

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 3578

(**amended by Bylaws No. 3598, 3802, 4004, 4210, 4302, 4451 and 4816)

CONSOLIDATED FOR CONVENIENCE TO JUNE 27, 2022

A Bylaw to regulate the subdivision and development of land

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 In this Bylaw, unless the context otherwise requires,

"APPLICANT" means the owner of land in respect of which the Municipality has received an application for preliminary layout consideration, subdivision, or both;

"APPROVING OFFICER" means the approving officer for the Municipality as defined in the Land Title Act;

"ARTERIAL HIGHWAY" means a highway usually providing a continuous route primarily for through traffic with land access a secondary consideration;

"COLLECTOR HIGHWAY" means a highway performing the dual function of land access and distribution of traffic between local and arterial highways;

"CUL-DE-SAC" means a highway which terminates with a vehicular turning area;

"DIRECTOR OF BUILDING AND PLANNING" means the Director of Building and Planning for the Municipality;

"DIRECTOR OF ENGINEERING SERVICES" means the Director of Engineering Services for the Municipality;

"FRONTAGE" means frontage as defined in the Zoning Bylaw;

"HIGHWAY" includes a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way;

"LANE" means a highway of width less than or equal to 6 metres, which affords secondary access to a parcel at the side or rear of the parcel;

"LOCAL HIGHWAY" means a highway providing land access with through traffic a secondary consideration;

"MUNICIPAL CLERK" means the Municipal Clerk for the Municipality;

"MUNICIPAL TREASURER-COLLECTOR" means the Municipal Treasurer-Collector for the Municipality;

"MUNICIPALITY" means The Corporation of the District of Oak Bay;

"OFF-SITE WORKS AND SERVICES" means works and services required to be provided on, in, under or over a highway or right of way adjacent to land being subdivided or developed;

"PARCEL" means a lot, block or other area in which land is held or into which land is subdivided, but does not include a highway;

"PRELIMINARY LAYOUT CONSIDERATION" means the consideration granted by the Approving Officer setting out the conditions which must be met by the applicant prior to subdivision approval;

"ROADWAY" means that portion of a highway which is improved and surfaced for vehicular traffic in accordance with the standards prescribed in this Bylaw;

"STATUTORY RIGHT OF WAY" means a statutory right of way as defined in the Land Title Act;

"SUBDIVISION" means

(a) a subdivision as defined in the *Land Title Act*; and

(b) a subdivision under the *Condominium Act*;

"SUBDIVISION APPROVAL" means approval of a subdivision by the Approving Officer under the *Land Title Act* or the *Condominium Act*, whichever is applicable;

"SURVEYOR" means a land surveyor licensed and registered as a land surveyor in the Province of British Columbia;

"WALKWAY" means a highway for pedestrian traffic only;

"WIDTH", in relation to a parcel, has the same meaning as "lot width" as defined in the Zoning Bylaw, with the necessary changes and so far as applicable;

"WORKS AND SERVICES" means works and services required to be provided pursuant to Section 989 of the *Municipal Act*;

"ZONING BYLAW" means the Zoning Bylaw of the Municipality.

PROHIBITION

- 2 No person shall subdivide land in the Municipality contrary to the provisions of this Bylaw.

VIOLATION AND PENALTY

- 3 A person who contravenes this Bylaw by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence and is liable, upon summary conviction, to a fine of not more than \$2,000.00 plus costs.

GENERAL REQUIREMENTS

- 4 Every parcel created by subdivision shall have an area equal to or greater than the minimum prescribed by the Zoning Bylaw for the zone in which it is located.

- 5 Every parcel created by subdivision shall have a width equal to or greater than the minimum prescribed by the Zoning Bylaw for the zone in which it is located.

- 6 Subject to the authority which may be exercised at the discretion of the Approving Officer, conferred upon him by Section 3.6.4 of the Zoning Bylaw, every parcel created by subdivision shall have a frontage equal to or greater than

(1) the minimum prescribed by the Zoning Bylaw for the zone in which it is located; or

(2) one-tenth of the perimeter of the parcel,

whichever is greater.

(**Bylaw 3598, adopted June 27/88)

- 7 Except in the case of a bare land strata subdivision under the *Condominium Act*, and subject to the authority which may be exercised at the discretion of the Approving Officer, conferred upon him by Section 75(3) of the *Land Title Act*, every parcel created by subdivision shall abut a highway of dedicated width greater than or equal to 12.2 metres (40 feet).

- 8 No subdivision shall have the effect of creating a contravention of any regulation contained in the Zoning Bylaw, and without restricting the generality of the foregoing,

(1) no subdivision shall have the effect of siting a building or structure on a parcel created by the subdivision contrary to the provisions of the Zoning Bylaw for the zone in which the parcel is located, and the Approving Officer may require the applicant to submit a plan or sketch certified by a surveyor showing the siting of a building or structure in relation to the boundaries of a proposed parcel prior to approving the subdivision; and

(2) no subdivision shall have the effect of creating a parcel on which the floor area ratio or gross floor area of a building or the lot coverage of a building or structure exceeds the respective maxima prescribed by the Zoning Bylaw for the zone in which it is located, and the Approving Officer may require the applicant to submit a plan or sketch

certified by a surveyor containing sufficient information to enable him to determine whether the said floor area ratio, gross floor area and lot coverage comply with the maxima so prescribed.

