general type of residence or other *structure* to be built in each phase.

Prior to approving a *strata plan of subdivision*, the *Approving Officer* may require *security* sufficient to cover the full cost of construction of any common facility.

The *Approving Officer* shall not allow the “Phased Strata Plan Declaration” to be amended to extend the time for election to proceed more than once, nor for more than one year from the date stated in the approved “Phased Strata Plan Declaration.” Prior to allowing the “Phased Strata Plan Declaration” to be amended, the *Approving Officer* may request comments from the Strata corporation for the phased development plan.

The *Subdivider* may apply to amend a “Phased Strata Plan Declaration” for revisions other than a time extension, as provided in the *Strata Property Act*.

The *Approving Officer* may approve subsequent phases of a phased strata if it substantially complies with the requirements for that phase as set out in the “Phased Strata Plan Declaration.”

## SECTION # 7                      Bare Land Strata Subdivision Approval

In addition to all applicable subdivision requirements, the following applies to any application for bare land strata *subdivision* as defined in the *Strata Property Act*.

The *Approving Officer* shall approve a bare land strata plan subject to the *Subdivider* dedicating and constructing any required *highway* to, along and within the proposed bare land strata *subdivision*, to provide necessary and reasonable access to land lying beyond the *subject land*. In considering the sufficiency of a *highway* to be dedicated prior to approval of the bare land strata plan, the *Approving Officer* will consider:

- a) location, design, and width of the *highway*;
- b) relationship of the dedicated *highway* to an existing *highway* or approach; and
- c) the integration or impact of the *highway* within the *District's* transportation network;

The *Approving Officer* will require provision of *on-site* water, *sanitary sewer* and *drainage* services to each bare land strata *lot* as well as the provision of necessary access routes within a strata plan. In considering the sufficiency of these access route(s) the *Approving Officer* shall consider:

- a) submittals from the fire and police departments;
- b) engineering studies and reports prepared by a *Consulting Engineer* confirming the sufficiency, design and construction standards of the proposed access route(s);
- c) proposed land use and development density of the *subject land*;
- d) configuration of the bare land strata; and
- e) relation of the intended access route(s) to an existing *highway*.

The *Approving Officer* may rely upon a certificate prepared by a *Professional* or *Consulting Engineer* confirming that the required *works* and *services* are designed and constructed in accordance with standards generally accepted as good engineering practice.

## SECTION # 8            Strata Conversion Subdivision Approval

Under the Strata Property Act, Council is the approving authority for applications to convert previously occupied buildings into strata units. Generally, to be considered for approval, the conversion must be acknowledged and consented to by the tenants and meet all applicable fire, safety and bylaw requirements.

In addition to all applicable subdivision requirements, the following applies to any application for strata *subdivision* conversion of a previously occupied building as defined under the *Strata Property Act*.

The application must include:

- **Proposal for Tenant Relocation.** The applicant will submit a written statement of how they intend to comply with the Residential Tenancy Act;
- **Building Report.** The applicant will submit a written report by a Professional Engineer or Architect that provides a BC Code review that specifically addresses: fire separation, soundproofing, structural integrity, and mechanical review. The report should also include information on the building's state of repair, general workmanship, life expectancy, projected major increases in maintenance costs due to the condition of the building(s), and assessments of the condition of the roof and exterior and interior surfaces and details of the building. If the building does not comply with the current BC Building Code the professional shall identify the work that is required to bring the structure up to code. This report will be retained as public record.

Additional information may be requested at any time during the process.

Owners applying to strata title plan a previously occupied building must submit the proposed strata plan to *Council* as the approving authority in compliance with the *Land Title Act* and the *Strata Property Act*.

*Council* must consider the following prior to making its decision:

- a) the priority of rental accommodation over privately owned housing in the area;
- b) any proposals for the relocation of persons occupying a residential building proposed for conversion;
- c) the life expectancy of the building;
- d) projected major increases in maintenance costs due to the condition of the building; and
- e) any other matters that in the Council's opinion are relevant.

*Council* shall not approve a strata plan unless the building substantially complies with:

- a) all applicable bylaws of the *District*
- b) the British Columbia Building Code referred to in the Building Regulations of British Columbia

*Council* may approve the strata conversion plan with or without terms and conditions. Where terms and conditions are set, the authorized signatory for *Council* must not endorse the strata plan until the terms and conditions have been met.

*Council* delegates the *Approving Officer* to exercise the duties of the approving authority pursuant to the *Strata Property Act* upon *Council* approval of a strata conversion plan.

It is the developers' responsibility to comply with all provincial regulations relative to the conversion of a building into strata units, including but not limited to the Strata Property Act, the Residential Tenancy Act, and the BC Building Code.

**Disclaimer:**

This is a summary of the Subdivision application process and is intended to assist you in subdividing land. While every care has been taken in the preparation of this guide, the District of 100 Mile House assumes no liability for its contents. This guide is intended as a guide only and is not a legal document. You are advised to review the applicable legislation and bylaws and conduct your own inquiries with staff and other agencies.



