The Corporation of the District of North Cowichan

Bylaw No. 1851

A bylaw to regulate the subdivision of land within
the Municipality of North Cowichan

The text of this bylaw has been consolidated for convenience only.
Copies of the original bylaw and amendment bylaws may be viewed at the
North Cowichan Municipal Hall located at 7030 Trans Canada Highway, North Cowichan, BC.
The schedules referred to in this bylaw are available for separate purchase.

Amendment By law	Date
1991	JUN 17, 1981
2266	OCT 01, 1986
2712	AUG 11, 1993
2714	JUL 27, 1994
2837	SEP 13, 1995
2943	DEC 17, 1997
3011	APR 07, 1999
3044	FEB 02, 2004
3224	MAR 02, 2005
3470	MAY 16, 2012
3548	JUL 16, 2014

WHEREAS it is desirable to prescribe the requirements to be met as a condition precedent to granting of approval to a subdivision;

NOW THEREFORE the Municipal Council of the Corporation of the District of North Cowichan ENACTS as follows:

1) In this bylaw, unless the context otherwise requires, the following words shall have the meanings hereinafter assigned to them:

BL 2837 (a) "Approving Officer" means the person duly authorized by Council to administer this bylaw

(b) "Building Area" on a parcel means a specified portion (or portions) which is topographically and otherwise suited for the construction of a building in accordance with this bylaw, the building, Zoning, and other relevant bylaws

(c) "Cul-de-sac" means a dead end local street which terminates in a turning area for motor vehicles

(d) "Lane" means a public way not less than 6.0m (19.68') or more than 10.0m (32.8') in width

(e) "Major Street" means a street which, in addition to serving local needs, is, or is designed to form part of the major or arterial street system of the Municipality, wherein a significant proportion of the traffic has both its origin and destination outside the subdivision area

(f) "Minor Street" means a street used primarily for travel and access to and from the parcels contiguous thereto created in the subdivision

(g) "Municipality" means The Corporation of the District of North Cowichan

BL 3548 (h) "Director of Engineering and Operations" means the person so appointed by the Chief Administrative Officer

BL 2266 (i) "Owner and Registered Owner" means the relevant person registered in the books of any Land Title Office as owner of the land or of any charge on the land being subdivided, whether entitled thereto in his own right or in a representative capacity or otherwise, as defined in the "Municipal Act"

BL 2837 (j) "Panhandle Lot" means any parcel, the building area of which is serviced and gains road frontage through the use of a strip of land at least 6 metres (19.68') in width, which is an integral part of the parcel

BL 2266 (k) "Parcel" means any lot, block, bare land strata lot, strata lot, or other area in which land is held or subdivided

(l) "Professional Engineer" means a person currently certified under the provisions of the Engineering Profession Act of the Province of British Columbia

(m) "Streets" include all highways, roads, squares, thoroughfares and any other public way, but not lanes, trails and bridges

BL 2266 (n) "Subdivision" means the division of land into two or more parcels, whether by subdivision plan, strata plan, bare land strata plan.

2. Unless otherwise defined herein, any word or expression in this Bylaw shall have the same meaning as any word or expression contained in the "Land Title Act" and any Amendments and Regulations thereto.

BL 1991 & 2837 3. The power to exempt a person from the statutory or minimum parcel frontages specified in this bylaw (subject to Section 12 herein) is hereby delegated to the Approving Officer pursuant to Section 994(3) of the "Municipal Act".

4. The Approving Officer shall maintain a permanent record of all subdivision applications submitted under this bylaw.

5. The Approving Officer shall not grant approval of any subdivision plan if the proposed subdivision:

(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 impracticable the future subdivision of the land proposed for subdivision or of any adjacent land;

(d) would create excessive costs to the Municipality of providing public utilities or other Municipal works or services;

BL 2266 (e) does not abut on a public street, except as provided for in Section 12 herein, and the "Land Title Act" and any Amendments and Regulations thereto.

BL 2837 (f) would create a panhandle lot in new subdivisions of more than three lots, where it is otherwise possible to create a design with a conventional road system and conventional frontages.

6. The application for subdivision approval shall be made by the owner or his duly authorized agent. The Approving Officer, before dealing with an application for subdivision approval made by a person other than the owner, shall require such other person to produce satisfactory evidence that he is duly authorized by the owner to make such application.

7. A preliminary sketch plan of the proposed subdivision shall be submitted for tentative approval, outlining:

(a) the boundaries of all adjacent properties and shall where feasible show the relationship of the proposed subdivision to at least one street intersection;

(b) the layout, dimensions and alignment of all lots, and streets;

(c) a legal description of the proposed subdivision;

(d) the location, dimension and size of all buildings existing on the property or any encroachment;

(e) the location of any watercourses within the boundary of the land proposed for subdivision;
(f) location of existing easement and right-of-ways.