*(**Bylaw No. 4451, adopted January 26, 2009)*

- 9 The Approving Officer, the Director of Building and Planning, the Director of Engineering Services and the Municipal Clerk, and any municipal employee acting under the authority of any one of them, may at all reasonable times enter upon land proposed to be subdivided for the purpose of administering this Bylaw, and no person shall prevent or obstruct, or attempt to prevent or obstruct, the entry of persons so authorized.
- 10 Every subdivision shall be suited to the configuration of the land being subdivided and the intended use, and shall not make impracticable the future subdivision of the land within the proposed subdivision or of adjacent land.
- 11 The Approving Officer may refuse to approve a subdivision where he considers that the cost to the Municipality of providing public utilities or other works and services would be excessive.
- 12 Notwithstanding Sections 4, 5 and 6, the Approving Officer may approve a subdivision which creates a parcel which does not comply with the provisions of the Zoning Bylaw regarding the minimum area, width and frontage provided that
 - (1) it is to be held by the Municipality or another level of government or public authority and
 - (a) the parcel is necessary to permit the orderly subdivision or servicing of adjacent land in the future; or
 - (b) the parcel is for a municipal or other public use; or
 - (2) it is created for the purpose of adding it to an already existing adjoining parcel in the same subdivision plan, in which case the new parcel shall be deemed to be an integral portion of the parcel to which the new parcel is added.
- 13 Where unusual soil, drainage or topographical conditions exist or may develop within the land proposed to be subdivided, the Approving Officer may require the applicant to submit a report from a professional engineer with experience in geotechnical engineering that will allow him to determine whether the area, shape and dimensions of the parcels are adequate in view of the nature of the ground and the intended use.
- 14 The side lines of every parcel created by subdivision shall be at right angles or radial to the abutting highway unless the Approving Officer is satisfied that it is impracticable to comply.
- 15 The Approving Officer may require that the applicant have a proposed subdivision staked out on the ground by a Surveyor.

PRELIMINARY LAYOUT CONSIDERATION

- 16 An applicant may, before submitting a plan of subdivision for approval under the *Land Title Act* or the *Condominium Act*, make an application for preliminary layout consideration.
17. An application for preliminary layout consideration shall be submitted to the Approving Officer and shall be accompanied by a fee of \$600.00 for the first parcel plus \$100.00 for each subsequent parcel within the proposed subdivision plan or bare land strata plan, as the case may be.
(**Bylaw 4210, adopted Jan. 26, 2004)
- 18 An application for preliminary layout consideration shall be accompanied by a statement of the use to which the applicant intends to put the land following its subdivision.
- 19 An application for preliminary layout consideration shall be accompanied by four copies of a sketch plan drawn to a scale of not less than 1:500, unless otherwise directed by the Approving Officer, prepared by a surveyor showing the following information:
- (1) the boundaries of all adjacent parcels and the relationship of the proposed subdivision to at least one highway intersection;
 - (2) the layout, dimensions and alignment of all parcels and highways;
 - (3) topographical information when required by the Approving Officer;
 - (4) the siting and dimensions of all buildings existing at the time of application, with information as to those which will remain after subdivision;
 - (5) the location, diameter (1.3 metres above point of germination) and species of all mature trees within the land to be subdivided when required by the Approving Officer; and
 - (6) the location of any water courses within the land to be subdivided.
- 20 Where, in the opinion of the Approving Officer, an application for preliminary layout consideration anticipates or would affect further subdivision of the land within the proposed subdivision or any adjacent land, he may require the applicant to submit a sketch plan showing the ultimate subdivision and indicating how the application fits into the ultimate subdivision.
- 21 Preliminary layout consideration shall not be construed as approval of the proposed subdivision for land registration or any other purpose.
- 22 Preliminary layout consideration shall not be construed as acceptance by the Approving Officer of anything other than the general layout of the proposed subdivision, and a list of minimum conditions which would be required to be satisfied prior to approval.

- 23 Subject to Section 24.4, preliminary layout consideration is valid for a period of 1 year.
(**Bylaw 4004, adopted Nov.23/98)
(**Bylaw 4816, adopted June 27,2022)
- 24 Before the end of the period set out in Section 23, an applicant may, in writing, apply to the Approving Officer for extension of preliminary layout consideration for a further 1 year period.
(**Bylaw 4004, adopted Nov.23/98)
(**Bylaw 4816, adopted June 27,2022)
- 24.1 An application for extension under Section 24 shall be accompanied by a fee of \$100.00.
- 24.2 Following receipt of an application for extension under Section 24, the Approving Officer, after considering any new information pertinent to the application, along with any changes in the factors underlying the decision to grant preliminary layout consideration in the first instance, may:
- (1) reject the application
 - (2) approve the application; or
 - (3) approve the application with modifications or additions to the list of minimum conditions set out pursuant to Section 22.
- 24.3 For each preliminary layout consideration, the Approving Officer may, upon application, grant not more than one (1) extension.
- 24.4 The Approving Officer may grant preliminary layout consideration or extension thereof for a period shorter than 1 year where required to coincide with the effective date of a bylaw affecting the proposed subdivision.
(**Bylaw 4816, adopted June 27,2022)
- 24.5 At any time before subdivision approval is granted, and subject to the laws of the Province of British Columbia affecting the subdivision of land, the Approving Officer may, by notice in writing to the applicant, modify or add to the list of minimum conditions set out pursuant to Section 22.
(**Bylaw 4004, adopted Nov.23/98)

SUBDIVISION APPROVAL

25. An application for subdivision approval:
- (1) under the Land Title Act shall be submitted to the Director of Building and Planning, and shall be accompanied by an examination fee of \$50.00 or such other amount as may be prescribed from time to time by regulation under the Land Title Act, plus the fee set out in Section 17 hereof if there has been no application for preliminary layout consideration;
(**Bylaw 4210, adopted Jan. 26, 2004)

- (2) under the Condominium Act shall be submitted to the Director of Building and Planning, and shall be accompanied by an examination fee of \$50.00, plus the fee set out in Section 17 hereof if there has been no application for preliminary layout consideration.

