

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 930

A Bylaw to Amend the Subdivision and Development Servicing Bylaw No. 704, 1996.


WHEREAS the Regional Board of the Regional District of Central Okanagan deems it necessary to amend the Regional District of Central Okanagan Subdivision and Development Servicing Bylaw No. 704, 1996, as amended by Bylaw Nos. 810 and 898, under the provisions of the Local Government Act.

NOW THEREFORE THE REGIONAL BOARD OF THE REGIONAL DISTRICT OF CENTRAL OKANAGAN IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. The Regional District hereby amends the Regional District of Central Okanagan Subdivision and Development Servicing Bylaw No. 704, 1996, as amended by Bylaw Nos. 810 and 898, as defined by SCHEDULE "A" attached hereto and forming part of the Bylaw.
2. This bylaw may be cited as the "Regional District of Central Okanagan Subdivision and Development Servicing Amendment Bylaw No. 930, 2001".

READ A FIRST TIME THIS 11th DAY OF June, 2001.
READ A SECOND TIME THIS 11th DAY OF June, 2001.
READ A THIRD TIME THIS 11th DAY OF June, 2001.

RECONSIDERED AND ADOPTED THIS 11th DAY OF June, 2001.



CHAIRPERSON



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 930 cited as the "Regional District of Central Okanagan Subdivision and Development Servicing Amendment Bylaw No. 930, 2001", as read a third time by the Regional Board on the 11th day of June, 2001.

Dated at Kelowna, BC this
14th day of June, 2001.



DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 930 cited as the "Regional District of Central Okanagan Subdivision and Development Servicing Amendment Bylaw No. 930, 2001", as adopted by the Regional Board on the 11th day of June, 2001.

Dated at Kelowna, BC this
14th day of June, 2001.



DIRECTOR OF CORPORATE SERVICES

SCHEDULE "A"

1) SECTION 3 – GENERAL REQUIREMENTS

3.14 Exemption from Construction and Installation

To delete the first paragraph in section 3.14 and replace with:

"Notwithstanding sections 3.10 and 3.11, an *owner* of land zoned R1 or R2 will not be required to construct or install one or more of the following servicing requirements: drainage, street lighting, curb, gutter, sidewalk, or underground wiring on the abutting *highway* if:"

2) SECTION 3 – GENERAL REQUIREMENTS

To amend Section 3 by adding:

"3.19 Boundary Adjustments

Where an owner is making an application to adjust parcel boundaries and is not creating any additional parcels, the owner must provide a drawing, prepared by a surveyor, indicating the locations of all existing services, including power, water, sewer, and on-site disposal, if applicable, and identifying which parcel each one will service. Where the existing services are not located within the proposed parcel which they will service, the location and access to the service shall be protected by an easement. No additional servicing will be required under this bylaw but additional servicing, or upgrading of existing services, may be required by other agencies."

3) SECTION 4 – ADMINISTRATION AND ENFORCEMENT

4.01 Subdivision Processing Fee

To amend the Subdivision Processing Fee Table to include:

"Boundary Adjustments - \$300.00"

4) SECTION 4 – ADMINISTRATION AND ENFORCEMENT

4.02 Administration Fee

To amend the Administration Fee Table to include:

"Boundary Adjustments - \$350.00"

5) SECTION 4 – ADMINISTRATION AND ENFORCEMENT

4.07 Penalty

To delete section 4.07 in its entirety and replace with:

“Any person who violates bylaw provisions may, on summary conviction, be liable to the maximum penalty under the Offence Act, plus the cost of prosecution, for each offence. The penalties imposed under this section are a supplement and not a substitute for any other remedy to an infraction of this bylaw.”

6) SECTION 5 – QUALITY ASSURANCE

5.03 As-Constructed Drawings

To amend section 5.03 by substituting the words “AutoCAD Release 12” with “AutoCAD Release 14”.

7) SECTION 6 – TECHNICAL REQUIREMENTS

6.05 Water Source

To delete section 6.05 in its entirety and replace with:

“If Schedule C.2 permits a *water source, subdivision or development* must not be approved unless each *parcel* is provided with its own *water supply* installed in accordance with the standards as set out in Schedule C.5 and in accordance with the bylaws and regulations of the *community water system*.”

If a *community water system* is available to service the *subdivision or development*, the *community water system* must be used as the *water source* for each parcel in the *subdivision or development*.

Where the *water source* is not from a *community water system*, the *Owner* must register a covenant as provided for in Schedule A.5 against the title of each parcel.

Where the *water source* is not located on the parcel it will service, the location and access to the *water source*, including any wells, watermains, and all other appurtenances, shall be protected by an easement.

