



Making a difference...together

BYLAW NO. 189

Juan de Fuca Subdivision Bylaw No. 189, 1974

Adopted January 28, 1976

Consolidated for Public Convenience

**Electoral Area Planning Services
2-6868 West Coast Road
P.O. Box 283
Sooke, BC V9Z 0S9
Tel: (250) 642-1500
Fax: (250) 642-5274
E-mail: jdfinfo@crd.bc.ca**

Capital Regional District

Bylaw No. 189

JUAN DE FUCA SUBDIVISION BYLAW NO. 189, 1974

Consolidated for Public Convenience Only

For Reference to Original Bylaws or for Further Details Please Consult the
Juan de Fuca Electoral Area Planning Services

The Capital Regional District provides information as a public service. Information provided is merely the opinion of the Capital Regional District and should not be relied on by the recipient to the exclusion of other opinions. The recipient is encouraged to seek independent advice and opinions, as the Capital Regional District takes no responsibility for information provided by it.

This bylaw is for reference purposes only and is not to be relied upon in making financial or other commitments. Copies of the original bylaw and amendments may be viewed at the Electoral Area Planning Services office or on the CRD website: www.crd.bc.ca .

AMENDING BYLAWS CONSOLIDATED

Bylaw No.	Type	Date Adopted	Purpose
1820	Text	14/11/90	Parcel split by railroad
2241	Text	26/10/94	Min parcel 120 ha except Port Renfrew town site and Sooke Planning Area
2278	Text & maps	8/02/95	Min parcel 120 ha except Port Renfrew town site and Sooke Planning areas and DL111 and DL205 which shall be 4 ha
3429	Text & maps	11/07/07	Exceptions to 120 ha to 1 ha (Totangi)
3430	Text	9/05/07	Exception to 120 ha to 1 ha (Lot 1, Sec 2 & 4, Renfrew VIP 68644

CAPITAL REGIONAL DISTRICT**BY-LAW NO. 189**

**A BY-LAW RESPECTING SUBDIVISION IN PLANNING AREA NO. 1
SOOKE ELECTORAL AREA**

Consolidated for Public Convenience with Bylaw Nos. 1820, 2241, 2278, 3429, 3430

WHEREAS it is desirable to control the subdivision of land in the Sooke Electoral Area as defined in the Letters Patent of the Capital Regional District dated the 1st day of February, 1966;

NOW THEREFORE pursuant to Section 798A of the Municipal Act the Board of the Capital Regional District enacts as follows:

1. Subject to Section 3 hereof, the regulations contained in B.C. Regulation 262/70, attached hereto and forming part of this By-law except Sections 1.01, 1.02 and 6.08 thereof, shall apply to the Sooke Electoral Area, provided however, that nothing contained in the said regulations shall be interpreted as limiting the authority of the Approving Officer under the Land Registry Act or the Municipal Act.
2.
 - (1) The minimum frontage of a parcel shall be 10 per cent of the perimeter of that parcel, except where the Capital Regional District Board, upon application by the owner, exempts him from this requirement.
 - (2) Notwithstanding Section 3 where a parcel is split into separate parts by a highway or railroad, operated under either the Railway Act Canada or Railway Act British Columbia, the Approving Officer may approve a subdivision which recognizes these separate parts, providing that in all other respects the subdivision complies with this by-law and providing the Approving Officer and the Capital Regional District is satisfied that such a subdivision would not injuriously affect the established amenities of adjoining or adjacent properties or be against the public interest. *Bylaws 1820 and 2278*
3. Notwithstanding Section (1) the minimum parcel size into which land may be subdivided shall be one hundred and twenty (120) hectares except: *Bylaws 2241 and 2278*
 - (1) That area referred to as Port Renfrew townsite and Sooke Planning Area which are shown cross-hatched on Plan 2 *Bylaws 2241 and 2278*
 - (2) D.L. 111 and D.L. 205 Renfrew District which shall be four (4) hectares which are shown shaded on Plan 3 *Bylaw 2278*

