

THE CORPORATION OF THE VILLAGE OF VALEMOUNT

SUBDIVISION AND DEVELOPMENT

SERVICING BYLAW NO. 450, 1998

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WHEREAS the Corporation of the Village of Valemount wishes to revise the provisions of the present Subdivision Control Bylaw No. 161, 1980, as amended by Subdivision Control Amendment Bylaw No. 278, 1987 and Amendment Bylaw No. 309, 1989;

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

NOW THEREFORE, the Council of the Corporation of the Village of Valemount, in open meeting assembled, enacts as follows:

THE CORPORATION OF THE VILLAGE OF VALEMOUNT

**SUBDIVISION AND DEVELOPMENT
SERVICING BYLAW NO. 450, 1998**

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SECTION 1 - TITLE

This bylaw may be cited as the Corporation of the Village of Valemount Subdivision and Development Servicing Bylaw No. 450, 1998.

SECTION 2 - INTERPRETATION

INTERPRETATION

In this bylaw, unless the context requires otherwise:

"Approving Officer" means any person duly authorized by the Village Council to act as Approving Officer pursuant to the provisions of the Land Title Act.

"Building Inspector" means the Building Inspector for the Corporation of the Village of Valemount.

"Building Regulations" means the Corporation of the Village of Valemount Building Bylaw No. 201, 1982, as amended by Amendment Bylaw No. 281, 1987 and Amendment Bylaw No. 309, 1989.

"Communications Wiring" means Telephone or Cable TV wiring or both.

"Community Sewer System" means a sanitary sewer or a system of sewage disposal works which is owned, operated and maintained by the Municipality.

"Community Water System" means a system of waterworks within the meaning of the Health Act which is owned, operated and maintained by the Municipality, an Improvement District under the Water Act or the Municipal Act, or which is regulated under the Water Utilities Act, and authorized by the Municipal Council.

"Council" means the Council of the Corporation of the Village of Valemount.

"Cul-de-sac" means a length of local street made for vehicular use, the end of which is permanently closed either by subdivision design or by a natural feature such as inaccessible terrain.

"Design Engineer" means the Professional Engineer engaged by the owner to design and prepare drawings for construction of works in a subdivision or development, or his authorized representative.

"Development" means an activity that requires a Building Permit.

"Drainage System" means a system of works designed and constructed to control the flow of storm water, ground water, or both.

"Frontage" means the length of a parcel boundary which immediately adjoins a highway other than a lane or a walkway, or a waterbody where access is via water. In the case of a parcel fronting on more than one highway, the narrower side of the parcel abutting a highway shall be its frontage.

"Gradient or Grade" expressed as a percentage is determined by dividing the vertical height from the lowest to highest elevation on the parcel by the horizontal distance between the lowest and highest point.

"Highway" includes a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right-of-way on private property.

"Highway, Arterial" means a street which carries large volumes of all types of traffic between the principle areas of traffic generation to collector or other arterial highways.

"Highway, Collector" means a street which carries traffic from local highway to arterial highway and includes the principle entrance streets for circulation of traffic within such a subdivision.

"Highway, Local" means a street used primarily for travel and access to and from the parcels of land contiguous thereto.

"Irrigation District" means an irrigation district incorporated under the Municipal Act or in the Water Act.

"Lane" means a highway intended to provide secondary access to parcels of land.

"Medical Health Officer" means the Medical Health Officer appointed under the Health Act.

"Municipality" means the Corporation of the Village of Valemount or the area within the municipal boundaries thereof as the context may require.

"Owner" in respect of real property means the registered owner of an estate in fee simple, and includes:

- .1 the tenant for life under a registered life estate;
- .2 the registered holder of the last registered agreement for sale;
- .3 the holder or occupier of land held in the manner mentioned in Sections 409 and 410 of the Municipal Act; and
- .4 an Indian who is an owner under the letters patent of a municipality, incorporated under Section 10 of the Municipal Act.

"On-site Works" means all works and services installed on the parcel being developed.

"Off-site Works" means all works and services required to be installed or upgraded between the boundary of the parcel being developed and the connection point to the existing Village works and services.

