

**City of Courtenay
Operational Services Department
Engineering Division**

Engineering Requirements for Land Development

This information is provided as a guideline to Developers and builders on projects, which require Subdivision, Building Permit, Development Permit, Development Variance Permit, Zoning Amendment, and/or Official Community Plan Amendment applications.

An application to subdivide land is made to the Approving Officer. The applicant must provide the Subdivision Application Fees, Copy of the Current Title, Original Copy of the Owner(s) Authorisation, and a Copy of the Proposed Subdivision Plan or Development.

An application for a Building Permit is made to the Building Division. The Building Inspector provides a copy of the site plan and project, to the Engineering Division, for review and comment.

Development Permit, Development Variance Permit, Zoning Amendment, and/or Official Community Plan Amendment applications are made to the Planning Division. The Planner provides a copy of the site plan and project, to the Engineering Division, for review and comment.

To assist prospective Developers in what may be required by the Engineering Division, the following general requirements will be considered for each application. The items listed below have been divided into **City** requirements and requirements by **Other Agencies**, as outlined in the INDEX. Those items considered to be relevant to the specific application will be provided in a response to a more detailed review.

A reduced copy of the drawings prepared by the applicant will be attached to the Engineering Division review. The review will summarise the additional material to be provided and the deficiencies that must be corrected before acceptance will be considered. A list of the specific requirements will then be submitted by the Engineering Division, detailing the works and services to be provided, and information and costs required from the Developer.

Although the Engineering Division will seek to list all outstanding items, the review does not constitute an approval and any items overlooked or matters that arise after the date of the review may result in refusal or additional requirements.

The review shall not be valid after six (6) months of the date of the reply by the Engineering Division, unless upon application in writing by the owner, the Approving Officer or the Director of Operational Services (as applicable) extends such period.

The Developer will be responsible for the cost of design, supervision of construction, contract administration and as built drawings, by a suitably qualified Professional Engineer registered in B.C., subsequently referred to as the Engineer and legal land surveys by a B.C. Land Surveyor, subsequently referred to as the BCLS.

INDEX

| Item | Description | City | Other Agency |
|------|---|------|------------------------------|
| 1 | Overall Development Plan/Site Plan | City | |
| 2 | Streetscape | City | |
| 3 | Solid Waste Collection | City | |
| 4 | Subdivision Near Agriculture | | MAFF & LRC |
| 5 | Fish Protection Act, B.C.Reg. 10/2001, Best Management Practices | City | FOC & MOWLAP |
| 6 | Parkland | City | |
| 7 | Land Title Act | | MOT |
| 8 | Heritage Conservation Act | | MCAWS |
| 9 | Walkways | City | |
| 10 | Riverway/Comox Harbour Concept | City | |
| 11 | Zoning | City | |
| 12 | Development Permit | City | |
| 13 | Development Variance Permit | City | |
| 14 | Studies | City | MOT |
| 15 | Road Dedications | City | MOT |
| 16 | Off-site Works and Services | City | MOT |
| 17 | Utilities | City | Utility Companies |
| 18 | Construction Specifications Revisions | City | |
| 19 | Lanes | City | |
| 20 | Construction | City | |
| 21 | Demolition/Relocation of Existing Buildings | City | |
| 22 | Conversion of Existing Buildings | City | MOWLAP,MOHS,Utility Co's |
| 23 | Permits | City | MOT |
| 24 | Site Profile | | MOWLAP |
| 25 | Trees | City | |
| 26 | Development Cost Charges | City | RDCS |
| 27 | Sandwick Waterworks District | | Sandwick Waterworks District |
| 28 | City Contributions/City DCC Projects | City | |
| 29 | Latecomer Agreements | City | |
| 30 | Service Agreement | City | |
| 31 | Filled Lots | City | |
| 32 | Legal Documents | City | |
| 33 | Street Names/Civic Addressing | City | |
| 34 | Subdivision Approval | City | MOT |
| 35 | Building Permit/Inspections | City | |

MAFF Ministry of Agriculture, Fisheries and Food
LRC Land Reserve Commission
FOC Fisheries and Oceans Canada
MOWLAP Ministry of Water, Land & Air Protection
MOT Ministry of Transportation
MOCWAW Ministry of Community, Aboriginal & Women's Services
MOHS Ministry of Health Services
RDCS Regional District of Comox Strathcona

1) Overall Development Plan/Site Plan

An overall plan of the property to be developed is to be presented by the Developer and/or the Engineer. The Engineering Division will review the plan and advise, of the agencies that the plan is to be referred to for comment/approval prior to the City accepting the plan.