Where the *Regional District* does not own or operate the *community water system*, the *Owner* must deliver to the *Regional District* written acceptance of the system executed by the applicable *irrigation district*.”

8) SECTION 6 – TECHNICAL REQUIREMENTS

6.07 On Site Disposal

To amend section 6.07 to include:

“The *Owner* shall retain an *engineer* to provide a Geotechnical Report in accordance with the *Regional District* “Geotechnical Study Terms of Reference”, to confirm soil suitability for *on site sewage disposal*”.

9) SCHEDULE “A.5” – COVENANT

To delete SCHEDULE “A.5” – COVENANT in its entirety and replace with APPENDIX “A” attached.

10) SCHEDULE “C.2” – SERVICING REQUIREMENTS
SECTION 2 – TYPE AND EXTENT OF SERVICING

To delete SECTION 2 – TYPE AND EXTENT OF SERVICING in its entirety and replace with APPENDIX “B” attached.

11) SCHEDULE “C.3” – DESIGN AND CONSTRUCTION OF HIGHWAYS AND WALKWAYS
SECTION 2 – DESIGN CRITERIA – HIGHWAYS
2.02 Cul-de-sacs

To delete section 2.02 in its entirety and replace with:

“The length of a *cul-de-sac* street must not exceed 250 meters in length in order to provide for safe and simultaneous access for emergency vehicles and civilian evacuation. The allowable maximum length may be increased to 500 meters if a midpoint hammerhead turnaround is provided or alternate access for emergency and evacuation purposes is provided.”

12) SCHEDULE “C.3” – DESIGN AND CONSTRUCTION OF HIGHWAYS AND WALKWAYS
SECTION 2 – DESIGN CRITERIA – HIGHWAYS
3.05 Horizontal Alignment

To amend section 3.05 by deleting:

“∞ be located so that fencing is only required on one side when possible.”

13) SCHEDULE “C.4” – CURBS, GUTTERS, AND SIDEWALKS
SECTION 1 – GENERAL REQUIREMENTS
1.03 Curb, Gutter and Sidewalk Requirements

To delete Table C.4.1. Curb, Gutter, and Sidewalk Requirements in its entirety and replace with APPENDIX “C” attached.

14) SCHEDULE “C.5” – DESIGN AND CONSTRUCTION OF WATER SYSTEMS
SECTION 3 – WATER SOURCE
3.01 Requirements for Wells

To amend section 3.01 by deleting:

“Wells must be restricted to supplying water to only one *parcel*. Where the well is not located on the *parcel* for which the well is the *water source*, the well, water mains, and all other appurtenances must be protected by an easement”.

15) SCHEDULE “D.1” – PREPARATION OF ENGINEERING DRAWINGS
SECTION 3 – ELECTRONIC DRAWINGS

To delete Table D.1.1. STANDARD AUTOCAD LAYERS in its entirety and replace with APPENDIX “D” attached.

16) SCHEDULE "D.2" – STANDARD DRAWINGS

To amend SCHEDULE "D.2" by deleting drawing number 112, Reinforced Concrete Stairs, in Division Roads, in its entirety and replacing it with APPENDIX "E" attached.

APPENDIX "A"

SCHEDULE "A.5" - COVENANT

THIS INDENTURE made this day of , 200 .

BETWEEN:

(hereinafter called the "Transferor")

OF THE FIRST PART

AND

REGIONAL DISTRICT OF CENTRAL OKANAGAN,
a regional district
1450 KLO Road, Kelowna, BC V1W 3Z4

(hereinafter called the "Transferee")

OF THE SECOND PART

- A. **WHEREAS** the Transferor is the registered owner in fee simple of all and singular that certain *parcel(s)* or tract(s) of land and premises, situate, lying and being in the Kelowna Assessment Area, in the Province of British Columbia, more particularly known and described as:
- Parcel Identifier:*
Lot
Osoyoos Division Yale District
Plan
- (hereinafter called the "Lands");
- B. **AND WHEREAS** pursuant to section 219 of the *Land Title Act*, R.S.B.C. 1996 c.250, there may be registered a covenant against the title to the Lands subject to the covenant, and such covenant is enforceable against the Transferor and the successors in title of the Transferor even if the covenant is not annexed to land owned by the Transferee;
- C. **AND WHEREAS** the Transferor has applied to subdivide the Lands;
- D. **AND WHEREAS** the water supplied to the Lands is from a well or surface water located on the Lands and may not be potable;
- E. **AND WHEREAS** chemical analyses of the water from the well or surface water indicates levels of chemicals that currently or potentially exceed the *Guidelines for Canadian Drinking Water Quality*, published by authority of the Minister of Health Canada as amended from time to time,

(the "Guidelines") and therefore the Transferor has agreed, as a condition of approval of *subdivision* of the Lands, to enter into this Covenant with the Transferee;

- F. **AND WHEREAS** the results of chemical testing are representative of the individual sample and are subject to fluctuation and whereas further the quantity of water supplied to a well or surface water is subject to fluctuation;
- G. **AND WHEREAS** the Lands, in order to be used for ordinary residential purposes, will require an appropriate water treatment system serving the *water supply* from the well or surface water so as to make the water fit for human consumption and satisfy the Guidelines.

