

*This Bylaw has been consolidated for
Convenience only and includes all
Amendments to the text up to:
January 21, 2021*

BYLAW NO. 2000

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2000, 2002

WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen wishes to adopt a Bylaw to regulate and require the provision of services in respect to subdivision of land pursuant to Part 26, Division 11 of the *Local Government Act*;

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen wishes to consider requiring the provision of works and services under Section 940 of the *Local Government Act* as a condition of the issue of a Building Permit;

NOW THEREFORE, the Regional Board of the Regional District of Okanagan- Similkameen, in open meeting duly assembled, **ENACTS AS FOLLOWS:**

1.0 TITLE

This Bylaw may be cited as “The Regional District of Okanagan-Similkameen Subdivision Servicing Bylaw No. 2000, 2002”. Text and figures enclosed by brackets (---) are included for information only and do not form part of this Bylaw.

2.0 APPLICATIONⁱ

2.1 This Bylaw applies to all unincorporated lands within the boundaries of the Regional District.ⁱⁱ

2.2 *deleted.*ⁱⁱⁱ

2.3 *deleted.*^{iv}

2.4 *deleted.*^v

2.5 *deleted.*^{vi}

ⁱ Amendment Bylaw No. 2000.03, 2007 – adopted September 6, 2007.

ⁱⁱ Amendment Bylaw No. 2000.09, 2010 – adopted December 6, 2010.

ⁱⁱⁱ Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{iv} Amendment Bylaw No. 2000.05, 2008 – adopted January 8, 2009; Amendment Bylaw No. 2000.07, 2008 – adopted May 7, 2009; Amendment Bylaw No. 2000.08, 2009 – adopted July 2, 2009; Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^v Amendment Bylaw No. 2000.07, 2008 – adopted May 7, 2009; Amendment Bylaw No. 2000.08, 2009 – adopted July 2, 2009; Amendment Bylaw No. 2000.09, 2010 – adopted December 16, 2010; Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{vi} Amendment Bylaw No. 2000.07, 2008 – adopted May 7, 2009; Amendment Bylaw No. 2000.08, 2009 – adopted July 2, 2009; Amendment Bylaw

2.6 *deleted.*^{vii}

2.7 *deleted.*^{viii}

2.8 *deleted.*^{ix}

3.0 REPEAL

The “Subdivision Servicing Bylaw No. 1567, 1995”, and all amendments thereto, is repealed.

4.0 DEFINITIONS

In this Bylaw, unless the context otherwise requires:

Amended by deleting the definition of “Community Drainage System” and “Local Authority”.^x

“APPROVAL” means written approval of a subdivision by the Approving Officer or issuance of building permit by the Building Inspector.

“APPROVING OFFICER” means a person appointed under Section 77.2 of the *Land Titles Act*.

“BOARD” means the Regional District of Okanagan-Similkameen Board of Directors.

“BUILDING INSPECTOR” means a person appointed as a Building Inspector for the Regional District of Okanagan-Similkameen.

“COMMUNITY SEWER SYSTEM” means a system of sewage collection, treatment and disposal where:^{xi}

- a) 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
- b) which is established and operated under the *Health Act* and regulations or *Environmental Management Act*; and
- c) be acceptable under regulations or other provincial legislation that may apply.

“COMMUNITY WATER SYSTEM” means a system of waterworks, within the meaning of the

No. 2000.09, 2010 – adopted December 16, 2010; Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{vii} Amendment Bylaw No. 2000.04, 2007 – adopted January 8, 2009; Amendment Bylaw No. 2000.07, 2008 – adopted May 7, 2009; Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{viii} Amendment Bylaw No. 2000.03, 2007 – adopted September 6, 2007; Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{ix} Amendment Bylaw No. 2000.03, 2007 – adopted September 6, 2007; Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^x Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xi} Amendment Bylaw No. 2000.03, 2007 – adopted September 6, 2007.

"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 Lands & Parks as well as a water works system operated and maintained by a Strata Corporation.

"HIGHWAY" means and includes any street, road, lane, walkway, bridge, and any other way open to the public as defined in the Highway Act but does not include a private right-of-way on private property.

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

"OWNER" means a person, registered in the Land Titles Office as owner of land or a charge on land whether entitled to it in his own right or in a representative capacity or otherwise, and includes "registered owner".

"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.

"POTABLE WATER" means water that, in the written opinion of the Medical Health Officer, is "potable water" as defined in the Safe Drinking Regulation (B.C. Reg. 230/92).^{xii}

"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 Regional District of Okanagan-Similkameen.

"SUBDIVISION" means the division of land into two or more parcels, whether by plan, apt descriptive words, or otherwise and includes consolidation of two or more parcels as well as boundary adjustments.

"WALKWAY" means a public way for the predominant use of pedestrian traffic.