(3) *Bylaw 3429:*

- Lots 1-14, Section 4, Renfrew District Plan VIP 79213 as shown on Schedule 1;
- Lots A-I, Section 4, Renfrew District, Plan VIP 80549 as shown on Schedule 2;
- Lots, A, B and C, Section 4, Renfrew District Plan VIP 82411 as shown on Schedule 3;
- Strata Lots 1-9, Section 4, Renfrew District, Strata Plan VIS6189 as shown on Schedule 4;
- Proposed subdivision of Section 4, Renfrew District, except those parts in Plans 427R, 23879 and VIP68644 (13 lot phased subdivision) as shown on Schedule 5;
- Proposed subdivision of Section 4, Renfrew District, except those parts in Plans 427R, 23879 and VIP68644 (one lot fee simple subdivision - 3.3 ha parcel) as shown on Schedule 6;
- Proposed subdivision of Section 4, Renfrew District, except those parts in Plans 427R, 23879, VIP68644, VIP79213 and VIP 80549. (one lot fee simple subdivision - 23 ha parcel) as shown on Schedule 7; and
- Proposed subdivision of Section 4, Renfrew District, except parts in Plans 427R, 23879, VIP68644, VIP79213, and VIP80549 (11 lot strata subdivision) as shown on Schedule 8;

which shall be an average minimum parcel size of one (1.0) hectare.

Bylaw 3429

- (4) Lot 1, Section 2 & 4, Renfrew District, Plan VIP68644 which shall be an average minimum parcel size of 1.0 hectare *Bylaw 3430*

4. By-law No. 83 is hereby repealed.

5. This Bylaw may be cited as "Juan de Fuca Subdivision Bylaw No. 189, 1974". *Bylaw No. 3429*

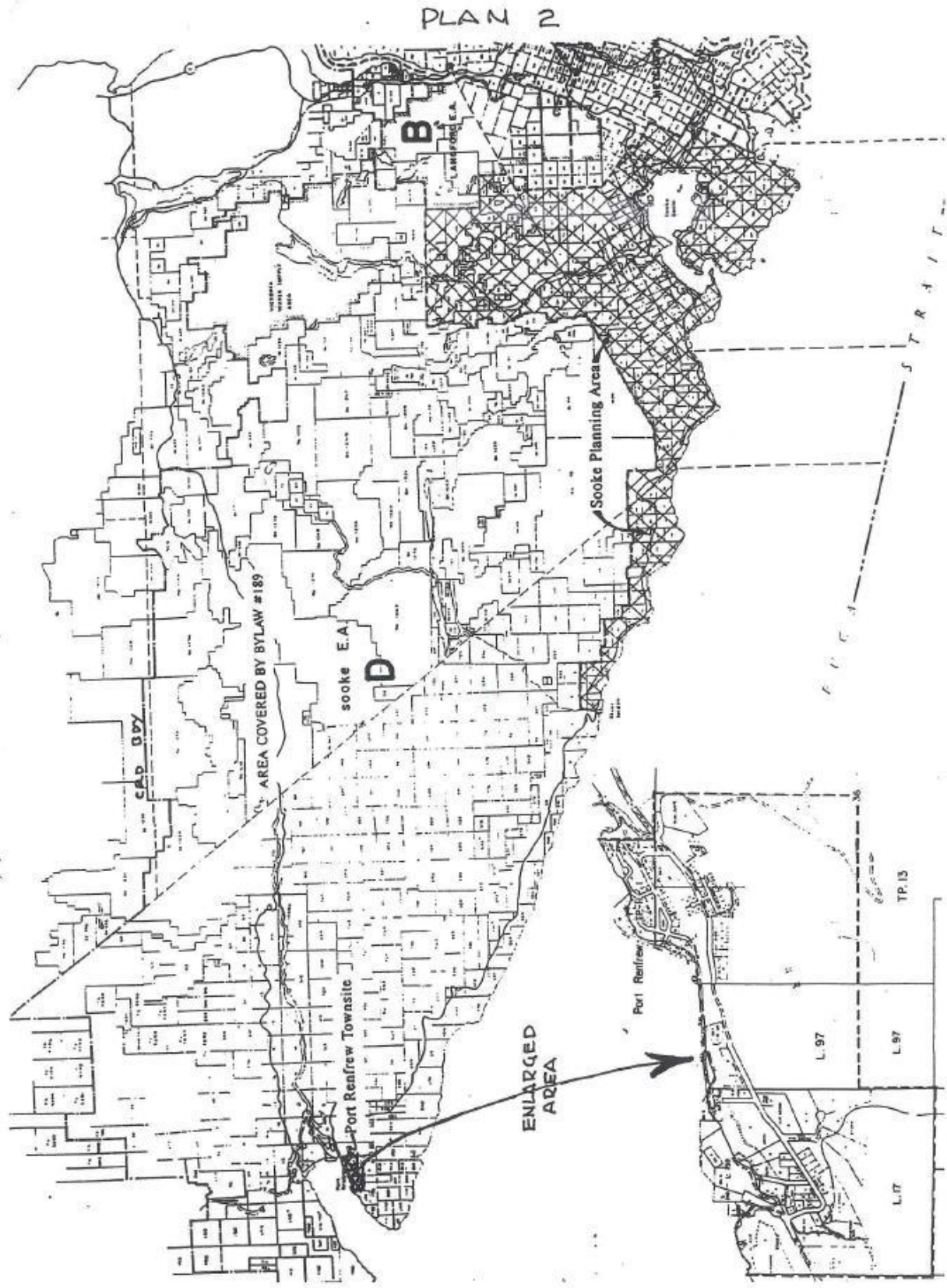
READ A FIRST TIME THIS	14 th day of	August	1974
READ A SECOND TIME THIS	14 th day of	August	1974
READ A THIRD TIME THIS	24 th day of	September	1975
APPROVED BY THE LIEUTENANT-GOVERNOR IN COUNCIL THIS	15 th day of	January	1976
RECONSIDERED AND FINALLY ADOPTED THIS	28 th day of	January	1976