NOW THEREFORE in consideration of the promises set forth in this Covenant and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The Transferor shall not use the Lands to construct, erect, maintain or occupy any dwelling intended for residential use unless the Transferor shall firstly install a water treatment system that will render the water supplied to the dwelling potable according to the Guidelines.
2. The Transferor shall maintain the water treatment system so that the treated water shall continue to be potable according to the Guidelines. The Transferor shall be responsible for all future testing of the *water supply* to determine compliance with the Guidelines.
3. The Transferor does hereby, on behalf of the Transferor and the Transferor's heirs, executors, administrators, successors and assigns, remise, release, indemnify and save harmless the Transferee, its officers, officials, employees or agents from any and all claims, causes of action, loss or suits of whatever nature or kind including, without limitation, claims for property damage, personal injury or death arising out of or in any way connected with this Covenant and the *water supply* for the Lands. The Transferor does further agree that the Transferee shall have no obligation to ensure compliance with or enforce the terms of this Covenant or to do any act or thing in connection with the *water supply* for the Lands, which at all times shall remain the responsibility of the Transferor and the Transferor's heirs, executors, administrators, successors, assigns and successors in title.
4. Pursuant to section 219 of the *Land Title Act*, the covenants herein contained shall be covenants running with the Lands and shall enure to the benefit of and be binding upon the Transferor and the Transferor's heirs, executors, administrators, successors, assigns and successors in title.
5. If any part of this Covenant is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
6. Nothing contained or implied in this Covenant shall prejudice or affect the exercise of any of the Transferee's functions under any source of authority including, without limitation, any statutes, regulations, bylaws, orders or other constating documents, all of which may be fully and effectively exercised by the Transferee.
7. The Transferor will do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Covenant.

8. This Covenant will not be modified or discharged except in accordance with the provisions of section 219(9) of the *Land Title Act*.

This is the instrument creating the condition or covenant entered into under section 219 of the *Land Title Act* by the registered owner(s) referred to herein.

Approving Officer

END OF DOCUMENT

SECTION 2 - TYPE AND EXTENT OF SERVICING

APPENDIX 'B'

Table C.2.2

indicates the type and extent of servicing required to be constructed and installed prior to obtaining final approval for a plan of subdivision or development and shall be based on the zone in which the land is located as set out on the Official Zoning Map of the Zoning Bylaw.

REQUIRED SERVICING	REF SECTION	ZONE																
		A1	F1*	RU 1	RU 2	RU 3	RU 4	RU 5	RU 6	ALL R1	ALL R2	ALL R3	RMP	RC1	ALL CD	P1	P2	P3
Highways & Walkways	6.02	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sidewalks, Curb & Gutters	6.03																	
Water Distribution System	6.04																	
Water Source	6.05	✓	✓															
Community Sewer	6.06																	
Onsite Disposal	6.07	✓	✓															
Storm Drain System	6.08																	
Drainage, Sediment & Erosion Control	6.09	✓	✓															
Slope Stability	6.10	✓	✓															
Street Lighting	6.11	✓	✓															
Overhead Wiring	6.12	✓	✓															
Underground Wiring	6.12	✓	✓															

REQUIRED SERVICING	REF SECTION	ZONE																	
		C1	C2	C3	C4	MOTEL/HOTEL	C5,C7 OTHER USES	C6	C8	I1	I2	I3	I4, 14A	I5					
Highways & Walkways	6.02	✓	✓	✓	✓														
Sidewalks, Curb & Gutters	6.03	✓	✓	✓	✓														
Water Distribution System	6.04	✓	✓	✓	✓														
Water Source	6.05																		
Community Sewer	6.06	✓	✓	✓	✓														
Onsite Disposal	6.07																		
Storm Drain System	6.08	✓	✓	✓	✓														
Drainage, Sediment & Erosion Control	6.09	✓	✓	✓	✓														
Slope Stability	6.10	✓	✓	✓	✓														
Street Lighting	6.11	✓	✓	✓	✓														
Overhead Wiring	6.12	✓	✓	✓	✓														
Underground Wiring	6.12	✓	✓	✓	✓														

- For F1 zone, Water Source and Onsite Disposal will be required at Building Permit
- Where parcel size is 30ha or more, no servicing requirements apply
- Where the subdivision encompasses multiple zones the most stringent requirements shall apply to all parcels.
- Community Sewer is required for all parcels with areas less than 1ha. (On site sewage disposal may be permitted under the LRC Homesite Severance Policy).