"WORKS AND SERVICES" means any public service, facility or utility which is required by this Bylaw including, but not limited to highways, lanes, sidewalks, boulevards, boulevard crossings, transit bays, street lighting, underground wiring, a water treatment or water distribution system, a fire hydrant system, a sewage collection system or a sewage disposal system be provided, located and constructed in accordance with the standards established by this Bylaw.^{xiii}

^{xii} Amendment Bylaw No. 2189, 2003 – adopted June 3, 2003.

^{xiii} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

“ZONE” means a zone or land-use designation as provided for in the Bylaws of the Regional District of Okanagan-Similkameen, and amendments thereto.

All words or expressions used in the Bylaw shall have the same meaning assigned to them as like words or expressions contained in the *Land Title Act* and the *Local Government Act*.

5.0 ADMINISTRATION^{xiv}

5.1 Compliance with this Bylaw

- .1 No person may subdivide land or develop land for which a building permit is required unless in conformance with the regulations, provisions, and requirements set out in this bylaw and other bylaws of the Regional District.

5.2 Severability

- .1 If any section, subsection, sentence, clause or phrase of this bylaw is held to be invalid by a court of competent jurisdiction, that section, subsection, sentence, clause or phrase, as the case may be, shall be severed and the validity of the remaining portions of the bylaw shall not be affected.

5.3 Authorization for Inspection

1. The Regional District’s Chief Administrative Officer (CAO) is hereby authorized to designate officers to enter, at all reasonable times, and on any property subject to this bylaw to inspect and determine whether all regulations, prohibitions and requirements are being met.

5.4 Prohibitions and Penalties

- .1 A person shall not prevent or obstruct, or attempt to prevent or obstruct, a person, an officer or an employee authorised under Section 5.3 from entering property to ascertain whether regulations, prohibitions or requirements of this Bylaw are being met or observed.
- .2 Each person who violates any of the provisions of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.00 and the costs of prosecution.
- .3 Each day’s continuance of an offence under this Bylaw constitutes a new and distinct offence.

5.5 Compliance with Other Regulations

^{xiv} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

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1. The regulations and standards set out in this bylaw are minimum standards and requirements, and do not prevent the Provincial Approving Officer from requiring higher standards in respect of any particular subdivision of land in the exercise of jurisdiction under the *Land Title Act* or *Bare Land Strata Regulations*.
 2. In cases where an improvement district provides a fire hydrant system or a water distribution, sewage collection, sewage disposal, drainage collection or drainage disposal service and has established requirements and standards under Section 700 of the *Local Government Act*, the standards and requirements of the improvement district apply in place of the standards in this bylaw.

5.6 Application to Strata Lots

- .1 The design criteria, standards and procedures set out within this bylaw do not apply to a strata lot.
- .2 For a bare land strata *development*, where the *Strata Property Act* exempts on-site services from the requirements of this bylaw, off-site services must still be constructed in accordance with the standards and procedures set out in this bylaw.
- .3 While not applicable to subdivisions under the *Strata Property Act*, the standards set out in this bylaw in respect of the matters specified in subsections 506(1)(b) and (c) of the *Local Government Act* are recommended by the Board as appropriate standards for such works.

5.7 Duty of Care

- .1 This bylaw does not create any duty at law on the part of the Regional District, its Regional Board, officers, employees, or other representatives concerning anything contained in this bylaw.
- .2 All works, services, improvements, and all matters required pursuant to this bylaw are the responsibility of the *developer* and all persons acting on their behalf.
- .3 No Approval of any kind, certificate, permit, review, inspection, or other act or omission by the Regional District or any of its representatives, including any enforcement or lack of enforcement of the provisions of this bylaw, shall relieve the *developer* and all persons acting on their behalf from this duty pursuant to this bylaw and shall not create any cause of action in favour of any person.

6.0 REQUIRED WORKS AND SERVICES

6.1 Works and Services

Schedule "B" reflects levels of works and services required.

6.2 *deleted*^{xv}

6.3 Roads^{xvi}

All highways, sidewalks and boulevards within the Regional District are administered by Ministry of Transportation and Infrastructure (MoTI) and should be designed and constructed to the relevant provincial specifications.

6.4 Water

- a) Where a community water system is available, or is being provided, every proposed subdivision which would create more than two (2) additional parcels and is within the boundaries of a Fire Protection District shall provide fire hydrants in accordance with Section 3.2.5 of Schedule “A”.
- b) In all subdivisions and developments where a water distribution system and fire hydrant system is required or, where no community water system is required and each newly created parcel is to be provided with a source of potable water, each shall be located, constructed and otherwise meet the standards found in Schedules “A” and “B” which are attached to and form part of this Bylaw.

6.5 Sewage Disposal^{xvii}

In all subdivisions and developments where this Bylaw requires a community sanitary sewage system, it shall be designed and constructed and otherwise meet the standards set out in Schedule “A”.

6.6 Storm Drainage^{xviii}

Where private on-site or strata owned drainage systems including retention/detention ponds and associated apparatus are required at the discretion of the Provincial Approving Officer as part of a subdivision approval, these should be designed and constructed to the relevant provincial specifications.