- A) The overall plan should detail the existing and proposed usage.
Existing and proposed zoning ,
Existing and proposed building(s) and/or proposed building envelopes,
Special topographic features;
- a) water courses,
 - b) steep slopes,
 - c) easements and/or rights of way,
 - d) access to City and/or MoT roads,
 - e) proposed lot shape and dimensions,
 - f) parkland dedication,
 - g) municipal services and other utilities,
 - h) existing wells, septic tanks, and septic fields,
 - i) existing and proposed roads, curb & gutter, and sidewalks,
 - j) existing street lights, and
 - k) other pertinent information.
- Existing and proposed onsite roads and parking areas for commercial and multi-family developments.
- B) Items 2) - 11) and 15) listed below must also be considered in the preparation of the overall plan.

2) Streetscape

- A) Mile of Flowers
Any relocation, extension, or elimination of the existing Mile of Flowers, on Cliffe Avenue from 6th Street to 21st Street, is required to have Council approval.
- B) Southend Streetscape
The Community Services Department must approve any relocation, extension, or elimination of the existing Southend Streetscape on Cliffe Avenue, from 21st Street to the southern City limits and 29th Street.

3) Solid Waste Collection

- A) The Developer is advised to contact the City's Solid Waste Contractor, in order to determine the method of service to be provided.
individual or container,
location and accessibility of solid waste and recycling containers in commercial and multi-family developments.

4) Subdivision Near Agriculture

The **Farm Practices Protection (Right to Farm) Act** includes two amendments to the **Land Title Act**, which may affect the proposed subdivision/development. The Approving Officer may refuse the subdivision if:

- A) "The anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation from the farm" (**Land Title Act – Section 86(1)(c)(x)**)

- B) “Despite (ix) [which refers to the need to ensure that a proposed subdivision does not make future subdivision of land adjacent to it impracticable], the extent or location of highways and highway allowances shown on the plan is such that it would unreasonably or unnecessarily increase access to land in an agricultural land reserve” (**Land Title Act – Section 86(c)(xi)**).
- C) A restrictive covenant may be required to protect water courses or create no build areas where natural hazards may be a problem. Covenants could also serve a similar role to protect farming.
 - i) To ensure that there is adequate buffering or separation of subdivision development from agriculture, a covenant could be imposed to require:
 - a) ‘no build areas,’
 - b) vegetative screening,
 - c) fencing,
 - d) ditching and water detention/retention,
 - e) berming,
 - f) retention of existing vegetation,
 - g) use restrictions.
 - ii) If a covenant is being considered, the City will discuss the matter with the farmer(s) and perhaps the Ministry of Agriculture, Fisheries, and Food to ensure that the restrictions do not cause an unworkable situation for the farmer. (i.e. A covenant to protect a wooded area for purposes of buffering may not benefit the farmer if trees are shading the crops).

5) Fish Protection Act, B.C.Reg. 10/2001, and Ministry of Water, Lands and Air Protection, BC Environment – Vancouver Island Region, Environmental Objectives, Best Management Practices and Requirements, Version 3.0, dated March 2001,

In accordance with the **Fish Protection Act** and **B.C.Reg. 10/2001**, streamside protection may be required.

NOTE: The Ministry of Water, Land & Air Protection (MOWLAP) has replaced the Ministry of Environment, Lands and Parks (MOELP). However, to date the literature produced by MOELP has not been modified accordingly to reflect this change.