Original signed by J.M. Campbell

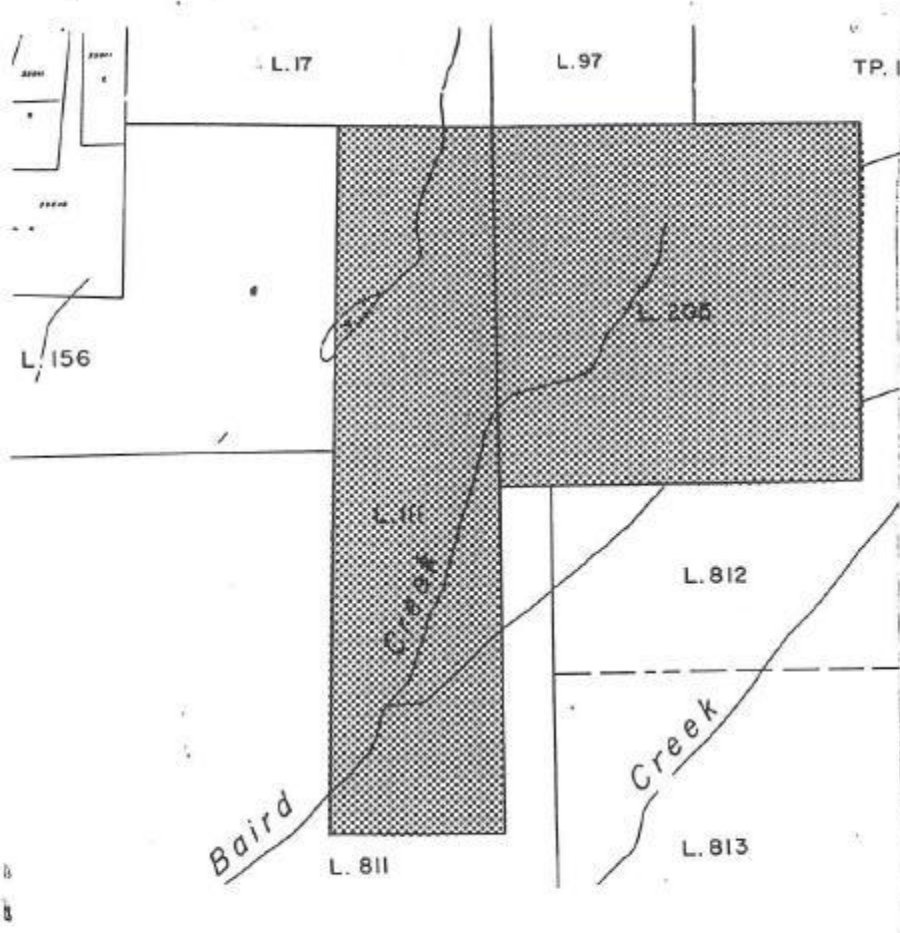
Chair

Original signed by Dennis A. Young

Corporate Secretary



PLAN 3





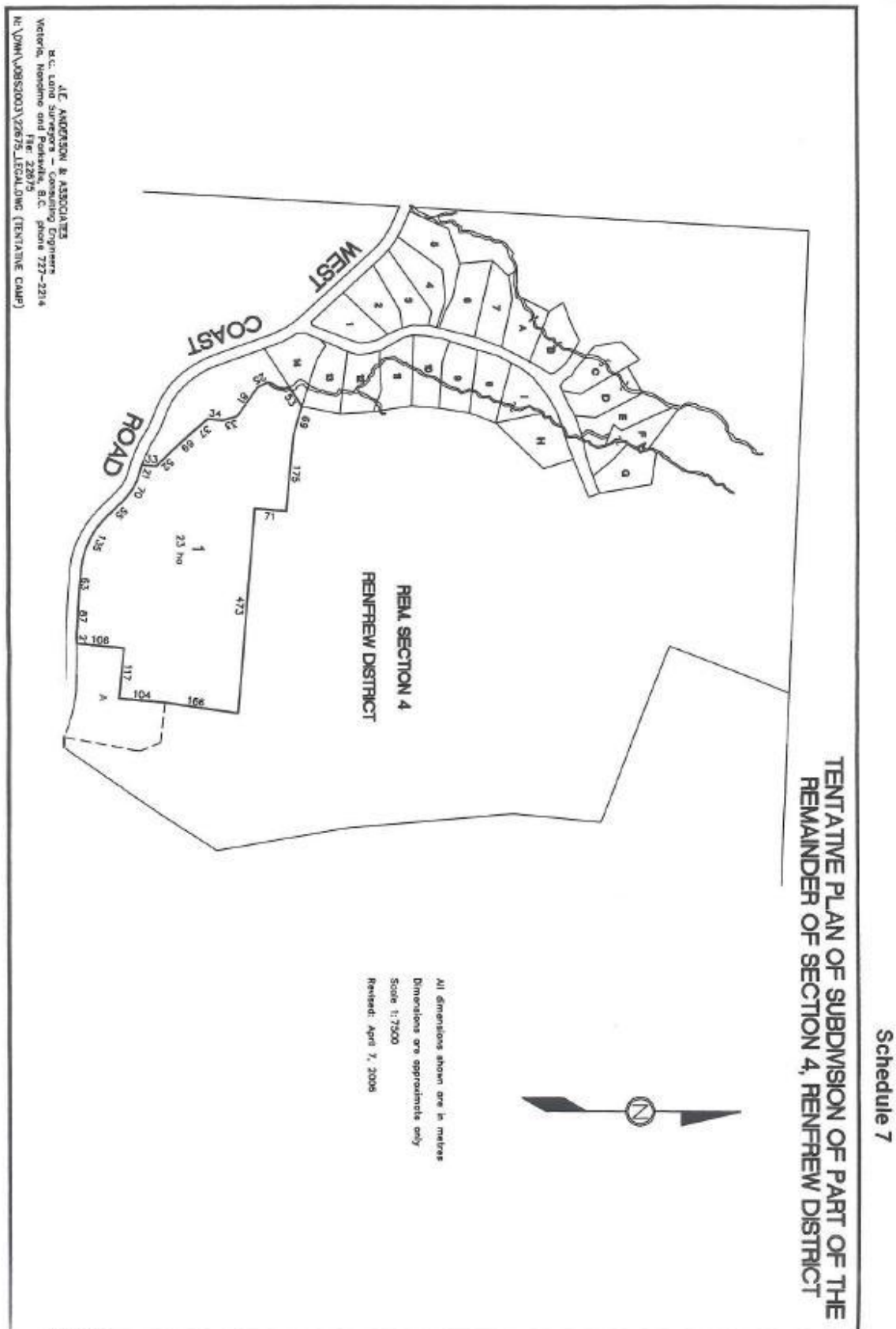














By-law 189

662

THE BRITISH COLUMBIA GAZETTE—PART II November 19, 1970

B.C. Reg. 262/70.

LOCAL SERVICES ACT

REGULATION MADE NOVEMBER 5, 1970, PURSUANT TO ORDER IN COUNCIL 1171,
APPROVED JUNE 1, 1959

SUBDIVISION REGULATIONS

Application

1.01 In accordance with the provisions of the *Local Services Act*, being chapter 224 of the *Revised Statutes of British Columbia, 1960*, and Order in Council 1171/59, these regulations apply to the subdivision of all land in the Province of British Columbia, except those lands within a municipality, and except those lands regulated by a regional district by-law pursuant to the *Municipal Act* governing the subdivision of land, and except those lands within Community Planning Area Number 24.

1.02 Where any site-area requirement for an intended use in an applicable zoning by-law adopted pursuant to the *Municipal Act*, or in a zoning regulation adopted pursuant to the *Local Services Act*, conflicts with the minimum parcel-area requirements of these regulations, the site-area requirements shall apply, provided that the requirements of sections 6.04, 6.05, 6.06, and 6.07 are met.

Purpose

2.01 The purpose of these regulations is to assist in assuring the safe, healthful, equitable, efficient, economical, and attractive subdivision of land for the benefit of the community as a whole.

Interpretation

- 3.01 In these regulations, unless the context otherwise requires,
- "approval" means approval in writing from the authority having jurisdiction;
 - "Approving Officer" means Approving Officer designated as such pursuant to the *Land Registry Act*;