*(**Bylaw 3802, adopted May 9/94)*
*(**Bylaw 4210, adopted Jan. 26, 2004)*

- 26 An application for subdivision approval shall be accompanied by a State of Title Certificate for each parcel of land proposed to be subdivided.
- 27 The subdivision plan submitted for approval shall be signed by the applicant and shall be accompanied by one white mylar print thereof, which shall be retained by the Municipality if the subdivision is approved.
- 28 The subdivision plan submitted for approval shall conform substantially to the plan granted preliminary layout consideration.

DESIGN AND COST OF WORKS AND SERVICES

- 29 The works and services required by this Bylaw, whether on land within a subdivision or on a highway or right of way adjacent to a subdivision or development, shall be designed, constructed, and installed at the expense of the owner of the land proposed to be subdivided or developed.
- 29.1 All works and services required by this Bylaw shall be designed by a Professional Engineer licensed and in good standing in the Province of British Columbia as such under the provisions of the Engineers and Geoscientists Act.
- 29.2 Any applicant intending to construct works or services required for the approval of a subdivision or development shall arrange for a pre-design meeting and pay, at the request for the meeting, an administration fee and a fee for each parcel to be created in addition to the number of existing parcels in accordance with Schedule B of the Bylaw.
- 29.3 All construction drawings required for subdivision or land development that require the review of the Director of Engineering and Public Works for approval to construct on site works and services, shall be accompanied by a fee in accordance with Schedule “B” of this Bylaw.
- 29.4 The Professional Engineer’s scope of engagement shall include, but is not limited to, assurance of completeness of the design, certification and submission of construction drawings, coordination of engineering sub-consultants and Record drawings and certification that the design and construction of all Works and Services substantially meet Bylaw 3578 requirements.
- 29.5 Concurrent with the submission of construction drawings, any Professional Engineer engaged by the applicant must provide the district with a letter that states the following:

“I, _____ a Professional Engineer qualified and eligible to

practice in the Province of British Columbia, hereby certify that the following works as set out on the drawings submitted currently with this letter have been designed to good engineering standards and in substantial accordance with the latest edition of Subdivision and Development Servicing Bylaw No. 3578, as amended” (signature)

- 29.6 The Professional Engineer will advise the Director of Engineering and Public Works of any severance of engagement during the course of design and construction.

*(**Bylaw 4816, adopted June 27,2022)*

WORKS AND SERVICES REQUIRED ON LAND WITHIN A SUBDIVISION

- 30 All new highways within a subdivision, including widening strips of existing highways, sidewalks, lanes, boulevards and walkways, shall be designed, constructed and installed and have the dimensions, locations, alignment and gradient as prescribed in Schedule "A" hereto.

- 31 Design, construction and installation of street lighting shall be in accordance with the Master Municipal Construction Documents (MMCD), latest edition.

*(**Bylaw 4816, adopted June 27,2022)*

- 32 Design of water distribution systems shall be in accordance with the Master Municipal Construction Documents (MMCD), latest edition.

Construction and installation of water distribution systems shall be in accordance with the Capital Regional District Water Services – Engineering Specification and Standard Drawings, latest edition.

*(**Bylaw 4816, adopted June 27,2022)*

- 33 Design, construction and installation of sanitary sewer systems shall be in accordance with the Master Municipal Construction Documents (MMCD), latest edition.

*(**Bylaw 4816, adopted June 27,2022)*

- 34 Design, construction and installation of storm sewer systems shall be in accordance with the Master Municipal Construction Documents (MMCD), latest edition.

*(**Bylaw 4816, adopted June 27,2022)*

- 35 Design, construction and installation of underground wiring shall be in accordance with the Master Municipal Construction Documents (MMCD), latest edition.

*(**Bylaw 4816, adopted June 27,2022)*

- 36 Where storm sewers, sanitary sewers and water lines required to serve the parcels within a subdivision are not in highways, the applicant shall grant to the Municipality the necessary statutory rights of way and shall bear all costs associated therewith.

COMMUNITY SYSTEM CONNECTIONS REQUIRED

- 37
- (1) Every parcel created by subdivision, and the water distribution, fire hydrant, sanitary sewer and storm sewer systems provided within a subdivision or development shall, at the expense of the owner of land proposed to be subdivided or developed, as the case may be, be connected to the respective system of the Municipality in the manner prescribed by the Director of Engineering Services, and where main extensions are required construction shall be in accordance with the Schedules attached hereto, and the provisions of Sections 57 to 60 apply, with the necessary changes and so far as applicable.
 - (2) Where storm sewers, sanitary sewers or water lines required to serve a subdivision or development must cross over land, other than a highway, outside the subdivision or development, the owner of the land proposed to be subdivided or developed, as the case may be, shall, if required by the Director of Engineering Services, be responsible for obtaining the necessary grants of statutory right of way to the Municipality from the owner or owners of such land outside the subdivision or development, and shall bear all costs associated therewith.