The Ministry of Environment, Lands and Parks, BC Environment – Vancouver Island Region, Environmental Objectives, Best Management Practices and Requirements, Version 3.0, dated March 2001, “*can be considered as the MOELP’s response to most land developments normally referred to the BC Environment by the City.*”

The development is to be referred to the MOWLAP and/or FOC for:

- A) storm water discharge to a fish bearing stream,
- B) within the flood plain of the Courtenay, Tsolum, Puntledge Rivers and the Comox Harbour,
- C) any dwelling units adjacent to the top or bottom of a steep bank,
- D) a site profile as outlined by the **Waste Management Act**,
- E) any works, including bank protection, in or about a stream or watercourse,
- F) determine if there is any current fish habitat within the proposed development,
- G) area of streamside protection,
- H) Storm Water Management;
 - i) The Developer is responsible for storm management of runoff on and entering the property.
 - ii) An engineering drawing prepared by the Engineer is required showing storm retention/detention for the site.

- iii) The Engineer must inspect the property perimeter and design any perimeter drainage to remove surface flows from entering or leaving the property.

6) Parkland

- A) It will be necessary to ascertain the location of the required park dedication. Generally, City Council will require dedication of 5% of the land to be subdivided in accordance with the policies in the **Official Community Plan, the Zoning Bylaw, Subdivision Control Bylaw No. 1401 and amendments thereto and Section 941 of the Local Government Act.**
- B) The Developer may be required to enter into a Parkland Agreement with the City, if the location of the proposed Park is within subsequent phases of the development.
- C) The cost of the Parkland Agreement will be at the expense of the Developer.

Land Title Act

Section 75(1)(c) of the **Land Title Act** details that “if the land subdivided borders on a body of water, the bed of which is owned by the Crown, access must be given by highways 20 m wide to the body of water and to the strips at distances not greater than 200 m between centre lines . . .”

Section 76 of the **Land Title Act** details that upon application, the Approving Officer for the Ministry of Transportation may grant relief to **Section 75(1)(c)** of the **Land Title Act.**

- i) An application for relief must be supported by an affidavit and forwarded to the Approving Officer for the City of Courtenay, in conjunction with a Subdivision Application. The City will review the application and forward it to the Ministry of Transportation for their consideration.
- ii) Upon receipt of a revised plan, the City will forward the plan to MoT, with a recommendation that the application be granted relief from **Section 75(1)(c)** of the **Land Title Act.**

If the present natural boundary of the Puntledge River or the Courtenay River is inland from the natural boundary, then that portion is to be returned to the Crown as detailed in **Section 108** of the **Land Title Act.**

Heritage Conservation Act

Heritage sites, and heritage objects, which may be affected by the development, must be adequately protected in accordance the **Heritage Conservation Act.**

A heritage object and heritage site may include a building or an archaeological site.

A heritage investigation may be required.

The Developer should confirm with the Archaeology Branch, Ministry of Community, Aboriginal & Women’s Services, that the property is not listed on the Provincial Heritage Registry.

Walkways

Walkways may be required, at the expense of the Developer, to link with other subdivisions, internal cul de sacs, Parkland, the Courtenay Riverway/Comox Harbour Concept Walkways or any other ‘Greenway’ corridors outlined in the Official Community Plan.

Riverway/Comox Harbour Concept

As outlined in the **Official Community Plan**, a proposed walkway and bicycle pathway are to be constructed adjacent to the Courtenay River, the Comox Harbour and along the Comox Logging R/W. The bicycle pathway and the pedestrian walkway are to be constructed by the Developer of properties adjacent to the designated routes.

Approvals by the City, Fisheries and Oceans Canada, and MOWLAP will be required for the design and construction of the proposed walkway and bike path where it is adjacent to the Comox Harbour and fish bearing streams.

Zoning

- A)
 - i) The plan must comply with the City's **Zoning Bylaw** and the **Official Community Plan**. If there are any inconsistencies with the **Zoning Bylaw**, the **Official Community Plan** or other applicable bylaws, the plan must be revised or a Development Variance Permit must be obtained. Several weeks may be required to complete the procedures relating to consideration of Development Variance Permit applications.
 - ii) The Developer's Engineer or BCLS should provide the City with a plan detailing the Building Envelopes within a proposed subdivision. This will enable the City to determine if a Development Variance Permit is required. see items 1)A)i) and 13)
- B) A site survey of any existing buildings on the proposed new lot, prepared by the BC Land Surveyor will be required.