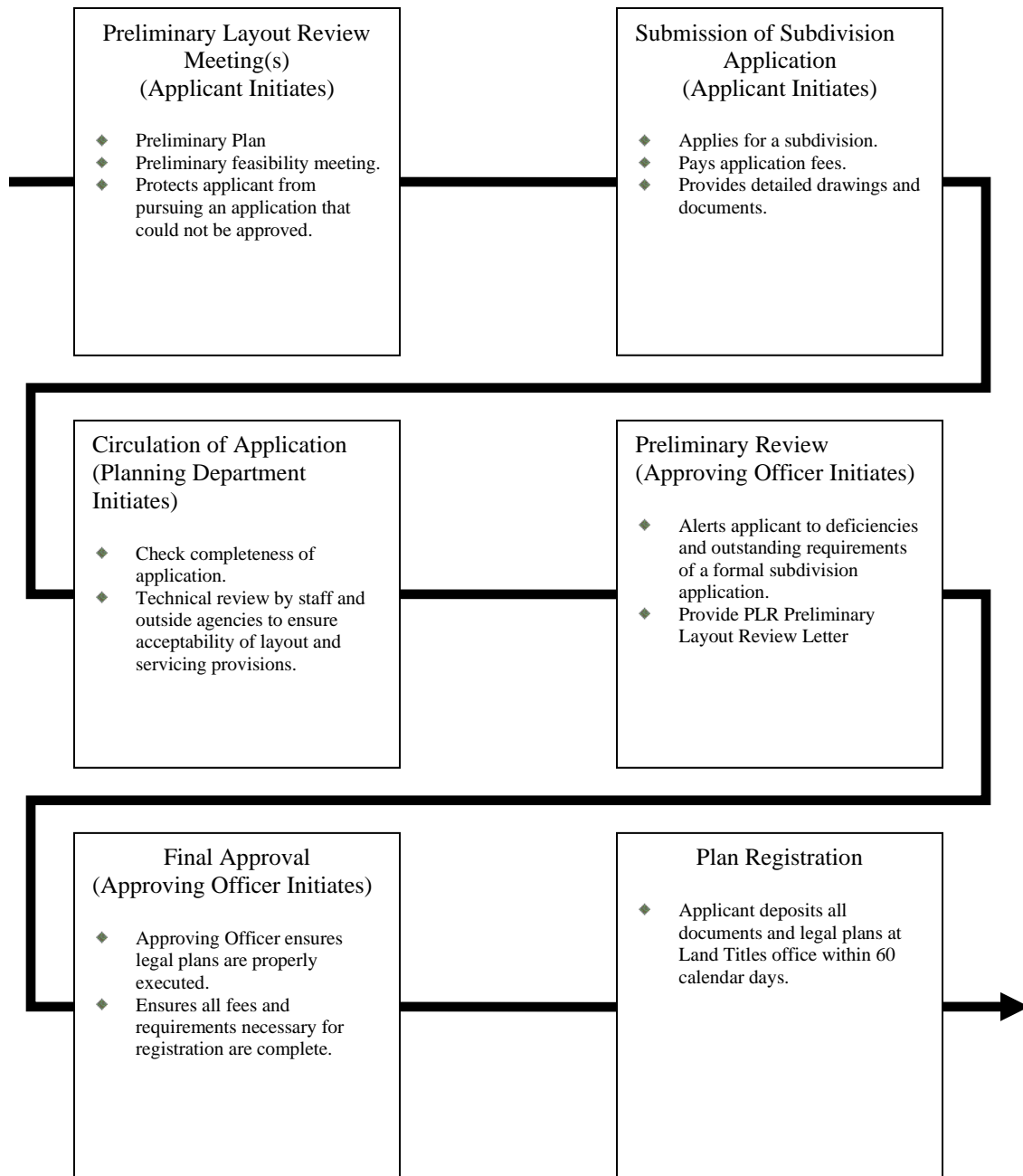
## **SECTION #9**

## **Appendices**

- Appendix 1 – Flow Chart
- Appendix 2 - Commonly Used Terms
- Appendix 3 – Detailed Construction Process
- Appendix 4 – Servicing Agreement
- Appendix 5 - Application For Subdivision

## APPENDIX #1

### District of 100 Mile House Subdivision Process Flow Chart



## Appendix #2 - Commonly Used Terms

**APPROVING OFFICER** means the person appointed to that position under the *Land Title Act*;

**ARTERIAL OR ARTERIAL ROAD** means a *highway* which is so designated in the *Official Community Plan*;

**BOULEVARD** means the area of a *highway* between a *lot line* and the traveled portion of a *roadway*, including but not limited to medians, curbs and gutters, sidewalks, ditches and *cycle paths*;

**BUILDING INSPECTOR** means a person appointed as a building inspector as defined in Building Bylaw No. 695;

**BUILDING PERMIT** means the authorization in writing or permit issued under the District Building Bylaw No. 695, 1996;

**CERTIFICATE OF FINAL ACCEPTANCE** means the form issued by the Director at the end of the *Maintenance Period* and after all *works* and *services* and *deficiencies* are complete and the District accepts ownership of the *works* and *services*;

**COLLECTOR OR COLLECTOR ROAD** means a *highway* so designated in the *Official Community Plan*;

**CONNECTION** means the actual physical connection between water, *storm sewer* or *sanitary sewer* mains and an individual *lot*, or between a hydroelectric, gas, cable, or telecommunication utility and an individual *lot*;

**CONSULTING ENGINEER** means a *Professional Engineer* engaged by a Developer to design, oversee the construction of and certify the completion of works and services, prepare as-constructed drawings of works and services or prepare preliminary servicing information on behalf of the subdivider or District;

**CONTRACTOR** means the person or firm who is engaged to construct one or more works and *services* required under the Works and Services Bylaw;

**CONTROLLED ACCESS HIGHWAY** means a *highway* so designated by the *Ministry of Transportation and Infrastructure* of the Province of British Columbia;

**COUNCIL** means the *Council* of the *District* of 100 Mile House;

**CYCLE PATH** means a portion of a *highway* or statutory right-of-way graded or surfaced for the purpose of facilitating cycle movement;