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

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

"Parcel Area" means the total land area of a parcel contained within all of the parcel lines measured on a horizontal plane and expressed in units of square metres.

"Parcel Depth" means the average distance from the front parcel line to the rear parcel line.

"Parcel Line" means a line marking the boundary of a parcel.

"Parcel Line - Front" means the parcel line which immediately adjoins a highway other than a lane or walkway or water body where access is via water. In the case of a parcel fronting on more than one highway, the narrower side of the parcel abutting the highway shall be the front parcel line.

"Parcel Line - Rear" means the parcel line furthest from and opposite to the front parcel line, except that there shall not be more than one rear parcel line.

"Parcel Line - Side" means a parcel line marking the boundary between two parcels or between a parcel and a lane or between a parcel and a highway in the case of a corner parcel of which one or both ends intersect a front parcel line.

"Parcel Width" means the horizontal distance between the side parcel lines measured at right angles to the parcel depth.

"Potable Water" means water which is approved for drinking purposes by the Medical Health Officer.

"Professional Engineer" means a person who is registered or duly licensed as such under the provisions of the Engineers and Geoscientists Act of British Columbia.

"Proven Supply" means that a supply of potable water is available and proven with respect to volume, delivery and continuity of supply from an on-site groundwater system, a source requiring a water license from the Ministry of Environment or a community water system.

"Right-of-Way" includes land or any interest in land acquired for any public purpose, including:

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

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

"Service Level" means the standard of municipal services required for subdivisions or developments under the provisions of this bylaw.

"Street" means a highway except a lane, trail, or walkway.

"Subdivision" means the division of land into two or more parcels, whether by plan, apt descriptive words, or otherwise.

"Village" means the Corporation of the Village of Valemount.

"Village Engineer" means the person or persons designated from time to time by Council to fulfil the duties assigned by this Bylaw.

"Walkway" means a highway intended to carry pedestrian and non-motorized traffic.

"Watercourse" means any natural or man-made drainage course or source of water, whether usually containing water or not, and includes any lake, river, creek, spring, ravine, swamp, gulch, or source of ground water, whether enclosed in a conduit or not.

"Works and Services" means any public service, facility or utility which is required or regulated by this Bylaw and without restricting the generality of the foregoing includes:

- .1 the supply and distribution of water; collection and disposal of sanitary sewage and drainage water;
- .2 street lighting;
- .3 highways, access roadways, curbs, gutters, and sidewalks; and
- .4 natural gas, power, telephone and cablevision services.

"Zone" means a zone as provided for in the Corporation of the Village of Valemount Zoning Bylaw in effect at the date of an application for subdivision or building permit.

All words or expressions used in the Bylaw shall have the same meaning assigned to them as like words or expressions contained in the Interpretation Act and the Municipal Act.

SECTION 3 - GENERAL PROVISIONS

SEVERABILITY

- 3.1 The provisions of this Bylaw are severable. If any provision 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 provisions of this Bylaw.

APPLICATION

- 3.2 This Bylaw shall apply to the following:
- .1 All subdivisions and developments where the ownership and operation of works and services are taken over by the Village; and
 - .2 Developments constructed under building permits that are for public use, including but not limited to shopping malls, stores, apartments, townhouses, condominiums, commercial enterprises, institutional facilities, or developments where the requirements of other codes may not provide the standard of service required by the Village.

Developments where the provisions of this Bylaw do not apply are on-site single family dwelling or two family dwelling construction.

ADMINISTRATION

- 3.3 This Bylaw shall be administered by:
- .1 The Approving Officer of the Corporation of the Village of Valemount where works and services are to be provided because of subdivision of land; or
 - .2 The Building Inspector of the Corporation of the Village of Valemount where works and services are to be provided because of an application for a building permit.

RECORD KEPT

- 3.4 The Approving Officer may maintain a record of all applications submitted under this Bylaw with respect to subdivisions. The record will indicate the final disposition of all such applications.
- 3.5 The Building Inspector may maintain a record of all occasions when works and services are required in accordance with the standards of this Bylaw and this record will show what works and services were provided and where.