APPENDIX "C"

1.03 Curb, Gutter and Sidewalk Requirements

The type and width of the curb, gutter and sidewalk shall be provided as specified in Table C.4.1.

**TABLE C.4.1
CURB, GUTTER AND SIDEWALK REQUIREMENTS**

HIGHWAY CLASSIFICATION	CURB TYPE REQUIRED	MINIMUM SIDEWALK WIDTHS
<i>Residential Zones</i>		
<i>Arterial</i>	Type 1	1.8 m
<i>Collector</i>	Type 2	1.8 m
<i>Local</i>	Type 2	1.5 m
<i>Commercial Zones</i>		
<i>All Highways</i>	Type 1	1.8 m

APPENDIX "D"

Table D.1.1

**REGIONAL DISTRICT OF CENTRAL OKANAGAN
STANDARD AUTOCAD LAYERS**

AUTOCAD LAYER SETTINGS				PLOT SETTINGS	
NAME	DESCRIPTION	COLOR	LINETYPE	PEN NUMBER	PEN THICKNESS
0	not used	7	N/A	N/A	N/A
Bldg-env	building envelope	7	continuous	7	0.35
Border	RDCO standard border	6	continuous	7	0.70
Boundary	subdivision boundary	252	borderx2	252	0.20
Contours	Ground contours	2	continuous	8	0.10
Curb	curb	2	continuous	7	0.15
Curvdata	curve data	1	continuous	7	0.25
Defpoints	dimension nodes	N/A	N/A	N/A	N/A
Dims	parcel dimensions (L80)	15	continuous	7	0.20
Easement	utility rights of way	8	hidden	8	0.25
Pgrid	20mm profile grid	8	continuous	8	0.25
PgridF	2mm profile grid	9	continuous	8	0.15
PgridV	Vert. 20mm profile grid	8	continuous	8	0.25
House-txt	civic addresses	2	continuous	7	0.15
Ip	iron pins	2	continuous	7	0.15
Legal	lot & plan lines	1	continuous	7	0.25
Mailbox	Mailbox	2	continuous	7	0.15
Monu	survey monuments	7	continuous	7	0.35
Pfgc	profile final ground centerline	7	continuous	7	0.35
Pegc	profile existing ground centreline	2	hidden	7	0.15
Psan	profile sanitary	3	sanitary	7	0.50
Pstm	profile storm	4	Storm	7	0.50
Rdcl	road centreline	1	center	7	0.25
Setback	building setback	8	hidden	8	0.25
Uctv	Cable television	11	Cable-tv	7	0.20
Uelec	Electrical	12	ug_eletrical	7	0.20
Ugas	Gas	13	Gas	7	0.20
Usana	Sanitary appurtances	80	continuous	7	0.30
Usanfm	Sanitary force main	3	continuous	7	0.50
Usanml	sanitary main	3	sanitary	7	0.50
Usans	sanitary service	3	continuous	7	0.50
Ustma	storm appurtances	140	continuous	7	0.30

AUTOCAD LAYER SETTINGS				PLOT SETTINGS	
NAME	DESCRIPTION	COLOR	LINETYPE	PEN NUMBER	PEN THICKNESS
Ustmml	storm main	4	storm	7	0.50
Utel	Telephone	14	telephone	7	0.20
Uwata	Water appurtances	150	continuous	7	0.30
Uwatml	water main	5	water	7	0.50
Uwats	water service	5	continuous	7	0.50
Viewlayer	viewport (F)	7	continuous	N/A	N/A
Water	Waterways/creeks	4	continuous	4	0.50
Prefix "fut-"	prefix future works	8	varied	8	.25
Prefix "ex-"	prefix existing works	8	varied	8	.25

- For works or features that are not part of the *subdivision* or *development* and which are proposed to be constructed in the future or in a subsequent phase, add the prefix "fut-" to the appropriate layer name and place the entities on that layer.
- For existing *works* or features add the prefix "ex-" to the appropriate layer name and place the entities on that layer.
- For all text labels add the suffix "-txt" to the appropriate layer name and input text on that layer.