**DEVELOPER** means the *Owner(s)* of land(s) or the authorized agent of the *Owner*, who has made an application to the *District* for *development* or *subdivision* of such land;

**DEVELOPMENT OR DEVELOP** means the construction of any structure on a lot requiring a Building Permit or any land improvement requiring the installation of works and services;

**DIRECTOR** means the person appointed to the position of Director of Engineering and Community Services by the Council;

**DISTRICT** means the *District* of 100 Mile House;

**DISTRICT DRAINAGE** means a *drainage* system owned or operated by the *District*;

**DISTRICT SANITARY SEWER** means a *sanitary sewer* system owned or operated by the *District*;

**DISTRICT WATERWORKS** means a *waterworks* system owned or operated by the *District*;

**DRIVEWAY** means a graveled or hard surfaced portion of a *highway* for the purpose of facilitating vehicular access between a *lot* and the *roadway*;

**ESTIMATED CONSTRUCTION COST(S)** means calculated costs as approved by the *District* of the provision for all *works* and *services* including taxes, professional fees, and an inflation factor of 15% contingency, but excluding any *District* fees associated with the *works* and *services*;

**EXTENSION** means, with regards to *works* and *services*, the continuation of *highway*, *drainage*, *sanitary sewer* and/or *waterworks* system from an existing *District* system(s) to the proposed *works* and *services* along and within a *subdivision* or a *development*;

**FINAL ACCEPTANCE** with regards to *works* and *services* means the *final acceptance* of the *works* and *services* as certified by the *Director* and a *Certificate of Final Acceptance* has been issued;

**FINAL APPROVAL** means the stage of approval granted by the *Approving Officer* who then affixes his signature to the final *subdivision* plan for the purpose of Land Title Office registration;

**FLANKING OR FLANKAGE** means a *highway* adjacent to an *exterior side lot line* that is not the *lot frontage*;

**FRONTAGE** means the straight or arced distance measured along the *front line* of a *lot* where such *lot line* is adjacent to the *highway*;

**HIGHWAY** means a public street, path, walkway, trail, *lane*, bridge, road, thoroughfare and any other public way, but excludes a common access route within a strata *subdivision* subdivided pursuant to the *Strata Property Act* and easements or rights-of-way on private property;

**LANDSCAPING** means any combination of lawns, shrubs, hedges, trees, flowers, boulders and gravel, bark mulch, ponds, fences, decorative paving and plantings arranged, by design, to enhance the appearance of a *lot*, *sidewalk*, *pathway* or *boulevard*;

**LANDSCAPE ARCHITECT** means a person who is duly registered under the provisions of the Architect (Landscape) Act, RSBC 1996, or a qualified horticulturalist acceptable to the *District*;

**LAND TITLE ACT** means the enactment of the Provincial Legislature being Land Title Act RSBC 1996, c. 250 ;

**LANE** means an unnamed *highway* more than three metres but not greater than eight metres wide, intended to give secondary access to a *lot*;

**LOCAL ROAD** means a *highway*, including a cul-de-sac, whose primary purpose is to provide direct access to a *lot* and connects to other *highways* or *collector roads*;

**LOT** means any *lot*, block, parcel or other area in which land is held or into which land is subdivided or developed, but does not include a *highway*;

**LOT GRADING** means the re-contouring of *lots* to conform to the *Consulting Engineer's* design finished elevations for *lots*, road, sidewalks, *boulevards*, *cycle paths*, *pathways*, *structures* and *drainage*;

**LOT AREA** means the total horizontal area within the *lot lines* of a *lot* except that in the case of a *panhandle lot*, the *panhandle* portion shall not be included in the calculation of the *lot area*;

**LOT LINE** means any surveyed boundary of a *lot* as set out below:

**Exterior Side** means a *lot line*, not being the *front lot line* or the *rear lot line*, common to a *highway* other than a *lane* or *pathway*;

**Front** means the *lot line* that abuts a *highway* or where two or more *lot lines* abut *highways*, as with a corner *lot* and/or *lane*, the shorter *lot line* measurement shall be considered the *front lot line*, unless the shorter *lot line* measurement is the *lane*;

**Rear** means the *lot line* furthest from and generally opposite to the *front lot line*;

**LOCAL GOVERNMENT ACT** means the enactment of the Provincial Legislature being Local Government Act RSBC 1996, c. 323 as amended or superseded;

**MAINTENANCE PERIOD** means the term commencing from the date of issuance of the certificate of *Substantial Completion* during which the *Developer* is solely responsible for the operations and maintenance of any *works* and *services*;

**MAINTENANCE PERIOD SECURITY** means cash, certified cheque, or an irrevocable and automatically renewable letter of credit from a Chartered Bank or Credit Union in the form and amount accepted by the *Director* to secure the *Developer's* obligations during the *Maintenance Period*;

**MMCD** means the Municipal Infrastructure Design Guideline Manual and the Master Municipal Specifications and Standard Detail Drawings in Volume II of the Platinum Edition of the Master Municipal Construction Documents published by the Master Municipal Construction Documents Association, and includes:

- a) The definitions of such terms used in the Master Municipal Specifications and Standard Detail Drawings as are set out in the General Conditions in Volume II; and
- b) All documents supplemental to the Master Municipal Specifications, the Standard Detail Drawings and the relevant definitions set out in the General Conditions that are issued from time to time by the Association, but excludes all references to measurement and payment in the Master Municipal Specifications.