AUTHORIZATION OF ENTRY

- 3.6 The Approving Officer, Building Inspector or any other officer appointed by Council are hereby authorized to enter at all reasonable times upon any property or premises to inspect the same in connection with their duties under this Bylaw and to ascertain whether the provisions of this Bylaw are being complied with.

LEVEL OF SERVICE

- 3.7 Unless otherwise approved by a Development Variance Permit or Development Permit issued by the Village Council, all subdivisions and developments shall be provided with service as prescribed in Schedule A of this Bylaw. The service levels may be different for different areas within the Village in accordance with the provisions of Schedule A of this Bylaw.

EXCESS OR EXTENDED CAPACITY

- 3.8 Pursuant to Section 990 of the Municipal Act, the Village may require that the Owner provide excess or extended services to provide access to or service land other than the land being subdivided or developed.

SUBDIVISIONS WHERE SERVICING REQUIREMENTS MAY BE WAIVED

- 3.9 Notwithstanding Subsection 3.7 of this Section, the servicing requirements prescribed in Schedule A of this bylaw do not apply where the parcel created is to be used solely for the unattended equipment necessary for the operation of:

- .1 a community water system;
- .2 a community sewer system;
- .3 a community gas distribution system;
- .4 a community radio or television receiving antennas;
- .5 a radio or television broadcasting antenna;
- .6 a telecommunications relay station;
- .7 an automatic telephone exchange;

- .8 an air or marine navigational aid;
- .9 electrical substations or generating stations; or
- .10 any other similar public service or quasi public service facility or utility.

PANHANDLE LOTS

- 3.10 Panhandle lots are generally not permitted, however if required to efficiently develop a parcel of land they shall conform to the following:
 - .1 the access strip shall be a minimum 6 m wide, with a minimum 3.5 m wide access road; the access strip shall not be calculated as part of the minimum parcel area.
 - .2 where a panhandle lot is capable of further subdivision, dependent on access through the panhandle, the access strip shall be a minimum 15 m wide, with a minimum 3.5 m wide access to serve a single lot. Upon further subdivision of the lot, a 7.5 m road shall be constructed in accordance with Schedule B.

CONTAMINATED SITE REGULATIONS

- 3.11 All development sites shall be subject to review under the provisions of the Contaminated Site Regulations that arise from the Waste Management Act.

GEOTECHNICAL OVERVIEW, TOPOGRAPHIC MAPPING AND DEVELOPMENT PHASING

- 3.12 a) At a minimum, for developments proposed in the area bounded by the CNR right-of-way, Swift Creek, the Southern Village boundary and the Highway 5 right-of-way, the owner, prior to preliminary approval shall undertake the following:
 - .1 a preliminary road alignment and parcel development concept plan showing how development lands, and lands beyond the development boundaries, will be serviced;
 - .2 a drainage plan showing, existing drainage courses, and conceptually how drainage will be accommodated through the site;
 - .3 a development servicing concept plan showing the preliminary alignment and sizes of watermain, sanitary main and storm drainage mains. The direction of sanitary sewage, and storm drainage flows should also be shown on this drawing;
 - .4 development phasing boundaries, showing parks, institutional lands, road hierarchy and parking; and

.5 a preliminary cost estimate.

Drawings shall be presented on minimum 1:1000 scale drawings.

b) Through areas outside of the area bounded by CNR right-of-way, Swift Creek, the Southern Village boundary and the Highway 5 right-of-way, the owner, prior to preliminary approval shall undertake the following:

.1 a geotechnical overview of the overall development area, extending a minimum of 100 metres beyond the subject parcel. At a minimum this geotechnical overview is to address:

- .1 general site soil conditions;
- .2 ground water;
- .3 soil/site stability; and
- .4 corrosive or sulphate soils.

.2 a topographic survey of the overall development area, extending a minimum of 100 meters beyond the subject parcel. A survey plot plan shall be prepared at a minimum 1:1000 scale, with 1.0 m contours;

.3 a preliminary road alignment and parcel concept plan showing how development lands, and lands beyond the development boundaries, will be serviced;

.4 a drainage plan showing the flood plain, existing drainage courses, and conceptually how drainage will be accommodated through the site;

.5 a development servicing concept plan showing the preliminary alignment and sizes of watermain, sanitary main and storm drainage main. The direction of sanitary sewage, and storm drainage flows should also be shown on this drawing;

.6 development phasing boundaries, showing parks, institutional lands, road hierarchy and parking; and

.7 a preliminary cost estimate.