Development Permit

A Development Permit may be required for the proposed development prior to subdivision approval. The Developer should contact the City of Courtenay, Planning Division, at 334-4441, for further details. The Engineering Division will provide detailed comments to the Planner, on the proposed development.

13) Development Variance Permit

A Development Variance Permit may be required for this proposed development prior to subdivision approval. The Developer should contact the City of Courtenay, Planning Division, at 334-4441, for further details. The Engineering Services Division will provide detailed comments to the Planner, on the proposed development.

14) Studies

- A) Traffic
A Traffic Impact Study by a Professional Engineer, with experience in Traffic Engineering, is also required for the affect the development may have on the adjacent road network and internal development parking and road layout. The traffic study is to be completed as outlined in the Ministry of Transportation - Site Impact Analysis Requirements Manual, which have been adopted by the City. This should include comments on:
 - i) Requirements for noise attenuation for the properties adjoining the adjacent major collector roads,
 - ii) Visibility triangles parameters at all intersections,
 - iii) Review the requirement for traffic signs and road markings to comply with Road and Transportation Association of Canada (RTAC) and the Uniform Traffic Control Devices for Canada Standards,

- iv) The responsibility of the Developer for any off-site upgrading of the road network,
- v) The ability of the existing street system to accommodate the traffic generated by the development and the phases thereof,
- vi) Internal traffic movements, parking road layout, truck manoeuvring, fire truck turning and pedestrian routing,
- vii) Access locations and widths;
 - a) To City streets,
 - b) Ministry of Transportation roads.
- viii) Does the proposed development conform to the *Draft* “Guidelines for Private Roadways in Single, Multi-family, and Commercial Developments”.

The City reserves the right to have a third party specialist Transportation Engineer review the traffic impact study, at the Developer’s expense, if the City disagrees with the traffic impact study provided by the Developer.

B) Municipal Services

The Developer is responsible for providing a Site Servicing Report from the Engineer on the adequacy or upgrading of the following existing Municipal services required for the development, if studies are not already available for:

- i) water supply,
- ii) sanitary sewer, and
- iii) storm drainage. The City is a member of the British Columbia Water Balance Model (WBM). Developers of land will be required to apply the principles and design guidelines of the WBM to minimize increases in surface run-off.

The Developer will be responsible for providing, if not already video inspected by the City, C.C.T.V. inspections of sanitary sewer and/or storm drainage pipelines constructed by the Developer, which will become the City’s responsibility. Any costs associated with these inspections will be at the Developer’s expense. The original copy of the inspection report(s) is to be forwarded to the Engineering Division. The Engineer will be required to coordinate all video camera inspections.

C) Property Services

- i) Size and location of proposed and existing services.
- ii) Connection costs are required to be paid by the Developer prior to issuance of a Building Permit or subdivision approval.
Connection costs are outlined in the **City of Courtenay Fees and Charges Amendment Bylaw No. 2224, 2002**,
Revisions to the Sanitary and Storm Sewer Bylaws as per **Bylaws 2182 & 2183**.

15) Road Dedication

The Developer is responsible for any road dedications required in order that the access to the development, road slopes, visibility triangles, and road widening can be constructed.

A) Corner Cuts at Intersections

Roads 6m x 6m or as required to contain the road works and/or “visibility triangles”.,

Lanes 3m x 3m,

Corner rounding of sufficient radii for the design vehicle movements.

B) Widening

The Engineer must detail on an overall design drawing, the location of the proposed road works including any cut/fill areas, and proposed road dedications on the adjacent roads. The overall design must detail the typical road section for each roadway and note the proposed cut/fill limits and proposed road dedications.

C) The City and the Ministry of Transportation (MoT) have identified road corridors within the City, and which authority will be the lead agency as follows.

- i) Controlled Access Roads (MoT),
- ii) Network Element Roads (MoT),
- iii) Collector Roads (City),
- iv) Local Roads (City),
- v) Lanes (City).