**MINIMUM BUILDING ELEVATION OR MBE** means the lowest geodetic elevation at which the habitable floor of any *structure* can be serviced by a gravity *connection* to *District* drainage and/or *sanitary sewer* systems provided that it must at minimum, be the higher geodetic elevation for the *drainage system's* designed hydraulic grade line level plus 300 millimeters;

**MINIMUM SIZE** means a *work* or *service* of a *lot* that is at the minimum acceptable dimension required under the Works and Services Bylaw to service the highest density of land use designation;

**MINISTRY OF HEALTH** means the Ministry appointed by the Province of British Columbia responsible for administering the requirements of the Health Act RSBC 1996, c. 179;

**MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE OR MOTI** means the Ministry so appointed by the province of British Columbia responsible for administering public works regulations related to transportation under various legislation including the Transportation Act 2004, c. 44, and the Land Title Act, 1996, c. 250, s.77.2, appointment of Provincial Approving Officers;

**MINISTRY OF ENVIRONMENT OR MOE** means the Ministry appointed by the Province of British Columbia responsible for administering the environmental regulations, water permits and water quality for the Water Act RSBC 1996, c. 483;

**OFFICIAL COMMUNITY PLAN OR OCP** means the *District of 100 Mile House Official Community Plan Bylaw No. 990, 2006* as amended or superseded;

**OFF-SITE** as it relates to the provision of works and services, means lands beyond the *lot lines* of the *subject land* where *works* and *services* are required in support of a *subdivision* or development;

**ON-SITE** as it relates to the provision of *works* and *services*, means lands within the *lot lines* and including *lot frontage* and *flankage* of the land where *works* and *services* are required in support of a *subdivision* or development;

**OWNER** means each person named in the Land Title Office as a registered *Owner* of the *lot*;

**PANHANDLE** means a narrow strip of land which, as an integral part of a *lot*, provides the balance of that *lot* with access to and *frontage* on a *highway*;

**PATHWAY** means a portion of a *highway* or right-of-way graded or surfaced for the purpose of facilitating pedestrian movement including but not limited to a sidewalk;

**PERMIT** means, as the context directs, a *Building Permit*, *Development Permit*, *Development Variance Permit*;

**PLAN OF SUBDIVISION** means the registerable plan, prepared by a *surveyor*, intended for filing in the Land Title Office;

**PROFESSIONAL ENGINEER** means a person who is duly registered or licensed to practice professional engineering under the provisions of the Engineers and Geoscientist Act, RSBC, 1996, c. 116;

**PROVINCIAL ARTERIAL HIGHWAY** means a *highway*, which is classified as an *arterial highway* by the Province of British Columbia with control thereof vested in the MOT;

**PUBLIC UTILITY** means any work, service, or facility installed in a *highway* for the purpose of providing a service including but not limited to *District drainage, sanitary sewer, waterworks, street lighting, electrical and telecommunication service line(s), electric power distribution, telephone, cable television and gas distribution systems*;

**ROADWAY** means the improved area of a *highway* surfaced for the purpose of facilitating vehicular movement;

**SANITARY SEWER** means a system of pipes, manholes, treatment plants, pump stations, valve stations, discharges and appurtenances for the collection and disposal of sewage;

**SECURITY** means cash or a clean, unconditional, irrevocable and automatically renewing letter of credit drawn on a chartered bank or credit union having a branch in the District at which demand may be made on the letter of credit;

**SERVICING AGREEMENT** means the agreement between the *Subdivider* and the *District* for the provision of *works and service* as provided by the Local Government Act, RSBC 1996, c. 323, included in this guide as Appendix #4;

**STANDARDS AND SPECIFICATIONS** means the minimum design and construction Standards and Specifications established under the Works & Services Bylaw for the purpose of regulating the design and construction of *works and services*;

**STORM WATER MANAGEMENT PLAN** means a plan prepared by a *Consulting Engineer* which determines the *works and services* necessary to convey storm water and other surface water within or through a *subdivision or development*;

**STRATA PROPERTY ACT** means the Strata Property Act SBC, 1998, c. 43;

**SUBDIVIDER** means the *Owner(s)* of land(s) or the authorized agent of the *Owner*, who has made an application to the *District* for *subdivision* of land;

**SUBDIVISION OR SUBDIVIDE** means any changes in the existing size, shape, number or configuration of registered *lots* whether by place, descriptive word or otherwise, including the division of land into two or more *lots* under the *Land Title Act* and the realignment of *lot lines*, but does include the creation, consolidation or re-*subdivision* of a strata *lot* or phased development under the *Strata Property Act*, except for the purposes of regulating the standards for *highway* as provided under the *Local Government Act*;

**SUBJECT LAND** means the entirety of the land proposed for *subdivision*;

**SURVEYOR** means a person who is duly registered or licensed as a land *surveyor* under the provisions of the Land Surveyors Act, RSBC 1996, c.248;



**TRAFFIC IMPACT ASSESSMENT** means a report consistent with section 3.2 Traffic Data and Table 3.1 of the Province of British Columbia MOT guidelines for ‘Site Impact Analysis Manual,” including requirements for permit applications, and must include consideration of driveway locations, design and width across, from and beyond the subject lands, as well as standard vehicle volumes and movements;

**UNDERGROUND WIRING** means a system or systems of wires, cables and appurtenances constructed under the surface of a *highway* to provide electrical power and/or telecommunication services to a *lot* or *highway*;

**WATERWORKS** means a system of pipes, hydrants, pump stations, pressure reducing valve stations, reservoirs and appurtenances for the supply and distribution of potable water;

**WATERCOURSE** means any natural or man-made depression, pond, lake, river, stream, wetland, or ditch with defined banks and a bed dimension of 0.6 meters or more below the surrounding land providing direction to a current of water whether or not it usually contains water that is connected by surface flow to any other *watercourse*;

**WORKS AND SERVICES** is as set out comprehensively in the Works and Services Bylaw, MMCD, and attached schedules, and includes grading, *highways*, *roadways*, sidewalks, *cycle paths*; *pathways*, *waterworks*, *sanitary sewer*, *drainage*, landscaping, *boulevards*, medians, driveways, connections, transit bays, gas works, street lighting and underground wiring on a *highway*, right-of-way, easement or otherwise that must be designed, constructed, installed and certified to authorize a particular *subdivision* or development;

**ZONE or Zoning** means an area into which the *District* is divided as defined in the *District of 100 Mile House Zoning Bylaw No. 801, 1999*.