EXCESS CAPACITY

38 Authority is hereby delegated to the Director of Engineering Services to:

- (1) require that the owner of land that is to be subdivided or developed bear the cost of providing excess or extended services within the meaning of Section of the *Local Government Act, [RSBC 2015] c. 1*;

(**Bylaw 4816, adopted June 27,2022)
- (2) determine the portion of the cost of providing the sanitary sewer, water, storm drain or highway facilities that constitutes the excess or extended service;
- (3) determine the portion of the excess or extended service that will benefit each of the parcels of land that will be served by the excess or extended service;
- (4) impose as a condition of an owner connecting to or using the excess or extended service a charge related to the benefit determined under subsection (2);
- (5) on behalf of the Municipality enter into an agreement with an owner who is providing excess or extended services, establishing the period over which charges for latecomer connections will be collected by the Municipality, provided that no such charge shall be payable beyond fifteen (15) years from the date the service was completed.

(**Bylaw 4816, adopted June 27,2022)

*(**Bylaw 4302, adopted Jan. 23, 2006)*

39 An applicant for a development or subdivision, or for connection to an excess or extended service, may have a decision of the Director of Engineering Services relating to latecomer fees reconsidered by the Municipal Council by applying in writing to the Municipal Clerk not later than five (5) days following the mailing, faxing or delivery of written notification thereof, setting out the decision the applicant wishes to have reconsidered and the reasons supporting the request for reconsideration.

*(**Bylaw 4302, adopted Jan. 23, 2006)*

39.1 Latecomer charges repayable to the owner assessed costs for excess or extended services shall include interest calculated at a per annum rate equivalent to the prime lending rate set by the financial institution at which the Municipality banks as of the date such excess or extended services are completed.

*(**Bylaw 4302, adopted Jan. 23, 2006)*

SECURITY: ON-SITE WORKS AND SERVICES

40 In this Part, "Developer" means the owner of land proposed to be subdivided and his heirs, executors, administrators, successors and assigns.

41 All works and services required to be constructed and installed on land within a subdivision at the expense of the Developer shall be constructed and installed in accordance with the standards set out in this Bylaw before the Approving Officer approves the subdivision unless the Developer

(1) deposits with the Municipality security in the form of cash or an irrevocable letter of credit in a form acceptable to the Municipal Treasurer-Collector, which shall be in the amount of the cost of engineering, constructing and installing the works and services as estimated by the Director of Engineering Services; and

(2) enters into a servicing agreement with the Municipality in a form acceptable to the Municipal Clerk to construct and install the works and services by a specified date or forfeit to the Municipality the amount secured by the cash or letter of credit.

42 On completion of the works and services required under this Bylaw on land within a subdivision, the Developer shall so notify the Director of Engineering Services and deliver to him a preliminary set of "as built" drawings. The Director of Engineering Services shall, as soon as is reasonably convenient to him after receipt of such notice, inspect the works and services and, if necessary, issue a list of deficiencies that must be rectified. Upon rectification of such deficiencies to the satisfaction of the Director of Engineering Services, and upon registration in the Land Title Office at Victoria of all statutory rights of way where the works and services or any part thereof traverse private property, the Director shall accept the works and services, and such acceptance shall take the form of the issuance of a certificate of substantial completion.

43 (1) Where the Developer has constructed and installed works and services on land within a

subdivision pursuant to a servicing agreement under Section 41(2), the security deposited with the Municipality pursuant to Section 41(1) shall be released upon the issuance of a certificate of substantial completion less 20 percent of the amount of the deposit.

- (2) The Developer shall, within 60 days after the issuance of a certificate of substantial completion, deliver "as built" mylar tracings of the works and services to the Director of Engineering Services in a form satisfactory to him. Upon acceptance thereof by the Director of Engineering Services, the remaining security held by the Municipality shall be released less 15 percent of the original amount of the deposit (hereinafter called the "specific retention").
- 44
- (1) Where the Developer has constructed and installed works and services on land proposed to be subdivided after having been granted preliminary layout consideration but without entering into a servicing agreement under Section 41(2), the works and services shall not be connected to any of the sewage, drainage or water works of the Municipality and the subdivision shall not be approved until the Director of Engineering Services has issued a certificate of substantial completion pursuant to Section 42 and the Developer has deposited with the Municipality security in the form of cash or an irrevocable letter of credit in a form acceptable to the Municipal Treasurer-Collector, which shall be in the amount of 20 percent of the cost estimated by the Director of Engineering Services in accordance with Section 41(1).
 - (2) The Developer shall, within 60 days after the issuance of a certificate of substantial completion, deliver "as built" mylar tracings of the works and services to the Director of Engineering Services in a form satisfactory to him. Upon acceptance thereof by the Director of Engineering Services, the security held by the Municipality pursuant to Subsection (1) shall be reduced to an amount equal to 15 percent of the cost estimated by the Director in accordance with Section 41(1) (hereinafter called the "specific retention").
- 45
- The Developer shall be responsible for the maintenance and repair of, and shall indemnify and save harmless the Municipality against any claim arising out of the construction, installation, operation or use of, the works and services for a period of one year (hereinafter called the "maintenance period") after the date of issuance of a certificate of substantial completion by the Director of Engineering Services.
- 46
- The Developer shall maintain adequate public liability and property insurance policies in connection with the works and services throughout the maintenance period.
- 47
- Where, in the opinion of the Director of Engineering Services, maintenance or repair of any of the works and services is required during the maintenance period, such maintenance or repair shall be commenced by the Developer within 5 days of notice from the Director being delivered to him, and shall be completed expeditiously. In default thereof by the Developer the Director of Engineering Services may undertake such maintenance or repair using either the Municipality's own crews, another person or persons, or a combination thereof, and any costs or expenses incurred by the Municipality in connection therewith, including but not

limited to municipal labour and equipment rental charges, may be paid by the Municipality out of monies drawn from the specific retention. Nothing herein contained shall prevent the Municipality from claiming against the Developer where the cost of such repair or maintenance exceeds the amount of the specific retention.