6.7 Street Lighting^{xix}

Where street lighting is required under Schedule “B”, it shall be constructed and installed in accordance with the standards set out in Schedule “A”.

6.8 Electrical Services^{xx}

^{xv} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xvi} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xvii} Amendment Bylaw No. 2000.03, 2007 – adopted September 6, 2007.

^{xviii} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xix} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xx} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

Where underground electrical services are required under Schedule “B”, all underground vaults, conduits, ducts and related infrastructure shall be constructed and installed in accordance with the standards set out in Schedule “A”.

6.9 *deleted*^{xxi}

7.0 SECURITY^{xxii}

- .1 Security required for works and services to be constructed or installed at the expense of a developer and that have not been constructed or installed prior to the Approval of the Subdivision Plan or issuance of a Building Permit, shall be in for the form of a cash deposit or an irrevocable (and automatically renewable) letter of credit from a financial institution.
- .2 The amount of the security may be calculated using:
 - a) such methodologies as the Regional District may prescribe from time to time; or
 - b) an estimate of quote provided at an applicant’s expense by a professional qualified to undertake of supervise the works for which the securities are required.
- .3 Where a security is required in relation to works and services that have not been constructed or installed prior to the Approval of the Subdivision Plan or issuance of a Building Permit, the amount shall be 120% of the estimated construction costs.
- .4 Upon receipt of this payment the Regional District and applicant shall enter into a Works and Services Agreement acknowledging that the Works and Services are constructed and installed by a specified date, or the Developer forfeits to the Regional District the amount secured by the cash deposit or the irrevocable letter of credit.

8.0 FEES^{xxiii}

8.1 Application Fees

Subdivision application fees are prescribed in the applicable Regional District Fees and Charges Bylaw.

9.0 EXCESS CAPACITY OF WORKS AND SERVICES^{xxiv}

- .1 Where a Developer in accordance with this bylaw provides “Excess or Extended Services” such as a portion of a water or sewage system that will serve land other than the land being Subdivided and:

^{xxi} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xxii} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xxiii} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

^{xxiv} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

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- a) The Regional District has required that the Developer provides “Excess or Extended Services”;
 - b) The Regional District has considered the cost of the Regional District providing such Excess or Extended Services in whole or in part would be excessive; and
 - c) The Regional District has:
 - i) determined the portion of the cost of providing Excess or Extended Services, that it considers Excess or Extended Services; and
 - ii) determined which part of Excess or Extended Services will benefit each Parcel served; and
 - iii) imposed, as a condition of a Developer connecting to or using the excess or extended service, a charge related to the benefit determined under 9.1.1(c)(ii).then, in accordance with Sections 507 & 508 of the *Local Government Act*; the interest rate on the charge payable under Section 9.1.1(c)(iii) shall be at the rate established by Regional District bylaw.

10.0 EXEMPTIONS^{xxv}

- .1 A subdivision involving the consolidation of existing parcels, or the addition of closed roads to an existing parcel is exempt from the requirements of this bylaw.
- .2 A subdivision involving the alteration of lot lines between two or more parcels where no additional parcels are created upon completion of the alteration is exempt from the requirements of this bylaw.
- .3 A subdivision approved by the Agricultural Land Commission (ALC) under its Homesite Severance on ALR Lands Policy (L-12) is exempt from the “Community Water System” and “Community Sewer System” requirements listed at Schedule “B” of this bylaw if provided with an on-site water source and on-site sewage disposal system.
- .4 A subdivision to create a parcel for the use of unattended equipment necessary for the operation of a utility use is exempt from the requirements of this bylaw subject to the registration on title of a statutory covenant under the Land Title Act in favour of the Regional District restricting the use to the utility.
- .5 A building permit authorizing the construction of a building containing no more than two (2) dwelling units.

11.0 BYLAW SCHEDULES

11.1 The following is a list of schedules attached hereto and which form a part of this Bylaw:

Schedule “A” — Design Criteria, Specifications, and Standard Drawings

Schedule “B” — Level of Works and Services

^{xxv} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.

11.2 The following is a list of appendices attached hereto for the purpose of providing information only and which do not form a part of this Bylaw.^{xxvi}

Appendix "A" — Drawing Submissions - Acceptable Standards

Appendix "C" — Administrative Provisions


11.3 ADOPTION

READ A FIRST, SECOND, AND THIRD time this 20th day of June, 2002.

READ A THIRD TIME AS AMENDED this 18th day of July, 2002.

Approved by the Minister of Community, Aboriginal and Women's Services pursuant to the provisions of Section 913 of the *Local Government Act* this 5th day of September, 2002.

ADOPTED on the 19th day of September, 2002.



Chairman



Legislative Services Manager

^{xxvi} Amendment Bylaw No. 2000.10, 2021 – adopted January 21, 2021.