Drawings shall be presented on minimum 1:1000 scale drawings.

CONNECTION TO THE COMMUNITY WATER SYSTEM

3.13 All water distribution or fire hydrant supply systems provided in accordance with this Bylaw shall be connected to the community water system.

CONNECTION TO THE COMMUNITY SANITARY SEWER SYSTEM

- 3.14 All sanitary sewage collection systems provided in accordance with this Bylaw shall be connected to the community sanitary sewer system.
- 3.15 In areas where connection to existing Village sanitary sewer system is not feasible, as determined by the Village Engineer, the owner shall install a sanitary sewage collection system, including services to each lot, that can readily be connected to the Village system at a future date. The collection system shall be left in a dry unoperated state until connection to the Village system is made.

CONNECTION TO THE COMMUNITY DRAINAGE SYSTEM

- 3.16 Where available, all drainage collection systems provided in accordance with this Bylaw shall be connected to the community drainage system.

COMPLIANCE WITH BYLAW

- 3.17 No person shall subdivide or develop land in the Village of Valemount except in compliance with the provisions of this Bylaw.

COST OF SERVICES

- 3.18 Unless otherwise provided in this Bylaw, all on-site and off-site works and services required in this Bylaw shall be constructed and installed at the expense of the owner of the land being subdivided or developed.

SECURITY AND DEVELOPMENT AGREEMENT REQUIRED

- 3.19 All works and services to be constructed and installed to serve any proposed subdivision or development of any lands shall be constructed and installed as prescribed in Schedules A to H attached hereto at the expense of the Owner prior to the approval of such subdivision by the Approving Officer or issuance of Building Permit by the Building Inspector. A plan of subdivision may be finally approved or building permit issued prior to the completion of the construction and installation of the required services where the Owner deposits with the Corporation of the Village of Valemount the security as specified in the Standard Development Agreement Document, and enters into a form of agreement with the Village as contained in the Standard Development Agreement Document, to do all things required to carry out and construct the necessary services. A copy of this document is attached to this bylaw as Sample Agreement A.

RIGHT-OF-WAY AGREEMENT

- 3.20 Where the provisions of this Bylaw require an Owner to grant a utility or drainage right-of-way to the Village, the Owner shall be required to enter into an agreement with the Village

and the Owner shall pay all associated costs. A sample copy of this agreement is attached to this bylaw as Sample Agreement B.

VIOLATION

3.21 Every person who:

- .1 violates any of the provisions of the Bylaw;
- .2 causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw;
- .3 neglects or omits to do anything required under this Bylaw;
- .4 carries out, causes or permits to be carried out any subdivision or development in a manner prohibited by or contrary to any of the provisions of this Bylaw;
- .5 fails to comply with an order, direction or notice given under this Bylaw; or
- .6 prevents or obstructs or attempts to prevent or obstruct the authorized entry of an officer on property,

shall be deemed to be guilty upon summary conviction of an offence under this Bylaw.

PENALTY

3.22 Any person who commits an offence under this Bylaw shall be liable upon summary conviction to a penalty as set out in the Offence Act, for every such violation, which penalty and cost shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.

SECTION 4 - SERVICING REQUIREMENTS

REQUIREMENTS

- 4.1 As a condition of the approval of a subdivision or issuance of a building permit for development, the Council requires that the owner of the land being subdivided or developed provide services as follows:
- .1 highway in accordance with the level of service and standards set out in Schedules A and B of this Bylaw;
 - .2 curb, gutter, sidewalks and boulevards in accordance with the level of service set out in Schedule A and standards set out in Schedule C of this Bylaw;
 - .3 water systems in accordance with the level of service set out in Schedule A and standards set out in Schedule D of this Bylaw;
 - .4 sanitary sewer systems in accordance with the level of service set out in Schedule A and standards set out in Schedule E of this Bylaw;
 - .5 drainage systems in accordance with the level of service set out in Schedule A and standards set out in Schedule F of this Bylaw;
 - .6 street lighting in accordance with the level of service set out in Schedule A and standards set out in Schedule G of this Bylaw; and
 - .7 electrical and communications wiring in accordance with the level of service set out in Schedule A and standards set out in Schedule H of this Bylaw.