- 48 The specific retention, less any amounts drawn by the Municipality pursuant to Section 47, shall be released to the Developer at the expiration of the maintenance period.
- 49 All works and services required to be constructed and installed on land within a subdivision under this Bylaw shall upon issuance of a certificate of substantial completion by the Director of Engineering Services become the property of the Municipality, free and clear of all encumbrances.
- 50 Sections 30 through 36 and Sections 41 through 49 shall not apply to a subdivision by way of a bare land strata plan under the *Condominium Act*, in respect of which the on-site works and services shall be constructed and installed in accordance with regulations made by the Lieutenant Governor in Council under that *Act* and all applicable bylaws of the Municipality before the Approving Officer approves the subdivision unless the Developer
- (1) deposits with the Municipality security in the form of cash or an irrevocable letter of credit in a form acceptable to the Municipal Treasurer-Collector, which shall be in the amount of the cost of engineering, constructing and installing the works and services which the Approving Officer is satisfied can be constructed on the land proposed to be subdivided, in accordance with the standards set out or referred to in the aforesaid regulations, as estimated by a Professional Engineer and approved by the Approving Officer; and
 - (2) enters into a servicing agreement with the Municipality in a form acceptable to the Municipal Clerk to construct and install the works and services by a specified date or forfeit to the Municipality the amount secured by the cash or letter of credit.

**WORKS AND SERVICES REQUIRED ON A HIGHWAY
ADJACENT TO A SUBDIVISION OR DEVELOPMENT**

- 51 In this Part, "Developer" means
- (1) the owner of land proposed to be subdivided; and
 - (2) the owner of land proposed to be developed in a manner which requires the issuance of a building permit,

and "owner" includes the heirs, executors, administrators, successors and assigns of the owner.

A. Highways

- 52 (1) Where a subdivision or development of land will increase the volume of vehicular

traffic on a highway adjacent to the land being subdivided or developed, and where the effect of such additional volume is that, in the opinion of the Director of Engineering Services, and, where necessary, on the advice of a professional engineer with experience in traffic engineering, the width, condition, gradient or alignment of the roadway will be inadequate to safely accommodate the resulting vehicular traffic volume or existing pedestrian traffic, or where the resulting traffic volume will have a detrimental effect on the life of the road surface, the Developer may be required to dedicate a portion of the land for highway purposes, or the Municipality may, at the expense of the Developer, undertake the works and services, including the construction and installation of sidewalks, curbs and gutters, required to bring the portion of the highway up to the centre line thereof up to the required standard, or both, or, at its option, the Municipality may require the Developer to construct and install such works and services at his expense, as a condition of subdivision approval or the issuance of a building permit, as the case may be.

- (2) Design, construction and installation of the required works and services shall be as prescribed in Schedule "A" hereto.

B. Storm Sewers

- 53 (1) Where a subdivision or development of land will increase the runoff to be conveyed by a municipal storm sewer in a highway or statutory right of way adjacent to the land being subdivided or developed, and where the effect of such additional runoff is that the capacity or condition of the sewer will be below the standard required to accommodate peak design flows calculated using a runoff coefficient appropriate for the area and a return frequency of ten years (single family residential) or fifteen years (apartment and commercial), whichever is applicable, the Municipality may, at the expense of the Developer, undertake the works and services required to ensure an adequate capacity, or remedy the condition, or, at its option, may require the Developer to undertake such works and services at his expense, as a condition of subdivision approval or the issuance of a building permit, as the case may be.

*(**Bylaw 4302, adopted Jan. 23, 2006)*

- (2) Design, construction and installation of the required works and services shall be as prescribed in Schedule "E" hereto.

C. Sanitary Sewers

- 54 (1) Where a subdivision or development of land will increase the flow of sewage to be conveyed by a municipal sanitary sewer in a highway or statutory right of way adjacent to the land being subdivided or developed, and where the effect of such additional flow is that the capacity or condition of the sewer will be below the standard required to accommodate peak design flows including infiltration, the Municipality may, at the expense of the Developer, undertake the works and services required to ensure an adequate capacity, or remedy the condition, or, at its option, may require the Developer to undertake such works and services at his expense, as a condition of subdivision approval or the issuance of a building permit, as the case may be.

(**Bylaw 4302, adopted Jan. 23, 2006)

- (2) Design, construction and installation of the required works and services shall be as prescribed in Schedule "D" hereto.

D. Water Lines

- 55 (1) Where a subdivision or development of land will require for fire protection and consumption a rate of flow and daily volume, respectively, greater than can be supplied by a municipal water line in a highway or statutory right of way adjacent to the land being subdivided or developed, the Municipality may, at the expense of the Developer, undertake the works and services required to ensure an adequate rate of flow and daily volume, or, at its option, may require the Developer to undertake such works and services at his expense, as a condition of subdivision approval or the issuance of a building permit, as the case may be.
- (2) Flow and volume requirements shall be determined in accordance with the criteria set out in Schedule "C" hereto.
- (3) Design, construction and installation of the required works and services shall be as prescribed in Schedule "C" hereto.

E. Trench Excavation and Backfill

56 [DELETED]

(**Bylaw 4816, adopted June 27, 2022)

SECURITY: OFF-SITE WORKS AND SERVICES

57 In this Part, "Developer" has the meaning assigned by Section 51.

58 Where off-site works and services required to be constructed and installed under this Bylaw are to be constructed and installed by the Municipality, the Developer shall, prior to subdivision approval or the issuance of a building permit, as the case may be, pay the Municipality cash in the amount of the cost of engineering, construction and installation of the off-site works and services as estimated by the Director of Engineering Services, provided that any difference between the actual cost as certified by the Municipal Treasurer-Collector and the estimated cost shall either be charged to the Developer, who shall promptly remit the same, or be refunded by the Municipality to the Developer, whichever is applicable, upon completion of the off-site works and services.

