



BYLAW NO. 64

A BYLAW TO ESTABLISH MINIMUM STANDARDS FOR THE SUBDIVISION OF LAND

WHEREAS the Regional District may, pursuant to Part 26, Division 11 of the *Local Government Act*, regulate and require the provision of works and services in respect of the subdivision of land;

AND WHEREAS the Regional District wishes to establish the minimum standards for subdivisions in the electoral areas;

NOW THEREFORE, the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as "Subdivision Servicing Standards Bylaw No. 64, 2010".

2. APPLICATION

2.1 This Bylaw applies to all land located within an electoral area of the regional district.

2.2 This Bylaw applies to all subdivisions except:

- i) Subdivisions involving only the consolidation of existing parcels or to facilitate a road closure;
- ii) Subdivisions involving only a lot line adjustment between existing parcels and thereby not increasing the number of parcels;
- iii) Where the lot is intended for a non-sewage generating use such as unattended utility or navigational structures, public assembly and public utility uses;
- iv) Where a lot is registered as park or intended for park use;
- v) The strata conversion of previously occupied residential buildings.

3. REPEAL

Bylaw No. 673, being "Campbell River Area Subdivision Control Bylaw, 1983" is repealed.

4. DEFINITIONS

In this bylaw, unless the context otherwise requires:

"BOARD" means the Strathcona Regional District Board of Directors.

"COMMUNITY SANITARY SEWER SYSTEM" means a system of sewage collection, treatment and disposal where:

- i) It is approved under Municipal Sewage Regulation (B.C. Reg. 129/99), the system serves more than one parcel and the system is owned, operated and maintained by a provincial or local government or improvement district as defined by the *Local Government Act*, or a strata corporation, as defined by the *Strata Property Act*, or an incorporated company; and
- ii) Which is established and operated under the *Public Health Act* and regulations or *Environmental Management Act*; and
- iii) Be acceptable under regulations or other provincial legislation that may apply.

"COMMUNITY WATER SYSTEM" means a system of waterworks, within the meaning of the *Public Health Act*, which is owned, operated and maintained by the Regional District, an improvement district, irrigation district, or utility operating under the jurisdiction of the Ministry of Environment, as well as, a water works system operated and maintained by a Strata Corporation.

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

"LOT" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*, but does not include a highway or portion thereof.

"LOT AREA" means the area of land within the boundaries of the lot, but excludes the panhandle area.

"MEDICAL HEALTH OFFICER" means the official appointed under the *Public Health Act* who has jurisdiction over the area in which the subdivision is located.

"PARCEL" means any lot, block or other area in which land is held or into which land is subdivided whether under the *Land Title Act* or the *Strata Property Act*, but does not include a highway or portion thereof.

"POTABLE WATER" means water that, in the written opinion of the Medical Health Officer, is "potable water" as defined by the Drinking Water Protection Act.

"PROFESSIONAL ENGINEER" means a person who is registered or duly licensed as such, under the provisions of the *Engineers and Geoscientists Profession Act* of the Province of British Columbia and retains Professional Errors and Omissions and general liability insurance coverage.

"REGIONAL DISTRICT" means the Strathcona Regional District.

"SUBDIVISION" means any change in existing size, shape, number or arrangement of a parcel registered in the Land Title Office so as to require that a new Certificate of Indefeasible Title be issued and includes subdivision under the *Strata Property Act*.

“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: the supply and distribution of water, collection and disposal of sanitary sewage and drainage water and access roadways.

5. ADMINISTRATION

- 5.1 No land within the Strathcona Regional District shall be subdivided unless in accordance with the requirements of this Bylaw.
- 5.2 Unless otherwise stated in this Bylaw, the subdivision approval procedure and all other subdivision requirements shall be those as administered by the Ministry of Transportation and Infrastructure.

6. SEVERABILITY

If any provision of this Bylaw is found invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Bylaw.

7. INSPECTION

- 7.1 Employees of the SRD and other persons appointed by the Chief Administrative Officer of the SRD are hereby appointed by the Board pursuant to Section 268 of the Local Government Act to administer the regulations of this bylaw.
- 7.2 Persons appointed under subsection 7.1 above, may enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements of this bylaw are being met.

8. SUITABILITY

- 8.1 The Approving Officer may refuse the subdivision or strata subdivision of any parcel of land pursuant to Section 85, Section 86 and Section 87 of the *Land Title Act* (LTA), which includes, but is not limited to instances where the approving officer considers:
 - i) that the deposit of the plan is against the public interest;
 - ii) that the subdivision does not conform to the following:
 - a) all applicable provisions of the *Local Government Act*;
 - b) all applicable municipal, regional district and improvement district bylaws regulating the subdivision of land and zoning;

9. COMPLIANCE WITH OTHER REGULATIONS

- 9.1 The Strathcona Regional District will review subdivision applications for compliance with all applicable regional district bylaws, including but not limited to applicable zoning bylaws, land use bylaws and the *Planning Procedures and Fees Bylaw*. Nothing contained within the regional district's bylaws, nor any approval provided by the regional district, shall relieve the owner of a subdivision from the responsibility to comply with other legislation.

- 9.2 No subdivision shall be approved which would cause any existing building or structure, sewage disposal installation, or used source of potable water to contravene any bylaw or other regulation in force unless otherwise approved by the applicable approval authority.