## APPENDIX # 3 - Detailed Construction Process

Unless exempted, specifically varied or otherwise approved by Development Variance Permit, Development Permit, or delegated authority under the provisions of a bylaw, each *subdivision* and *development* shall be provided with the *works* and *services* prescribed by Works and Services Bylaw, the minimum level of which must meet **Schedule A: Service Levels of Works and Services Bylaw No. 1257.**

This guide shall apply to any lot and land within the District that is subject of a subdivision application except where:

- a) the *lot* created by *subdivision* is to be used solely for any *public utility*; passive park or natural preserve; *drainage* works; any facility or structure for telecommunication equipment or navigational aids;
- b) the *subdivision* comprises of a minor *lot line* adjustment, no additional *lots* are created, and every *lot* affected is serviced by an existing adequately sized *connection*, subject to the *Approving Officer's* due consideration for future *subdivision potential* of the *subject land* and adjacent lands.

This guide shall also apply to all *lots* and lands within the *District* that are subject of a *Building Permit* application under the provisions of the **District of 100 Mile House Building Bylaw No. 695, 1996** except where:

- a) *development* is for a single or two family dwelling or accessory structure on a *lot* that has all existing *works* and *services* in compliance with the Works and Services bylaw;
- b) *development* comprises an accessory structure upon a serviced *lot* or improvements to an existing building, of less than \$75,000 construction value as estimated under the *District of 100 Mile House Building Bylaw No. 695, 1996*, but provided that the *subject land* is served by existing *works* and *services* albeit of a level lesser than that stipulated in the Works and Services Bylaw;
- c) *development* comprises entirely of interior construction for single and two family residential use with no increase in gross floor area or change in land use;  
or
- d) *development* does not involve a change in occupancy and/or land use, provided such *modifications* do not impose new capital cost burdens on the *District*.

The Works and Services Bylaw shall apply to all *lots* and lands within the *District*.

### **Payment of Taxes and Charges**

Every *Developer* shall pay any and all applicable fees stipulated in the *District's* Fee Bylaw(s) prior to *connection* to *District* services or issuance of permission to do work, whichever comes first.

Every *Developer* shall pay to the *District* prior to plan of *Subdivision Final Approval*, *connection* to *District* works and services, or prior to issuance of permission to do work, whichever is first in time or applicable as the case may be, an engineering administration, processing, and inspection fee in the amount of two percent (2%) of the *estimated construction cost* (notwithstanding the definition thereof) of the works and services required under the by Development Application Procedures and Fees Bylaw but excluding telecommunications, gas, and similar non-*District* utilities for all *subdivision* and *development* applications.

### **Latecomers**

Any request from a Developer for Latecomer Agreement must follow the process as set out in s. 939 of the *Local Government Act*.

## **INFRASTRUCTURE REQUIREMENTS**

### ***Works and Services General***

Except as otherwise stipulated in this guide, the *Developer* for all *subdivisions* and *developments* shall design, construct, install, provide and maintain infrastructure, collectively referred to as *works* and *services*, which must:

- a) be fully completed on all *highways* across, leading to, *flanking*, and *fronting* the *subject land*;
- b) be connected to *District waterworks*, *District sanitary sewer* and *private* or *District drainage* systems in accordance with standards prescribed herein;

- c) when required, and subject to the provisions of section 939 of the *Local Government Act*, provide for *extensions* and excess capacity of *works* and *services* to lands other than the proposed *subdivision* or *development*; and
- d) be connected to any and all other appropriate *public utilities*.

Each of the *works* and *services* shall be designed and constructed in compliance with the MMCD and **Schedule B: Supplementary Conditions and MMCD Variations within the Works and Services Bylaw**.

Notwithstanding the preceding section above, the *Director* may accept alternate standards to those stipulated in Schedule B or the MMCD if in his opinion, there is an engineering or design benefit to the *District*.

Where there is:

- a) conflict or inconsistency between Schedule B of the Works and Services Bylaw and the MMCD, the requirements of the bylaw shall apply; and
- b) conflict or inconsistency between the requirements of the Works and Services Bylaw and another bylaw enacted by the *District*, the more onerous requirements shall apply.

The *Developer* is not required to provide or construct a *work* and *service* where infrastructure already exists that has adequate remaining functional life and capacity, and provides the minimum standard prescribed in the Works and Services Bylaw, and pays all *connection* and applicable fees.

The *Developer's Consulting Engineer* must provide, for *District* approval, a detailed engineering submission outlining how existing *District* infrastructure is proposed to be cut and fitted to receive the new or extended *works* and *services*.

Where *works* and *services* are not available but are scheduled as part of an approved *District* capital works program, the *Director* may approve a *development* provided that:

- a) an interim or temporary alternative service, satisfactory to the *Director* is provided at the expense of the *Developer*; and

- b) the *Developer* deposits security for an amount satisfactory to the *District* having regard to the estimated construction cost of installing and paying for all required works and services.