59 Where, at the option of the Municipality, off-site works and services required to be constructed and installed pursuant to this Bylaw are to be constructed and installed by the Developer, he shall, prior to subdivision approval or the issuance of a building permit, as the case may be,

- (1) deposit with the Municipality security in the form of cash or an irrevocable letter of

credit in a form acceptable to the Municipal Treasurer-Collector, which shall be in the amount of the cost of engineering, constructing and installing the off-site works and services as estimated by the Director of Engineering Services; and

- (2) enter into an off-site servicing agreement with the Municipality in a form acceptable to the Municipal Clerk to construct and install the off-site works and services by a specified date or forfeit to the Municipality the amount secured by the cash or letter of credit.

60 Where off-site works and services required to be constructed and installed under this Bylaw are to be constructed and installed by the Developer and security is deposited pursuant to Section 59(1), the provisions of Sections 42, 43 and 45 through 49 apply, with the necessary changes and so far as applicable.

REPEALS

61 The following Bylaws are hereby repealed except insofar as they repeal any other bylaw:

Bylaw No. 3528, *"Off-Site Works and Services Bylaw, 1986"*

Bylaw No. 3538, *"Subdivision Bylaw, 1986"*.

CITATION

62 This Bylaw may be cited as the ***"SUBDIVISION AND DEVELOPMENT BYLAW, 1987"***.

READ a first, second and third time by the Municipal Council on September 14, 1987

RECONSIDERED, ADOPTED and FINALLY PASSED by the Municipal Council on September 28, 1987

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the
District of Oak Bay.

SCHEDULE "A"

HIGHWAYS

Width

<u>Classification</u>	<u>Right of Way Width</u>	<u>Roadway Width*</u>
Collector	20 m	9 m to 11 m
Local	18 m	8.5 m to 10 m
Cul-de-Sac	17 m	6 m to 8 m

*to be determined within the specified limits by the Director of Engineering Services in accordance with subdivision density and engineering design requirements.

General Design Principles

1. Right of way and roadway widths for arterial highways shall be as required by the Director of Engineering Services after consideration of actual or anticipated average and peak traffic volumes.
2. Arterial and collector highways shall be continued without jogs through the subdivision.
3. Jogs in the alignment of local highways within and without the subdivision shall be avoided unless the distance between centre lines at the jog exceeds 30 m.
4. Culs-de-sac shall be provided with a turnaround area of 18 m diameter at the closed end. Unless an emergency secondary access is provided, no cul-de-sac shall exceed a length of 110 m from the front of the turnaround to the intersecting highway having more than one access, and in no case shall the length of any cul-de-sac exceed 220 m.
5. Where bends occur in highway alignment the angle shall be replaced by a curve of radius approved by the Director of Engineering Services.
6. Reversed curves shall be separated by straight lengths of highway.
7. Intersecting highways shall meet substantially at right angles unless otherwise required or permitted by the Director of Engineering Services. In no case shall highways intersect at an angle of less than 70° nor greater than 110°.
8. The grade of arterial highways shall not exceed 7 percent, and the grade of all other classes of highway shall not exceed 10 percent.

9. Walkways not less than 3 m wide shall be dedicated, constructed and fenced to the satisfaction of the Approving Officer where, in his opinion, they are necessary to provide access to schools, playgrounds, commercial facilities, public transportation, beaches and other community facilities, or for proper circulation of pedestrian traffic.
10. Subject to the requirements of this Bylaw, highways shall be laid out and constructed so as to interfere as little as possible with mature trees within or without the subdivision, and to this end the Director of Engineering Services may require the construction of parking bays, which he shall take into account in his determination of the required roadway width.
11. Access from a highway to each parcel of land within a subdivision shall be practical and reasonable and shall be in accordance with the *Driveway Access Bylaw, 1987*.
12. All structures and obstructions of any kind encroaching upon the full, free and uninterrupted use by the public of the full width and extent of all highways and walkways within a subdivision shall be removed prior to subdivision approval.
13. Sidewalks shall be constructed on one or both sides of highways within a subdivision if required by the Director of Engineering Services, who may specify whether they shall abut the curb or be separated therefrom by a boulevard of width to be determined by him.
14. Lanes of width satisfactory to the Director of Engineering Services shall be dedicated and constructed to his satisfaction where they would form extensions of any existing lane or system of lanes, or where, in his opinion, a secondary means of access is required for parcels within a subdivision.
15. To the extent consistent with the foregoing, the design and construction of highways, sidewalks, curbs, gutters, boulevards and lanes shall be consistent with the applicable standards set out in the most recent edition of the "Manual of Geometric Design Standards for Canadian Roads and Streets", published by the Roads and Transportation Association of Canada, and "Residential Services and Site Planning Standards", published by the Ministry of Municipal Affairs, Province of British Columbia.

SCHEDULE "B"

Schedule of Fees – Design and Construction of Works and Services

Application Type	Admin Fee	Unit Fee
Application for a Pre-Design meeting (Works and Services Design)	\$885	Plus, per new lot created \$300
Application for Pre-Construction meeting (Works and Services Construction)	\$885	Plus 4.0% of District's Estimate of cost of works

*(**Bylaw 4816, adopted June 27,2022)*

[SCHEDULES C, D, E and F DELETED]

*(**Bylaw 4816, adopted June 27,2022)*

SCHEDULE "G"

TRENCH EXCAVATION AND BACKFILL

(a) Trenching and Backfilling Equipment

Mechanical trenching and backfilling equipment may be used except where by so doing damage to trees, buildings, sidewalks, curbs, piping, or other existing structures or manmade obstacles above or below ground cannot be avoided. Trenches shall be hand excavated and backfilled where such obstacles prevent the use of mechanical equipment.