16) Off-site Works and Services

The Developer will be required to upgrade the adjacent road(s) and construct the roads to be dedicated as outlined in the **Local Government Act** and City Policy # 3030.00.02. In addition, the Developer may be required to upgrade the existing Municipal services as outlined in the Site Servicing Report.

17) Utilities

A) Overhead electrical servicing of property in the development and servicing extensions to the development is permitted in accordance with **Subdivision Control Bylaw No. 1401 and amendments thereto.**

Underground electrical servicing of property in the development and servicing extensions to the development is required in accordance with **Subdivision Control Bylaw No. 1401 and amendments thereto.**

B) The Developer will be responsible for the relocation of utilities as a consequence of the works necessitated by the subdivision. The Developer or his agent is to contact the utility companies to provide lead-time on service location/relocation.

- i) The City has been advised, by the Utility Companies that failure to do this may result in additional costs to the Developer and may also delay the utility service work.
- ii) The Developer will need to contact all the utility companies to ensure that their requirements are met prior to subdivision approval.

C) The design and installation of utilities provided by Telus, BC Hydro, Shaw Cable, Centra Gas, and Canada Post Corporation must be co-ordinated by the Engineer.

- i) Construction drawings for each utility's works, endorsed by the utility, must be provided.
- ii) A copy of the proposed development will be referred to the Utility Companies for their comment. Any requirements of the Utility companies will for a portion of this review.
 - a) The Planning Division will refer Development Permit, Development Variance Permit, Zoning Amendment, and/or Official Community Plan Amendment applications to the Utility Companies for comment.
 - b) The Engineering Division review for Building Permit referrals and subdivision applications will advise the Developer that the

Engineer must coordinate the proposed development with the Utility Companies.

18) Construction Specifications Revisions

- A) The City Construction Specifications are generally revised once a year. The Developer's Engineer should ensure that he has the current edition of the Construction Specifications and review contemplated changes with the Engineering Division.

19) Lanes

- A) The pavement width of a Lane is to be 5.5 metres in accordance with Table C-1 of the City Construction Specifications.
- B) Curb and gutter is to be constructed on the low side of the Lane in accordance with Section 5.2 of the Construction Specifications.

20) Construction

- A) Construction Drawings

The Developer is responsible for the cost and construction of the works to the City of Courtenay Engineering Design Standards and Specifications subsequently referred to as the 'Construction Specifications' of:

- a) curb, gutter, sidewalk, and roads,
- b) street lighting,
- c) street signs and traffic line painting, and
- d) water, sanitary sewer, and storm drainage, that is necessary due to the development. The design of Municipal services is required for a minimum of 60 metres beyond the works adjacent to the property to provide continuity with future work. This is in accordance with **Section 938** of the **Local Government Act** and **City Policy No. 3030.00.02 "General Off Site Requirements."**

Parcels adjoining street intersections must be provided with "visibility triangles" protected by road dedication, to ensure that buildings and vegetation will not impair driver vision. The Engineer is required to design those triangles to posted speeds of 50 km/hr road standard except for Lerwick Road, Anderton Road and portions of Ryan Road, which have posted speeds of 60 km/hr or greater.

Advertising signs, large shrubs and trees are to be located outside of the visibility triangles.

The City Fire Chief and the Building Division will be contacted by the Engineering division to determine fire hydrant requirements.

A fire flow test may be required, based on the City water computer model, at the Developer's cost.

If fire hydrants are to be connected to the existing Municipal water system, the cost is payable to the City, by the Developer, prior to subdivision approval or the issuance of a Building Permit.

The Construction Specifications detail the minimum spacing requirements for fire hydrants within a City street.

The B.C. Building Code requirements for fire flows and fire hydrant locations are to be met for all multi-family, commercial, industrial, institutional, and wholesale developments.

The City has a storm water management plan in place for drainage and flood routing.

“Minimum Basement Floor Elevations” are to be shown on each lot created by the subdivision.

A lot drainage plan with respect to the surface drainage within the lands to be subdivided, indicating overland and major storm event water flow, should be prepared and submitted as part of the above noted report.

B) Construction Drawing Review

i) Two sets of construction drawings for the approved Works and Services must be provided for review and comment by the City. If revisions are required, two further sets of proposed construction drawings must be submitted until the designs and layouts are acceptable to the City, at which time a set of “Construction Drawing Acceptance” drawings will be returned to the Engineer.