10. REQUIRED WORKS AND SERVICES

10.1 Water

- i) Where a property is within a local water service area, or where a community water system is available, or is being provided, every proposed subdivision which would create a minimum of one (1) additional parcel is required to connect to the water service as per district standards.
- ii) In all subdivisions where a community water system is not available, each newly created parcel is required to be provided with a source of potable water to provincial standards.

10.2 Sewage Disposal

- i) Where a property is within a local sewer service area, or where a community sanitary sewer system is available, or is being provided, every proposed subdivision which would create a minimum of one (1) additional parcel is required to connect each lot to the sanitary sewer system as per district standards.
- ii) In all subdivisions where a community sanitary sewer system is not available, each newly created parcel is required to be provided with an adequate onsite sewage disposal system or onsite sewage treatment facility as approved by the Municipal Sewerage Regulation, the Vancouver Island Health Authority (VIHA) or the *Environmental Management Act* as regulated by the Ministry of Environment (MOE).

10.3 Roads

- i) All highways, including internal common strata roads, created through subdivision within the regional district and administered by the Ministry of Transportation and Infrastructure (MoT) shall be located, constructed and otherwise meet the standards of the MoT.

11. MINIMUM LOT AREA REQUIREMENTS FOR ON-SITE SEWAGE DISPOSAL

Notwithstanding minimum lot area requirements as otherwise regulated by zoning or land use bylaw, to allow for adequate onsite sewage disposal, all new parcels created through subdivision that are not connected to a community sanitary sewage system are required to adhere to the following requirements:

- 11.1 All new parcels created through subdivision that are to be serviced by an on-site sewage disposal system must maintain a minimum one hectare (2.47 acre) parcel size requirement.

12. LOT AREA CONDITIONS

- 12.1 Where permitted by zoning or land use bylaw, lot area requirements may be reduced by a maximum of 5% per lot, provided that at the decreased size, all other applicable requirements can be satisfied.

12.2 Where a regional district zoning or land use bylaw specifies a larger minimum lot area than specified within this bylaw, the larger parcel size requirement shall prevail.

13. EXEMPTION TO LOT AREA REQUIREMENTS FOR THE CONSOLIDATION AND/OR LOT LINE ADJUSTMENT OF EXISTING PARCELS

Existing parcels which are smaller than permitted in these regulations may be considered for consolidation and/or lot line adjustment, provided that

- i) all parts of all new parcels are contiguous;
- ii) no additional parcels are created;
- iii) the degree of compliance with the area and frontage requirements of these regulations is not lessened on any new parcel.

14. EXEMPTION TO LOT AREA REQUIREMENTS FOR LANDS WITHIN THE ALR

Lands designated as ALR subdividing under Section 946 'Subdivision to Provide Residence for a Relative' of the *Local Government Act* or 'Homesite Severance' provisions of the *Agricultural Land Reserve Act* are exempt from the minimum lot area requirements.

15. MINIMUM FRONTAGE REQUIREMENTS

15.1 Unless otherwise indicated by a zoning or rural land use bylaw, frontage will be determined as follows:

- i) The minimum frontage, being that portion of the lot that fronts onto a highway, shall be 10% of perimeter of the lot unless specified otherwise elsewhere in this bylaw.
- ii) Lots with water (sea or lake) access shall be considered as having double frontage and shall meet the 10% frontage requirement for the portion of the lot fronting onto the highway and for the portion of the lot fronting on the water as well as a frontage to depth ratio of 1:3 on rectangular lots and an average width to average depth ratio of 1:3 on irregular shaped lots.
- iii) Notwithstanding the above, the Regional Board, has the authority to reduce the required minimum frontage requirements in the following situations provided that at the decreased size, all other applicable requirements of this bylaw can be satisfied:
 - a) where a parcel features unusual terrain or configuration;
 - b) where additional road dedication is required above and beyond the roads necessary to serve the proposed lots;
 - c) where the required road dedication would prohibit a subdivision otherwise permitted by the specified minimum lot area; or
 - d) where the provision of a linear parkway is requested by the Regional District.

15.2 Panhandle Lots

- i) The creation of panhandle lots will only be considered and permitted where not otherwise regulated by a zoning or rural land use bylaw or where permitted by such a bylaw and at the discretion of any one of the SRD officers in the following situations provided that all other applicable requirements of this bylaw can be satisfied:
 - a) where a parcel features unusual terrain or configuration;
 - b) or where the proposed lots would allow for more efficient land use.
- ii) Notwithstanding the minimum lot frontage requirements as specified by this bylaw, where panhandles are permitted and created as an integral part of a parcel, the frontage shall not be the panhandle portion fronting on the highway, but shall be the width of the lot area fronting on the extension of the panhandle.

16. PROVISION OF PARKLAND

Pursuant to the requirements of Section 941 of the *Local Government Act*, subdivision may trigger the provision of parkland to the SRD.

17. EFFECTIVE DATE

This bylaw comes into effect on the 24th day of February, 2011.

18. TITLE

This Bylaw No. 64 may be cited for all purposes as "Subdivision Servicing Standards Bylaw, 2010".

READ A FIRST TIME ON THE 25th DAY OF MAY, 2010

READ A SECOND TIME ON THE 25th DAY OF MAY, 2010

READ A THIRD TIME ON THE 25th DAY OF MAY, 2010

APPROVED UNDER SECTION 913 OF THE LOCAL GOVERNMENT ACT ON THE 23rd DAY OF NOVEMBER, 2010

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 24th DAY OF FEBRUARY, 2011



Chair



Corporate Officer