(b) Caution in Excavation

Trenches shall be excavated only as far in advance of the pipe laying operation as safety, traffic, and weather conditions permit. Caution shall be exercised with respect to structures, piping, or other manmade obstacles that may exist within the working area and due consideration given to the protection and support of such properties and structures.

(c) Pre-cutting Paved Surfaces

When trenching along or across a paved surface, pavement shall first be cut by hand or mechanical means in straight lines parallel to the trench centre-line. The total cut width of pavement shall not be greater than that which is necessary for trench excavation under existing soil conditions. Where, in the opinion of the Director of Engineering Services, existing pavement is in such poor condition that pre-cutting is not warranted, pavement may be cut by trenching equipment. Pavement that has been removed to permit trenching shall be disposed of as waste material and shall not be placed in the trench backfill.

(d) Excavating Trench Material

Excavated trench material may not be piled alongside the trench without the approval of the Director of Engineering Services. In so doing, moreover, the excavated material shall not spill onto private properties adjacent to line of trench thereby disturbing fences, buildings, shrubs, lawns, or other items of value.

Piling of excavated material along the trench shall not unduly restrict cross traffic at road intersections. Material shall be cleared from road intersections and provision made for use of the cross road by traffic as soon as possible after excavation has taken place. Pedestrian traffic to individual properties shall be maintained at all times and timber bridges shall be provided where it is necessary to cross open trenches. Roadways, driveways, and drainage facilities shall not be blocked unnecessarily. The spoil pile shall be located such that hindrance to local traffic is minimal.

In order that excavated material may be piled along the trench, roads may be temporarily closed off to traffic with approval of the Director of Engineering Services, provided that adequate detour traffic routes can be established to move traffic around the construction area, and provided also that street entrances to driveways are not blocked from vehicular traffic for periods in excess of one day.

Where excavated material cannot be piled along the trench in compliance with the above restrictions, it shall be trucked to locations where backfilling is taking place or trucked to stockpile for return to the trench at the time of backfilling. Alternatively, excavated material shall be wasted and replaced with approved material at the time of backfilling.

(e) Trench Widths

Trenches shall be excavated such that there is no less than 150 mm clearance between the outside of the pipe at its largest section and the trench sheeting or earth wall, and no more than 375 mm clearance between the pipe and the earth wall regardless of the existence of trench support works. The above condition shall govern from the bottom of the trench to a distance 100 mm above the top of the pipe at its largest section. Trench widths above this level shall be maintained within the allowable limits shown on the drawings.

Bedrock, boulders, and large stones shall be removed to provide a clearance of at least 150 mm below and on all sides of the pipe and fittings.

(f) Bracing and Sheeting

Trenches shall be sheeted and braced in accordance with the requirements of the Workers' Compensation Board or as may be necessary to protect life, property, and structures adjacent to the work, the work itself, or to maintain trench width within the specified limits. Trench sheeting and bracing shall be located no closer than 150 mm to the widest section of any installed pipe.

Whenever possible, vertical trench timber or sheeting shall be placed so that it does not extend below the springline of the pipe being installed. When it is necessary to place sheeting or timber below the pipe springline, as in the case of overexcavation for trench bottom stabilization, sheeting shall be raised in 600 mm lifts and all backfill placed below the level of the pipe springline shall be thoroughly compacted on each lift to fill the void left by the raising sheeting.

Trench sheeting and bracing shall be removed where its removal will not result in damage to adjacent structures, otherwise it shall be left in place. When sheeting and bracing is left in place, it shall be cut so that no sheeting remains closer than 1 m to existing ground surface.

Where sheeting or timber is removed from a trench in which backfill is to be compacted, it shall be removed in a manner which permits compaction of the backfill in the manner specified.

(g) Dewatering

Ground and surface water shall be controlled to the extent that excavation and pipe installation can proceed in the specified manner and such that trench bottom is not disturbed to the detriment of the pipe installation. Trench water shall not be permitted to enter the pipe being installed unless approval is received from the Director of Engineering Services.

The necessary pumps, well points, or other equipment shall be employed to keep excavations free of water. Caution shall be exercised to make sure that foundation problems with existing structures and works under construction do not result from the selected method of dewatering excavations. Discharge from pumps, well points, or other dewatering equipment shall be located and controlled such that loss, damage, nuisance, or injury to the public does not result.

(h) Trench Bottom Conditions

Trenches shall be maintained such that pipe can be installed without getting water, muck, silt, gravel, or other foreign material into the pipe. Material remaining in the trench bottom on completion of machine excavating which has been disturbed or softened by workmen or trench water shall be removed before bedding material is placed. The trench bottom shall be firm and capable of supporting the pipe to be installed, otherwise the bottom shall be stabilized by means of overexcavation or special foundation designed to support the pipe as hereinafter described.

When the material in the trench bottom is found to be unstable or otherwise unsuitable for pipe support or the support of appurtenant structures, the trench shall be overexcavated to the level at which stable material is encountered and the excavation backfilled to the level of normal bedding with an approved granular material. This material shall be compacted with approved mechanical compactors in lifts having a maximum depth of 300 mm to provide a thoroughly consolidated pipe base. Bedding material, as specified for normal pipe bedding, may be employed for this purpose to a maximum depth of 300 mm below the normal depth of bedding.