C) Lighting

i) Offsite roads adjacent to the development; to be designed by the Engineer, lighting isolux curve with respect to the requirements for street classification to be shown on road drawings.

ii) Onsite lighting levels are to be provided to meet the requirements of the Building Division.

D) Traffic Lights, Traffic Signs, Road Markings

i) All traffic signs and pavement markings shall be designed to current RTAC standards and installed as part of the highway improvements to be provided at the Developer’s expense.

ii) Offsite traffic signs and road markings may be installed by the City at the Developer’s expense.

iii) Onsite traffic signs and road markings are to be installed at the Developer’s expense.

a) The City has standards for signs and road markings on private parking areas as detailed in the **Zoning Bylaw**.

iv) Installation of or improvements to traffic signals are to be designed by a Professional Engineer (Electrical) and installed at the expense of the Developer.

E) Survey Layout

i) The Developer will be responsible for the surveying and staking of the offsite works. Proposed and existing road alignment and grades are to be submitted on a drawing with a cut sheet for the curb works.

F) Testing and Inspection

i) All Water system within public road allowances and private developments are to be inspected and certified by the Developer’s Engineer. The Engineer will certify in writing:

a) To the Director of Development Services, for private developments and/or,

b) To the Director of Operational Services, within public road allowances, that the water main and appurtenances were installed

to the City Specifications and to the Ministry of Health Services requirements.

- ii) The City requires, at the Developer's expense, quality assurance testing of materials to be used in the project. Please contact the Public Works Inspector, at 338-1525, to advise him when you will commence the work and arrange for the testing required for work on a highway or right of way.

G) As Constructed Drawings

- i) Upon completion of the works and services, the Engineer will be required to provide a set of each of mylar and paper print "As Built" drawings and a digital (AutoCad) file, together with a set of Service cards for each property serviced.

21) Demolition/Relocation of Existing Buildings

A Demolition/Relocation Permit is required from the Building Division for the removal or relocation of any existing buildings.

The existing Municipal services are to be located and sealed at the property line.

Disconnection/Shutoff/New Connection fees are due and payable prior to issuance of the Demolition/Relocation Permit, in accordance with the Storm Sewer, Sanitary Sewer, and/or Water Bylaws.

22) Conversion of Existing Buildings

- A) Any existing building(s) on the property may be required to connect to the proposed or existing Municipal services.
 - i) Any existing septic tanks and fields are to be removed as per the Upper Island/Central Coast Community Health Services Society – Environmental Health regulations and City procedures.
 - ii) Any existing wells located on the property are to be abandoned according to the Ministry of Water, Land and Air Protection Water Rights Branch regulations.
 - a) This work is to be completed at the direction of a Geotechnical Engineer.
- B) Any existing buildings on the property may be required to be converted to an underground BC Hydro/Telus/Shaw service at the Developer's expense.

23) Permits

- A) If any off-site works are required on a highway, City property or right of way, the Developer will be required to obtain a Permit to Construct Works within City Property (Permit) in accordance with Bylaw No. 1403, 1986, from the Engineering Division and meet the necessary insurance requirements as stated in the permit.
- B) The Developer/Contractor will be required to provide a copy of the "Permit" to the City Public Works Manager 48 hours prior to commencement of construction.
- C) Permits will be required for any works within the jurisdiction of the Ministry of Transportation (MoT).
- D) The Developer/Contractor will be required to obtain a Plumbing Permit from the Building Division prior to extension of any drainage or sewer works on private property.

24) Site Profile

- A) Effective April 1, 1997, the Contaminated Site Legislation became effective. The Owner(s) is therefore required to complete the form and provide a processing fee of \$50.00 plus GST, to the Municipality. Please note that a Site Profile (plus a processing fee would be required for each property being subdivided.
- B) If a form is required, by the City, to be forwarded to the Provincial Pollution Control Manager, the subdivision cannot be processed until the Ministry of Water, Land & Air Protection has notified the Municipality of their requirements.