In conformance with section 1.4 of Schedule B and notwithstanding the requirements under Schedule A, a *Developer* may be permitted to provide overhead wiring at the discretion of the *Director*, provided that the service provider tenders a written submission outlining the rationale as to why underground wiring cannot be achieved.

### **Highways**

All *highways* and *roadway* improvements provided by the *Developer*, at the *Developer's* expense, shall be in accordance with the *MMCD* and the Works and Services Bylaw.

All *highway* dedication widths and minimum pavement, *boulevard* and sidewalk provisions for the classification of *highway* shall be as set out in Table 5.1 of *MMCD* Design Guideline Manual. Additionally, the *Developer* at the *Developer's* expense may be required to construct sidewalks or *pathways* within the *subdivision* to facilitate pedestrian movement on internal *highway* dedications.

Where applicable, the *Developer* must retain a "recognized professional" to design all proposed *landscaping* improvements for the *on-site* and *off-site highways* including *cul-de-sac* islands and *boulevards*.

Where a *subdivision* layout is such that a *highway* or portion thereof serves, or could potentially serve, the adjoining *lot* beyond the *subject land*, the dedication of a right-of-way and construction of *half-road* as per section 2.4 of Schedule B shall only be permitted where approved by *the Director*.

### **Sanitary Sewer**

The *sanitary sewer* collection and disposal services shall be provided at the *Developer's* expense, in accordance with the *MMCD* and Schedules A and B to the Works and Services Bylaw. *Connections* to *District sanitary sewer* facilities shall be in accordance with terms and conditions established by the Works and Services Bylaw and all applicable *District sanitary sewer* bylaws.

The presence of an existing *District sanitary sewer* facility or system does not imply capacity to receive design flow, nor does it indicate that the system is necessarily acceptable to the *District*. The *Consulting Engineer* will be responsible to determine the catchment area for each system and confirm with the *District* prior to proceeding with detailed design. Existing *off-site* and *on-site* undersized *sanitary sewer* facilities shall be upgraded, at the *Developer's* expense, to accommodate the appropriate design flow as required for the proposed *subdivision* or *development*.

Wherever possible, the subject land shall be connected to the municipal sanitary sewer system. Where there is no *District sanitary sewer* in greater proximity to the *subject land* and as set out in **Schedule C: Alternate Sanitary Servicing Areas**, the *Director* may allow the use or provision of an *on-site* septic system, all subject to conformance with provincial regulations and approvals and the provision of a stub out service that enables future *connection* and payment thereof to any *District* sanitary sewer.

Where privately owned *sanitary sewer* facilities are acceptable to the *District* and provided by the *Developer*, at the *Developer's* expense, the facilities shall be designed and constructed in accordance with the requirements and performance criteria determined and approved by Provincial and *District* regulations.

### ***Drainage***

The *Developer* shall provide, at the *Developer's* expense, private or *District drainage* collection and disposal services in accordance with the MMCD and Schedules A and B to the Works and Services Bylaw. Private drainage shall be permitted only where and as approved by the *Director*. *Connections* to the existing *District drainage* facilities shall be in accordance with terms and conditions established by the Works and Services Bylaw.

The presence of any existing *drainage* facility or system does not imply capacity to receive the design flow, nor does it indicate that the drainage pattern of this facility is necessarily acceptable to the *District*. The *Consulting Engineer* will be responsible to determine the catchment area for each *drainage* system and confirm the catchment area with the *Director* prior to proceeding with detailed design. Existing undersized *drainage* facilities shall be upgraded, at the *Developer's* expense, to accommodate the appropriate design flow as required for the proposed *subdivision* or *development*.

To restrict the *conveyance* of sedimentation from *subdivision* and *development lots* to the *District drainage* system and receiving environment, a plan detailing the proposed

drainage and erosion control works shall be provided and approved by the *District* prior to commencement of construction of other *works* and *services* to ensure all runoff from the *subject land* is directed to temporary settlement facilities to remove silts and sediments before discharge to the receiving environment.

The *Developer* shall, when required by the *Director*, provide without compensation to the *District* such land and facilities sufficient to provide for *drainage* and rainwater detention. Where a detention facility is proposed to be conveyed to the *District* or is compatible with public recreation facilities, these works may be located on *District* land subject to *Council* approval.

### ***Waterworks***

The *Developer* shall provide, at the *Developer's* expense, a *waterworks* system in accordance with the MMCD and Schedule A of the Works and Services Bylaw. Connections to existing *District waterworks* facilities shall be in accordance with terms and conditions established by the Works and Services Bylaw and payment of applicable fees.

The *waterworks* system shall be designed in accordance with the requirements of the Drinking Water Protection Act SBC 2001, c.9 and the standards and specifications of the Works and Services Bylaw and must meet peak water demand as set out in clause 5.3 of Schedule B to the Works and Services Bylaw; internal and external looping; and fire protection requirements.

The presence of an existing *District waterworks* system does not imply capacity to serve a proposed *subdivision* or *development*, nor does it indicate that the existing system is necessarily acceptable to the *District*. Existing aged or undersized *waterworks* may require upgrading at the *Developer's* expense to meet the required design life and demand of a proposed *subdivision* or *development*.

Where the proposed *subdivision* or *development* fronts an existing *District waterworks* system or constitutes an infill within an existing *District waterworks* system, connection to the *District waterworks* system or extension of the *District waterworks* system will not be considered where:

- a) peak water demands cannot be achieved based on current *waterworks* design standards;
- b) fire flows cannot be achieved; and

- c) domestic pressure requirements require on-site booster pumps unless approved by the *Director* and a restrictive covenant is registered on the *lots* setting out these constraints.