8. In order that any proposed subdivision can be properly considered by the Approving Officer, the owner of the land being subdivided may be further required to provide any of the following:

(a) topographic survey

(b) spot elevations

(c) where unusual soil conditions exist or may develop on part or all of the subdivision area, a soils report from a Professional Engineer actively engaged in the field of soils investigation

(d) the location of any existing services, if applicable.

9. All subdivisions shall comply with the relevant provisions of all applicable bylaws then in effect.

10. Where a portion of a parcel is to be added to an existing adjoining parcel, and the balance of such first-mentioned parcel is thereby so reduced in size as to be less than permissible under Section 11 hereof, such balance must be added to another adjoining parcel.

BL 3011 11. The approving officer may approve subdivisions with lots smaller than the minimum lot sizes permitted by "Zoning Bylaw 1997", in the following situations:

(1) Where part of a parcel is or has been required for road widening purposes, provided that the parcel size is reduced by no more that 10% in agricultural zones and 5% in all other zones;

(2) Where the parcel is physically divided by:
(a) a parcel of land held under separate title and ownership,
(b) a dedicated public road, or
(c) or a Crown owned water course,

provided that parcel is not rendered incapable of being used in the manner anticipated in "Zoning Bylaw 1997";

(3) Where the parcel being created is to be used solely for the unattended equipment necessary for the operation of:
(a) a bus shelter, railway station, public transit station, excluding airport;
(b) a Municipal water system;
(c) a Municipal sewer system;
(d) a community gas distribution system;
(e) a public radio or television receiving antenna;
(f) a radio or television broadcasting antenna;
(g) a telecommunication relay station;
(h) an automatic telephone exchange;
(i) an air or marine navigational aid; or
(j) other public utilities not specifically listed by considered to be similar in nature to those uses listed above;

(4) Where the parcel being created is to be used as a park, nature reserve, or wildlife sanctuary; and

(5) Where the parcel lies within the Agricultural Land Reserve, and the conditions of s.1(1)(a) of BC Regulation 448/98 under the *Agricultural Land Commission Act* are met (whereby no new lots are created, and the reconfigured lots provide the promise of greater agricultural efficiency).

BL 2837 12. Frontage requirements may be waived where cul-de-sacs comply with Section 21.

13. Parcels that abut a street at both the front and rear shall not be permitted unless in the opinion of the Approving Officer, such an arrangement is essential.

BL 2712 14. All works and services must conform to standards prescribed in Schedule "B" (Engineering Standards, dated April 1993) attached to and forming part of this bylaw.

15. (a) For the purpose of determining those services required of a developer as a condition of subdivision, the Municipality is hereby classified and divided into the following Service Level Areas, as shown on Schedule A, titled "Subdivision Service Level Map" attached hereto and made part of this Bylaw:

AREA	REQUIRED SERVICES BY OWNER	NUMBER OF MAP
Service Level 1	including paved roads, storm drains,	1

		sanitary sewers, concrete sidewalks, concrete curbs and gutters, watermains and hydrants, lot connections	
BL 2266	Service Level 2	including paved roads, storm drains, drains, sanitary sewers, concrete sidewalks (on one side of the road), concrete curbs, and gutters, watermains and hydrants, lot connections	2
BL 2266	Service Level 3	including paved roads, watermains and hydrants, storm drains, and concrete curbs and gutters, lot connections, private percolation private percolation sites for sewage disposal	3
BL 3548	Service Level 4	including paved roads, ditching and driveway culverts, additional drainage where required by Director of Engineering and Operations, private wells, private percolation sites for sewage disposal	4

BL 2266 Notwithstanding the above, the requirements of Service Levels 2, 3, and 4, are not applicable to a subdivision of three new lots or less, all of which front only on an existing road, but in every case sewage, storm drainage, and water services must be provided to each lot and where the land to be subdivided is adjacent to property meeting applicable service level requirements, continuation of those services is required as a condition of subdivision approval.

(b) The boundary lines of said areas shall be parcel lines, Municipal boundaries, centreline roads, or shown otherwise on the attached "Subdivision Service Level Map - Schedule "A" of The Corporation of the District of North Cowichan.

(c) All costs of development, including the provision of services, connections, hydrants, drainage, roads, any necessary easement, engineering and supervision shall be at the expense of the developer, and not limiting the foregoing, the owner must provide those services listed under Service Levels 1 to 4 in Section 15(a) for subdivisions in the corresponding areas as shown on the "Subdivision Service Level Map - Schedule "A".