Trees

A **Tree Cutting Permit** under **Bylaw 1819, 1996 and amendments thereto**, may be required on the project. Application for this permit and fees payable are required prior to the construction works commencement.

Payments required under **Street Tree Planting Bylaw No. 1709 1993 and amendments thereto**, must be submitted prior to subdivision approval.

The Developer may be requested to have the trees on the adjoining properties assessed by a Professional Forester or Certified Arborist registered in British Columbia, to ensure that there will be no hazard to the proposed development or lands adjoining it.

Any property to be dedicated to the City, or as Parkland, or as Return to Crown, must have the trees on it assessed by a Professional Forester or Certified Arborist to ensure that there will be no hazard to the proposed development or to the Public.

Development Cost Charges

- A) Development Cost Charges (DCC's) are in place in the City of Courtenay and will be collected by the City prior to a Building Permit being issued or subdivision approval in accordance with **Section 933** of the **Local Government Act** and **Bylaw 2017**.
City DCC's are outlined on Engineering Handout E.4
- B) Regional District of Comox Strathcona – Comox Valley Water System Development Cost Charge Bylaw No. 2342 (RDCS – CVWS DCC Bylaw) was adopted on February 26, 2001.
Regional District of Comox-Strathcona – Comox Valley Sewerage System Development Cost Bylaw No. 2335 (RDCS-CVSS DCC Bylaw) was adopted on July 29, 2002.
The City of Courtenay is required to collect the DCC fees on behalf of the RDCS. These Bylaws affect all new subdivision and Building Permit application after the date of adoption.
 - iii) RDCS – CVWS DCC's and RDCS-CVSS DCC's are outlined on Engineering Handout E.4
- C) The Developer may elect to pay DCC's by instalments as outlined by BC Reg. 166/84.

27) Sandwich Waterworks District

A portion of the City is supplied with water from the Sandwich Waterworks District.

- A) The City has been advised a one time Capital Contribution Fee of \$500.00, for each lot created is payable to the Sandwich Waterworks District.
- B) A copy of the paid receipt is to be presented to the Approving officer, prior to subdivision approval.

28) City Contribution/City DCC Projects

- A) Funds may be available from the City on listed, qualifying, and budgeted projects. It is recommended that the Developer or his agent discuss this item with the City at an early stage in the detail design process.
- B) In order for the Developer to be eligible for a refund of the Construction of a DCC project, the following will be required:
 - i) Amendments to the project currently in the Budget must be approved by Council in the Final Budget in May (current year) or submitted for the following year's Provisional Budget by November of the current year.
- C) The Total Cost of Construction of the DCC Project will be determined as the Cost of Land Acquisition, Legal Fees, Survey Fees, City Engineering costs, Consulting Engineering and the Cost of Construction. The City would refund the Developer the Total Cost of Construction of the DCC Project or the prorated amount for the works constructed as a part of the project listed in the DCC Bylaw, whichever is the lesser amount. City cost incurred on the project will be deducted from the DCC payment to the Developer.
- D) Currently, the DCC expenditure funds are authorized in a DCC Payment Bylaw in February of the year following the completion of the works. Upon completion of the DCC Project and certification of the Total Cost of Construction by the Engineer, the City would be prepared to release part of the Total Cost of Construction payable from the User Fee portion of the Budget.

29) Latecomer Agreement(s)

Latecomer Agreements for excess or extended services are in place in the City as provided for in **Section 939** of the **Local Government Act**. If excess or extended services have been provided for the property to be developed, the payments are payable to the City prior to the subdivision being approved, or the issuance of a Building Permit.

In addition, if the Developer is required to provide excess or extended services, he may apply for a Latecomer Agreement with the City under **Section 939** of the **Local Government Act**.

- C) Either the Developer will be advised that:
 - i) There are no Latecomer Agreements registered against the subject property, or
 - ii) That there is a Latecomer Agreement to the subject property. The latecomer payment, plus interest is due and payable prior to subdivision approval or issuance of a Building Permit.

30) Service Agreement

If the Developer is proposing to seek subdivision approval before installing all the works and services required by the City, a Subdivision Servicing Agreement between the Developer and the City must be entered into in accordance with **Section 940** of the **Local Government Act** and **City Policy 3030.00.01**.