### **Cash in Lieu of Sidewalks**

Where the provision of sidewalks is required under the Works and Services Bylaw but the Developer requests deferral of this construction due to no sidewalks in the immediate proximity, the Developer may pay a non-refundable deposit to the District of the estimated construction costs of the sidewalk to be deposited into the District Sidewalk Reserve Account for Council allocation of sidewalk construction.

### **Cash in Lieu of *Works and Services***

Where the physical construction of part or all of the works and services required under the works and Services Bylaw is premature, the Developer may, at the discretion of the *Director*, fulfill the requirements by the payment of a non-refundable cash deposit in an amount estimated or accepted by the *Director* to cover the cost of the required works and services. This deposit will be used by the District at a future time when construction of the particular works and services is feasible. Non-refundable cash deposits must be paid prior to approval of a subdivision or development.

### **Other Services**

The following works or services comprise integral parts of the works and services defined in the Works and Services Bylaw and shall also be designed by the Consulting Engineer and provided by the Developer, at the Developer's expense, in accordance with the applicable standard in MMCD or Schedule B to the Works and Services Bylaw. They include but are not limited to the following:

Curbs and gutters	French drains
Shoulders	Retention/detention facilities
Sidewalks	Siltation ponds
<i>Pathways</i>	Inspection chambers
<i>Boulevard landscaping</i>	Culverts
Street trees	Inlet & outlet structures
Street furniture	Valves & fittings
<i>Driveways</i>	Water meters



Transit bays	Fire hydrants
Retaining walls	Reservoirs
Wheelchair letdowns	Signage
Traffic signals	Street lighting
<i>Underground wiring</i>	Catch basins
Ditches	Swales
Pumps, manholes, mains and service <i>connections</i>	

## **DEVELOPER'S RESPONSIBILITY**

### **Engineering and Related Design Requirements**

The *Developer* shall retain the services of a *Consulting Engineer* with demonstrated expertise in the field of civil engineering to prepare, sign and seal design drawings and to provide general and resident engineering services during construction, including but not limited to field inspection, and preparing and certifying as-constructed drawings.

The *Director* may require the *Developer*, at the *Developer's* expense, to submit the following information in support of any *development* or *subdivision* application:

- a) plans, profiles and cross-sections prepared by the *Consulting Engineer*, of every *highway* with adequate topographical details including horizontal and vertical curvature to assess the engineering feasibility of *roadways* shown on the preliminary site plan;
- b) *works* and *services* detailed design drawings and specifications, prepared by a *Consulting Engineer*, for all proposed *works* and *services*;
- c) *landscaping* plan prepared by a recognized professional for islands, *boulevards*, etc;
- d) *storm water management plan*;
- e) geotechnical assessment and report recommendations prepared by a *Professional Engineer* qualified in geotechnical and geological analysis;
- f) *traffic impact* assessment and report recommendations prepared by a *Consulting Engineer* with expertise in traffic engineering; and
- g) preliminary lot grading plan of subject land.

## **Other Submissions**

At the time of the application, the *Director* may require referral to the *Ministry of Environment, First Nations, Ministry of Transportation and Infrastructure, Ministry of Health, Department of Fisheries and Oceans*, and any other stakeholder(s).

Where applicable to the proposed *development* or required by Provincial or Federal regulation, the *Developer* shall provide at the *Developer's* expense, reports and submittals relating to the protection of riparian areas, *watercourses*; environmental impact assessment and mitigation plans; and archeological sites prepared by a qualified consultant with experience in the relevant field as the case may require.

A *Developer* must not construct, alter or repair any *work* or *service* on a *controlled access highway* without first obtaining a permit from the MOTI under the *Highway Act*. The *Developer* must supply said permit to the District prior to District approvals or work or service commencement on a controlled access highway.

The *Developer* shall, at the *Developer's* expense, provide all rights-of-way, easements, restrictive covenants or other documentation necessary for construction of completed works and *services* required by the *District*.

## **Construction Process**

The *Developer*, in association with the *Consulting Engineer*, is responsible for completing all reports, designs, *specifications* and supporting documentation related to the supply of all required *works* and *services* for any *subdivision* or *development* and for coordinating design and construction work with all *works* and *services* provided by other non-District *public utilities*, all in consultation with the *District* and within alignments approved by the *District*.

The *District* may review and provide comment in respect of the engineering designs and other submissions, but shall only authorize construction to proceed on *District highways* or in relation to *District works* and *services* upon the *Director's* satisfaction that the design and construction documents are sufficiently complete and meet all requirements of the Works and Services Bylaw.

Despite the aforementioned, the *Developer* in association with the *Consulting Engineer*, acknowledges that the *District* does not confirm the completeness or accuracy of the

design drawings or the as-constructed record drawings, nor accepts responsibility for any costs or damages resulting from errors, omissions or deficiencies in the works and services design drawings or contract performance.

If the *Developer* elects to undertake a *Building Permit* issuance prior to *completion* of the necessary *works* and *services*, the *Developer* must enter into a *Servicing Agreement* including *Maintenance Period*, and provide the required *security comprising* of the *estimated construction cost*, all in compliance with the Works and Services Bylaw.

If the *Developer* does not enter into a *Servicing Agreement* with the *District* prior to constructing any *works* and *services* on private *subject land*, there is no assumed duty on the part of the *District* to accept ownership of the *works* and *services* or permit *connection* to the *District waterworks, sanitary sewer or drainage* systems.