BL 3548 (d) All storm drains, ditching, culverting or combinations thereof shall be capable of accepting all tributary lot and building drainage, roadwater run-off, upstream and overland flow and shall extend to outlets acceptable to the Director of Engineering and Operations.

16. The owner shall comply with the following general conditions of subdivision:

(a) Engineering

BL 3548 (i) The design and as-built drawings for all services for subdivision shall be prepared by a Professional Engineer and approved by the Director of Engineering and Operations.

(ii) The installation of all works and services shall be supervised by a Professional Engineer.

(b) Installation of Services

(i) The developer shall provide for the installation of required services including all house connections to existing mains.

(ii) All installations shall be made to Municipal Engineering standards.

BL 3470 (iii) The developer must pay a Municipal Engineering and Administration charge to the Municipality as set out in the Fees Bylaw.

(iv) Required services shall be installed by persons qualified in the particular type of work being carried out.

(v) Required works and services must be completed and the maintenance period begun within one year of registration of the subdivision plan unless the term is otherwise extended by the Municipal Council.

BL 2837 (vi) The developer shall install, or have installed, natural gas service in new subdivisions where natural gas service is in the vicinity of such subdivisions.

BL 2837 (vii) The developer shall install, or have installed, underground hydro services in new subdivisions with lots less than 1,675 m^2 in area.

BL 2837 (viii) The developer shall pay the Municipality $300.00 for each street light installed in new subdivisions with overhead hydro service.

(c) Should work be required on existing roads, sanitary sewers, water lines, storm drains, curbs and gutters, and paving, the said work shall be carried out at the expense of the developer.

BL 3548 (d) Maintenance Bond

The developer shall deposit a maintenance bond in favour of the Municipality in a form acceptable to the Approving Officer amounting to 10% of the installation cost of all required services which will be held and used for the maintenance and/or repair of the said required services, if necessary, by the Municipality for a period of one year, or a term acceptable to the Director of Engineering and Operations, from the date of final approval and acceptance of the services.

BL 3548 (e) Hydrants

In areas served by a Municipal water system, the subdivider shall install fire hydrants of a type and in such quantity and at such locations as specified by the Director of Engineering and Operations and the Fire Chief.

BL 2837 (f) Other Services

Prior to final approval of the subdivision the developer must:

(i) in the case of overhead services (including street lighting) provide written confirmation from B.C. Hydro and Power Authority and B.C. Telephone, that installation is authorized;

BL 3548 (ii) in the case of underground services, have installation at a stage acceptable to the Director of Engineering and Operations.

BL 3548 (g) Final Approval

The Approving Officer shall not approve the legal subdivision plan until required Municipal services are installed to the satisfaction of the Director of Engineering and Operations or the value of the said required services deposited with the Municipality in acceptable form.

17. In examining any proposed plan of subdivision the Approving Officer shall require that:

(a) The arrangement of streets in a subdivision provide for the continuation of appropriate projection of existing streets in surrounding areas, and access to adjacent lands.

(b) The number of street intersections within a subdivision be kept to a minimum and where practical:

(i) Y-shaped intersection shall not be used
(ii) T-shaped intersections are preferred in the low density single family residential areas
(iii) Intersections with more than four (4) legs shall not be used
(iv) No intersection shall be less than 76.0m (249.34') from any other intersection or likely future intersection, measured between centre lines
(v) Intersecting streets shall meet at an angle of 90 degrees
(vi) The dimensions, location and standards of all streets in a proposed subdivision shall conform substantially to any applicable community or regional plan of streets or of proposed streets.

18. Major street Right-of-ways shall be a minimum width of 20.0m (65.62') and minor street Right-of-ways shall be a minimum of 15.3m (50.20').

19. (a) At right angles in a lane, triangular corner cut-offs not less than 3.0m (9.84') each way from the corner may be required by the Approving Officer.

(b) At street intersections, triangular corner cut-offs not less than 6.0m (19.68') each way from the corner may be required by the Approving Officer.

BL 3548 20. Cul-de-sac streets shall have ample turnaround area at their closed end, with proper facilities for street drainage. Such turnaround shall have a minimum diameter of 30.0m (98.42'). Temporary turnarounds on roads capable of future extension may be reduced to 20.0m (65.62') where approved by the Director of Engineering and Operations.

Except in special circumstances, the length of any such cul-de-sac shall not exceed 160.0m (524.98') to the end of the turnaround, and shall permit a direct line of vision from the point of entry to the closed end.