(i) Backfill Within Pipe Zone

The pipe zone is defined as that portion of the trench between the bottom level of the pipe bedding and a level 300 mm above the top of the installed pipe. Bedding of the pipe and backfill of the trench within the pipe zone shall be carried out as specified in the latest edition of the Water Pollution Control Federation's Manual of Practice for "Design and Construction of Sanitary and Storm Sewers".

(j) Concrete Fill

Concrete may be required for pipe base, encasement, or backfill as directed by the Director of Engineering Services. Concrete shall have adequate time to set before backfill material is placed.

(k) Placing Backfill

In order that consolidation of backfill is not hampered, trench water, if present, shall be removed prior to commencement of the backfilling. To prevent damage to the installed pipe, backfill shall be placed in the trench by rolling down a slope and not by pushing it over the edge of the trench and allowing it to drop vertically. Every effort shall be made to plan the backfilling operation such that exposure of backfill material to wet weather is kept to a minimum. The trench shall be backfilled as close to the pipe laying operation as conditions permit and trench excavations shall not be left open overnight without the written permission of the Director of Engineering Services.

(l) Backfill Above Pipe Zone

Materials and methods employed in backfilling trenches above the pipe zone shall depend on the location of the trench with respect to travelled and untravelled surfaces, and in particular on the type of material existing on the surface in which the trench is excavated.

Travelled surfaces are gravelled, or paved, roadways, lanes, driveways, parking areas, road shoulders, walkways, or other gravelled, or paved, surfaces over which vehicular or pedestrian traffic normally travel.

1. Untravelled Surfaces

In untravelled surfaces, unless otherwise specified, trench backfill above the pipe zone shall be native backfill material. Backfill may initially be built up to a height above original ground level equal to 10 percent of the trench depth and allowed to settle. Prior to acceptance, however, the trench surface shall be restored to its original level and to a condition which at least is equivalent to that which existed prior to construction unless the approval of the Director of Engineering Services is given to leaving trench surfaces in a bermed condition.

2. Gravel Travelled Surfaces

In travelled surfaces which exist as gravel surfaces, trench backfill above the pipe zone to a level 300 mm below the original trench surface shall, unless otherwise specified, be an approved granular material. The next 250 mm of backfill shall be 75 mm minus gravel. The top 50 mm of backfill shall be 20 mm minus crushed gravel.

3. Paved Travelled Surfaces

When trenches have been excavated in existing paved surfaces which are to be repaved, trench backfill shall be mechanically compacted an approved granular material to a level 375 mm below finished surface grade. The remainder of the trench shall be backfilled with 250mm of compacted 75 mm minus road base gravel; 50 mm of 20 mm minus crushed gravel, and finished with a minimum thickness of 75 mm of compacted hot asphalt mix.

If the edges of the cut pavement have become ragged as a result of the construction operation, pavement shall be recut to form a straight line and the base compacted prior to placing new pavement. The edges of the existing pavement shall be thoroughly cleaned and coated with an approved bituminous bonding agent prior to placing the hot asphalt mix. The asphalt shall be thoroughly compacted using an approved steel wheeled roller having a minimum weight of 8 tons or a vibratory compactor. The finished grade of the asphalt surface shall conform with that of the existing surface such that no rises, depressions, or ridges result from the repaving process.

(m) Imported Backfill Material

Where excavated trench material is not suitable for backfill, it shall be hauled out and disposed of and imported backfill approved by the Director of Engineering Services shall be provided and placed.

(n) Compaction of Backfill

Subject to the provision contained elsewhere herein, compaction of backfill above the pipe zone shall be obtained by using approved, mechanical, power-driven compactors. Compaction shall be carried out with the soil at optimum moisture content such that compaction to 90 percent of Standard Proctor Density (ASTM D698) is obtained. Backfill shall be compacted in lifts of not greater than 12 inches uncompacted depth.

(o) Road Shoulder Gravel

Trenches in road shoulders adjacent to paved surfaces shall be resurfaced with 20 mm minus crushed gravel placed to a minimum depth, equivalent to the thickness of the adjacent pavement.

(p) Disposal of Waste Excavated Material

Surplus excavated material shall be removed from the trench area at the time of backfilling and shall not be left along the trench following completion of the backfilling operation.

Waste material which is not required for the works, shall be disposed of at sites obtained by the Developer. Waste material shall not be dumped on private property without the written permission of the owner of the property and the Director of Engineering Services.

(q) Restoration

Surfaces adjacent to the trench or otherwise which have been disturbed by the trenching or backfilling operation shall be restored to a condition which is at least the equivalent of that which existed prior to construction and shall be maintained in this condition until the project has been accepted by the Director of Engineering Services.

Working areas are those areas which are affected by the construction operation but which lie outside the specified limits of trench excavation. Working areas shall be restored in the following manner:

1. Travelled Surfaces

Working areas in untravelled surfaces shall be restored to their original condition.

2. Gravelled Surfaces

Working areas in gravelled surfaces shall be restored by scarifying and grading the surface or, if necessary, by regravelling the surface with 50 mm of 20 mm minus crushed gravel material.

(r) Trench Settlement During Guarantee Period

All materials shall be replaced, and all failures shall be rectified, that occur as a result of settlement of trench backfill or collapse of trench walls during the maintenance period.

Trenches in which backfill settles shall be refilled with the specified backfill material, and paved surfaces that are adjacent to trenches or on trench backfill, which fail during this period, shall be replaced or repaired in an approved manner.

[SCHEDULE H DELETED]

*(**Bylaw 4816, adopted June 27,2022)*