HP PLOTTER CONFIGURATION

Pens: Lines merge: on
 Fill: solid

Annotations: Drawing file name: on
 Plot date/time: on

Print colors: Colors as grey

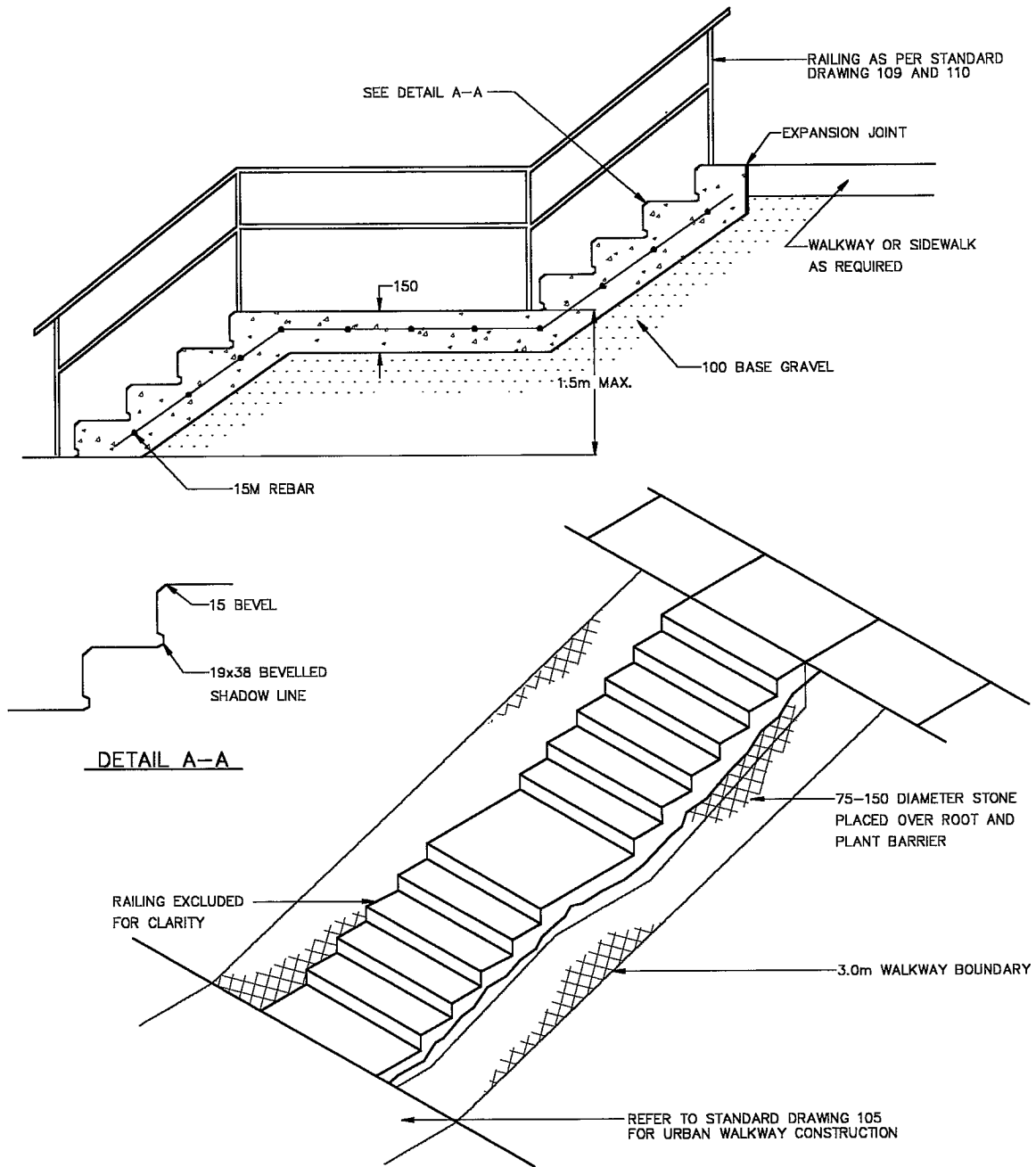
APPENDIX "E"



REGIONAL DISTRICT
OF CENTRAL OKANAGAN

STANDARD DRAWINGS

NOT TO SCALE



NOTE:

- REFER TO DESIGN DRAWINGS, MMCD 3300, AND SCHEDULE C OF THIS BYLAW FOR DETAILED SPECIFICATIONS.

REINFORCED CONCRETE STAIRS

DIVISION:

ROADS

DRAWING NUMBER:

112

REVISED: AUG 2000