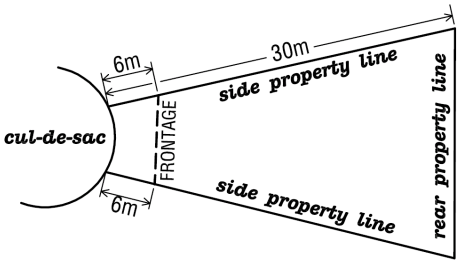
BL 3224 21. In the subdivision of a parcel of land smaller than 1 675.0 square metres (18 029.5 square feet), the following apply to each lot fronting on a cul-de-sac:

(a) frontage is deemed to be the length of a straight line parallel to the arc of the cul-de-sac between the two side property lines, measured from a point 6 metres (19.68 feet) towards the rear of the lot;

(b) frontage as defined in paragraph (a) must not be less than 60 per cent of the minimum frontage requirement for that zone;

(c) the length of each side property line must not be less than 30 metres (98.42 feet);

(d) side property lines must be radial to the centre of the cul-de-sac's turnaround area.



22. Where extra road width for cuts or fills is necessary in order to bring any new street or lane to the required gradient, the Approving Officer may require the owner to dedicate such additional width as public road allowance.

23. Pedestrian walkways shall be dedicated and constructed where they are deemed by the Approving Officer to be essential to provide circulation or access to schools, playgrounds, shopping centre, transportation, beaches, and other community facilities or for property circulation of pedestrian traffic.

BL 2266 / 3548 24. Where sanitary sewer accommodation is not available to serve the parcels in a subdivision under application for approval, arrangements satisfactory to the Medical Health Officer shall have been made for the proper disposal of such sewage or industrial waste as may result from the anticipated use of the parcels. For proposed subdivision of land in areas of known sewage disposal problems, as determined by the Director of Engineering and Operations, the Public Health Inspector's written approval for septic percolation sites may be required prior to further processing of the subdivision application.

25. Where any sewage collection system or water system is required to service parcels to be created by subdivision, the owner shall be required to connect the system(s) to Municipal trunk lines at his own expense.

BL 3548 26. No subdivision requiring Municipal sanitary sewer service or Municipal water service shall be approved until the Director of Engineering and Operations has confirmed to the Approving Officer that sewers and/or water will be available and of adequate capacity to serve the parcels to be created by the subdivision within 90 days after the tentative approval of the subdivision.

BL 2837 27. Where lots are not required to connect to a Municipal water system, individual wells must be installed on each lot less than four (4.0) hectares in size to supply water, and the following conditions apply:

a) Well locations must be plotted by a British Columbia Land Surveyor on a print of the subdivision plan and submitted for review prior to final approval.

b) Water quantity shall be determined from accredited well log construction records or by a well pump test performed by a recognized well testing company or witnessed by a Professional Engineer. The pump test shall be a minimum length of four (4) hours or longer, if necessary, to determine the sustained yield of the well.

c) The minimum well quantity requirements are as follows:

Minimum Well Quantity Requirements		
Well Depth	Minimum Sustained Yield	Useable Storage
Wells 25 or more metres deep & Wells less than 25 metres deep tested between Jun. 1st and Nov. 1st	9.0 litre/min (2.0 Igal/min)	
	or	
	7.0 litre/min (1.5 Igal/min)	1140 l (250 Igal)
Wells less than 25 metres deep tested between Nov. 2nd and May 31st.	18.0 litre/min (4.0 Igal/min)	
	or	
	13.5 litre/min (3.0 Igal/min)	1140 l (250 Igal)

d) Well water shall be tested for the presence of total and fecal coliform bacteria by a recognized testing laboratory. Testing and acceptable standards shall be as specified in the latest edition of the Guidelines for Canadian Drinking Water Quality. A copy of the test result, including an assessment of the result with respect to acceptable standards, shall be submitted for review.

BL2266 28. Where land within a plan of subdivision is subject, or could reasonably be expected to the subject to flooding, the Approving Officer shall not approve the subdivision without prior consent of the Deputy Minister of Environment who may require, as a condition of his consent, that the subdivider enter into such covenants registerable under Section 215 of the Land Title Act as the Deputy Minister considers advisable.

29. The owner of the land being subdivided shall provide, without compensation land for public open space in the locations and to the extent required by the Approving Officer for the purpose of providing sufficient open space for park and public use.

30. Where land being subdivided adjoins a lake, river, stream, or other body of water, the Approving Officer may, as a condition of approving the subdivision, require the dedication, without compensation of a strip of land not exceeding 7.0m (22.97') in width along the bank or shore of the purpose of providing public access if, in his opinion, it is in the public interest to do so.