A Service Agreement must be approved by City Council, prior to subdivision approval. Security in the amount of 125% of the value of the works and services, in the form of cash or an irrevocable letter of credit.

- i) This will include a 5% maintenance bond held by the City during the one-year maintenance period following substantial completion of the works and services, in accordance with **Engineering Procedure No. 21**.

31) Filled Lots

- A) If lots have been filled in excess of 0.6m then the City will require a restrictive covenant to be registered against the title of the property.
- B) If fill, in excess of 0.6m, has been placed at the direction of a Geotechnical Engineer, a report addressed to the Director of Development Services will be required prior to subdivision approval or the issuance of a Building Permit.

32) Legal Documents

Statutory Rights of Way (SRW's) easements and/or covenants and reciprocal agreements may be required for site servicing and access as well as the provision thereof for adjacent future development in accordance with **Sections 218 and 219 of the Land Title Act**.

- A) The cost of providing these plans and documents will be at the Developer's expense.
 - i) SRW and covenant documents will be prepared by the City's solicitor.
 - ii) A statement is to be provided on the subdivision plan stating:
The registered owners designated hereon hereby declare that they have entered into a right of way agreement and a covenant with the City of Courtenay, under Sections 218 and 219 of the Land Title Act.

33) Street Names/Civic Addressing

The proposed names of new streets in the development are to be provided by Developer in accordance with **Engineering Procedure # 14**.

The City has a list of pre-approved street names for use in the City.

The Developer should note that amendments to existing street names and/or house number may be required as a consequence of the development.

34) Subdivision Approval

- A) Subdivision application fees plus G.S.T., prescribed under **Section 988(1)(c) of the Local Government Act** and **Fees and Charges Amendment Bylaw No. 2218**, must be submitted prior to a preliminary layout review.
 - i) Pursuant to:
 - a) Section 219 of the Land Title Act,
 - b) Section 61 of the Strata Act.
 - ii) \$600.00 for the first parcel and \$150.00 for each additional parcel.
- B) Where a subdivision plan affects land adjacent to a Controlled Access Highway, as designated under **Section 56 of the Highway Act**, then the Provincial Approving Officer must first approve the plan before the City's Approving Officer can approve it.
 - i) Upon receipt of a subdivision application, the City would forward a copy of it to the MoT for their review. Comments from MoT would be forwarded to the applicant upon receipt from MoT.
 - ii) The comments from the MoT must be met prior to subdivision approval.
- C) A Tax Certificate required under **Section 83(2)(b) of the Land Title Act** must be submitted prior to subdivision approval.

- i) If the Final Budget is approved (which occurs in May), prior to submission of the subdivision for approval, then the taxes for the current year are also due and payable.
- D) The examination fee of \$50.00, plus G.S.T., prescribed under **Section 83(2)(a)** of the **Land Title Act** must be submitted before subdivision approval.
- E) A mylar subdivision plan prepared in accordance with the **Land Title Act** must be submitted with three paper prints of the subdivision plan.
If any documents are being prepared, additional plans reduced to 8½ x 11 paper prints are required.
If a service agreement is being prepared, three additional paper prints are required.

35) Building Permit/Inspections

In conjunction with the issuance of a Building Permit for each property, the Public Works Inspector will inspect, prior to and after construction, all driveways, landscaping, and other works on City road allowances and rights of way.

The inspection will include driveway construction, including base materials, compaction, concrete (including washings from exposed aggregate) driveway grade and width, driveway crossing of curb, gutter and sidewalks, any adjustments required for manhole covers and catch basins.

The Owner/Developer of each property will be responsible for any works adjacent to an overhead or underground private utility. Private utility companies within the City of Courtenay are:

| | |
|------------|---|
| BC Hydro | Canada Post Corporation |
| Telus | Centra Gas |
| Shaw Cable | Comox Strathcona Regional District (Waterworks) |
| | Sandwick Waterworks District |

The Owner/Developer of each lot will be responsible for co-ordinating, with each utility company, and ensuring any proposed works including grade adjustments, retaining walls and landscape planting or trees and shrubs.