Notwithstanding the preceding paragraph, if the *District* accepts the *works* and *services*, the following applies:

- a) *Developer* shall comply with the minimum standard and *specifications* for the *works* and *services* defined in the Works and Services Bylaw;
- b) *Developer* shall engage the services of the *Consulting Engineer* experienced to conduct all test and inspections required under the Works and Services Bylaw, and provide a written report under seal confirming how the infrastructure meets or exceeds the standards of the Works and Services Bylaw;
- c) *Developer* shall pay all applicable fees and taxes required under *District* bylaws;
- d) *District* may, but is not obligated, to inspect the *works* and *services*;
- e) *Developer* must supply certified as-constructed record drawings and standards prepared by the professional; and
- f) *Developer* shall provide *security* to the *District* in the amount of 10% of the *estimated construction cost* of the *works* and *services* for a one year *Maintenance Period*.

### **Substantial Completion**

For the purposes of approvals or procedures in compliance with the Works and Services Bylaw, the scope of substantial completion shall include all the necessary undertakings for the subject land and not be limited to the works and services performed by the

primary contractor. The Developer's Consulting Engineer shall advise the District in writing, at the time of substantial completion, as defined in the MMCD, of the works and services.

### **As-Constructed Record Drawings**

The *Consulting Engineer* is required to prepare and submit, professionally sealed as-constructed record drawings of all completed *works* and *services*, certifying that the *works* and *services* have been installed to the *standards* and *specifications* originally approved, and that all construction was completed under the professional's direct supervision.

The as-constructed record information must include all inspection checklists, inspection reports, test results or other documentation to confirm compliance with the approved plans and specifications.

Three sets of as-constructed record drawings must be submitted within 60 days of substantial completion for the project. In addition an electronic submission in AutoCad format or other digital format approved by the *Director* must accompany the paper copies.

The *District* may require a hold back of \$10,000 as assurance for as-constructed record drawing completion.

### **Maintenance Period and Security**

Where a *Developer* has entered into a *Servicing Agreement*, the *Developer* will be required to provide the *Maintenance Period Security* in the amount of 10% of the *District* approved *estimated construction cost* for all *works* and *services* provided and installed by the *Developer*, for one year from the date of substantial performance.

The *Developer* is required to maintain and make repairs to any and all *works* and *services* that do not continue to perform and meet the minimum *standards* and *specifications* during the *Maintenance Period*.

If the *Developer* fails to make repairs when and as requested by the *Director*, then the *District* or a *Contractor* retained by the *District*, may make the necessary repairs and recover the costs by drawing down the *Maintenance Period Security*.

### ***Certificate of Final Acceptance***

The *Developer* shall apply to the *District* for a final inspection of the installed *works* and *services*, 30 days prior to the expiry of the one year *Maintenance Period* and a list of deficiencies will be prepared by the *Consulting Engineer*. The *Developer* must provide that all deficiencies are rectified prior to the expiry of the *Maintenance Period*.

The *District* shall administer completion of the *subdivision* or *development* by issuance of a *Certificate of Final Acceptance* for all *works* and *services*, which will thereupon be operated and owned by the *District* subject to all *works* and *services* performing as originally intended.

The *Maintenance Period Security* will be released only upon issuance of the *Certificate of Final Acceptance*.

### **Indemnity and Insurance**

The *Developer* shall save harmless and effectually indemnify the *District* against:

- a) all actions and proceedings, costs, damages expenses, claims and demands whatsoever and whomsoever brought by reason of the provision of the required *works* and *services*, and all such claims recoverable from the *District*, or the property of the *District*, or any *lot* which the *District* by duty or custom is obligated, directly or indirectly, in any way or to any degree, to construct, repair or maintain, during the term of the *Developer's* work, shall be paid by the *Developer*, and if recoverable from the *District* shall, together with any costs and expenses incurred in the connection therewith, be charged and paid forthwith by the *Developer*;
- b) any and all expenses and costs which may be incurred by reason of the provision of the required *works* and *services* by the Works and Services Bylaw resulting in damages to any *lot* owned in whole or in part by the *District* for which the *District* by duty or custom is obligated, directly or indirectly, in any way or to any degree, to construct, repair or maintain shall be paid by the *Developer*, and if paid by the *District* shall, together with any costs and expenses incurred in connection herewith, be charged to and paid forthwith by the *Developer*;
- c) any and all expenses and costs which may be incurred by reason of liens for nonpayment of labour or materials, Worksafe BC levies, unemployment

insurance, Federal or Provincial taxes and for encroachments due to mistakes in survey, demands arising from the *Developer's* trespass or damage to private *lots* or *lots* owned by others; and

- d) during the one year maintenance period, all expenses and costs which may be incurred by the *District* as a result of faulty workmanship, defective material or both in any of the *works* and *services* installed by the *Developer* and all such claims recoverable from the *District* by duty or custom is duly obligated directly or indirectly, in any way or to any degree, to construct, repair or maintain, shall be paid by the *Developer*, and if recoverable from the *District* shall together with any costs and expenses incurred in *connection* therewith, be charged to and paid forthwith by the *Developer*.

The preceding clauses shall not be construed as to extinguish any rights which the *District* would have were it not for the inclusion of these clauses.

The *Developer's contractor* shall at his sole expense, prior to the start of construction of the *works* and *services* through to the end of the *Maintenance Period*, carry comprehensive general liability insurance in the amount of not less than \$5,000,000 with insurance companies licenced to carry on business in the Province of British Columbia in partial discharge of its obligations herein and in every such policy of insurance, the *District* shall be named as an additional insured with proceeds payable as the interest of the *District* and the *Developer* may appear.

The *Developer* shall assure that the *Consulting Engineer* retains professional errors and omissions insurance in the amount of not less than \$1,000,000 per occurrence and aggregate.

## **Appendix #4 – Servicing Agreement**

## Appendix #5 – Subdivision Application