31. Land to be dedicated under Section 30 shall be measured from

(a) the high water mark, or
(b) the controlled high water mark, or
(c) the natural boundary of the lake, river, stream, or other body of water as defined by the Land Act.

whichever is applicable.

32. The amount of land required to the provided or dedicated under Sections 29 and 30 shall not exceed 5% of the land being developed.

33. Sections 29 and 32 do not apply

(a) to subdivision of one or two lots, or
(b) to subdivision where the smallest lot being created is larger than 2 hectares (4.94 acres), or
(c) to consolidations of existing subdivided parcels.

34. All structures encroaching upon and obstructions of any kind to the free and uninterrupted use by the public of full width and extent of all new streets and lanes shall be removed therefrom before approval of any subdivision plan is granted, unless by prior arrangement with the Municipality, such are allowed to remain for a limited period of time.

BL 3548 35. All new streets and lanes within the subdivision, including widening strips of existing streets and lanes, if any, shall be cleared, graded, drained, and surfaced to the standard prescribed by the Director of Engineering and Operations.

36. The Approving Officer may require an overall development plan from the person tendering the subdivision approval, showing the ultimate method of subdivision when, in the opinion of the Approving Officer, the application for subdivision approval indicates that there is reason to anticipate a further resubdivision of the relevant lands.

37. The approving Officer is empowered to approve minor realignment of lot lines of existing parcels where such realignment does not affect the substances of either parcel affected.

38. The Approving Officer may require the applicant applying for tentative approval to produce a plan or sketch verified by a British Columbia Land Surveyor, showing the proposed new boundary or boundaries in relation to the affected parcels and to the buildings thereon.

39. The Approving Officer shall examine the preliminary application and advise the applicant in writing within sixty (60) days from receipt by him of such application, either that the subdivision proposal could be approved, or that it could not be approved. In the latter case, the reasons for so deciding shall be stated.

BL 3044

40. (1) Tentative approval of any proposed subdivision shall be granted for a one year period, and shall not be construed as final approval of such subdivision for land registration purposes.

(2) Despite the foregoing, the Approving Officer may grant an extension of the tentative approval, provided there have been no changes to applicable subdivision construction standards, or fees.

41. Within sixty (60) days from the date on which an application is tendered for examination and final approval, or within sixty (60) days from the furnishing by the applicant of such further information as the Approving Officer may rightfully require, including satisfactory evidence that all of the relevant provisions of this Bylaw have been duly complied with, the Approving Officer shall either approve or reject the proposed subdivision in the manner provided by this Bylaw.

42. The final subdivision shall conform substantially to the approved preliminary plan, but the application for final approval need not necessarily cover the whole project in one application. If the subdivision project is submitted in sections a separate application may be made covering each section, and such applications may occur at different times.

BL2266

43. When any subdivision plan is approved, the Approving Officer shall sign and date the plan thereof, tendered for approval in the form provided on such plan under the provisions of the "Land Title Act" and any Amendments and Regulations thereto.

44. A certificate of final approval shall be valid sixty (60) days from the date thereof, after which time approval shall be deemed to have been revoked, unless registered.

45. Notwithstanding the provisions of Section 43 hereof, a certificate of Final Approval which has not been used for registration purposes, and which is deemed to be revoked as aforesaid, may be renewed on application in writing to the Approving Officer, for a further period not exceeding sixty (60) days, provided the time elapsed since the issue of the original certificate does not exceed twelve (12) months. Thereafter, a new application for approval of the subdivision shall be required and shall be dealt with as an original application.

46. All work required to be done hereunder, in connection with the subdivision of any lands, shall be carried out at the sole expense of the owner of such lands, and to the satisfaction of the Approving Officer before approval of such subdivision hereunder; provided, however, that upon the due execution of any agreement in writing between the owner and the Municipality providing for the payment of such amount of cash or such other forms of acceptable security required by the Approving Officer, approval may be given before completion of the work.

47. The imperial measurements in this Bylaw, shown in brackets immediately following each metric measurement have been included for information and convenience only and do not form part of the Bylaw.

48. Nothing contained in this Bylaw shall relieve the owner of a subdivision from the responsibility to seek out and comply with the legislation applicable to his undertaking.

49. If any section, subsection, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

50. Bylaw No. 1640, and all amendments thereto, are hereby repealed.

51. This Bylaw may be cited as the "Subdivision Control Bylaw 1979".

Received First Reading on the 21st day of June, 1979.
Received Second Reading on the 28th day of May, 1980.
Received Third Reading on the 28th day of May, 1980.
RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on the 4th day of July 1980.

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(Mrs.) J. MacLeod, Municipal Clerk G.P. Bruce, Mayor