MINIMUM STANDARDS

- 4.2 The standards and specifications set out in Schedule B are the minimum standards and shall be supplemented by the design engineer in accordance with generally accepted engineering practice in particular circumstances that warrant a higher standard.

SECTION 5 - FEES

APPLICATION FEES

- 5.1 An Owner applying for subdivision approval or a building permit shall submit with the application the following fees:
- .1 Application Fees for Subdivisions Under the Land Title Act
A fee of Two Hundred (\$200.00) Dollars for the first parcel proposed to be created by subdivision and Fifty (\$50.00) Dollars for each addition parcel is payable to the Village of Valemount;
 - .2 Application Fees for Subdivision Under the Condominium Act
A fee of Two Hundred (\$200.00) Dollars for the first bare land strata lot proposed to be created by subdivision and Fifty (\$50.00) Dollars for each additional bare land strata lot is payable to the Village of Valemount; and
 - .3 Application Fees for Building Permit
A fee of \$100 is payable where the provisions of this bylaw are applicable prior to the issuance of a building permit.

INSPECTION AND CONNECTION FEES

- 5.2 An Owner, prior to making application for Final Subdivision Approval or being issued a building permit , shall submit the following fees:
- .1 Charges for inspection of works in the amount equal to five percent (5%) of the Design Engineer's cost estimate for constructing services required for the new subdivision or development, or actual Village cost, whichever is greater. The Goods and Services Tax (7%) shall be additional to the inspection charges. The Design Engineer's estimate shall also include the GST (7%); and
 - .2 The cost of connecting the work to the Village's drainage, sewage and water collection systems.

SECTION 6 - SCHEDULES

- 6.1 The following is a list of schedules attached hereto and forming part of this Bylaw:
- .1 SCHEDULE A - Level of Service;
 - .2 SCHEDULE B - Regulations, Standards, and Specifications for the Design and Construction of Highways;
 - .3 SCHEDULE C - Regulations, Standards, and Specifications for the Design and Construction of Curbs and Gutters, Sidewalks, and Boulevards;
 - .4 SCHEDULE D - Regulations, Standards, and Specifications for the Design and Installation of Water Systems;
 - .5 SCHEDULE E - Regulations, Standards, and Specifications for the Design and Construction of Sanitary Sewers;
 - .6 SCHEDULE F - Regulations, Standards, and Specifications for the Design and Installation of Drainage Systems;
 - .7 SCHEDULE G - Regulations, Standards, and Specifications for the Installation of Street Lighting;
 - .8 SCHEDULE H - Regulations, Standards, and Specifications for the Installation of Electrical and Communications Wiring and Gas Distribution System; and
 - .9 SCHEDULE I - Standards for the Preparation of Design and As-Built Drawings.
- 6.2 The following is a list of standard forms that are provided for convenience only and do not form part of this Bylaw:
- .1 Standard Development Agreement Document;
 - .2 Standard Statutory Right-of-Way Document;
 - .3 Confirmation of Commitment by Owner; and
 - .4 Confirmation of Professional Assurance.

SECTION 7 - ENACTMENT

7.1 REPEAL OF PREVIOUS BYLAW

Subdivision Control Bylaw Number 161, 1980 and Amendment Bylaw No.'s 278, 1987 and 309, 1989, is hereby repealed.

7.2 BYLAW ADOPTION

Read a FIRST time this 24th day of February , 1998.

Read a SECOND time this 24th day of February, 1998.

Read a THIRD time this 10th day of March, 1998.

RECONSIDERED AND FINALLY ADOPTED this 13th day of March, 1998.

Mayor

Clerk

Certified to be a true and correct copy of
Bylaw No. 450 cited as Subdivision and
Development Servicing Bylaw No. 450, 1998.

Dated this 13th day of March 1998.