 - "building regulations" means regulation of construction of buildings by a building code adopted pursuant to the *Local Services Act* or to the Building Regulations Division of the *Municipal Act*;
 - "community sewer system" means a common sewer, or system of sewerage or sewage disposal, which serves two or more parcels;
 - "community water system" means a system of waterworks which serves two or more parcels and which is owned, operated, and maintained by an improvement district under the *Water Act* or the *Municipal Act*, or a regional district, or which is regulated under the *Public Utilities Act*;
 - "cul-de-sac" means a length of local highway made for vehicular use, the end of which is designed to be permanently closed by the pattern of subdivision; or which is terminated by a natural feature such as inaccessible terrain, so that there is no alternative vehicular route to another highway;
 - "frontage" means that length of a parcel boundary which immediately adjoins a highway other than a lane or a walkway;

B.C. Reg. 262/70.

- "frontage road" means that length of a highway which on one side adjoins a highway designated as a controlled access highway and over which access is permitted to parcels on the other side;
- "highway" includes a street, road, lane, bridge, viaduct, and any other way open to the use of the public, but does not include a private right-of-way on private property;
- "improvement district" means an improvement district pursuant to the *Water Act* or the *Municipal Act*, and for the purposes of these regulations includes The Greater Nanaimo Water District and The Greater Victoria Water District;
- "lane" means a narrow highway which provides secondary vehicular access to any abutting parcel, so that the parcel may be serviced or reached by vehicles using that highway, but a lane is not a half road;
- "leg" means a parcel created pursuant to clause (b) of section 4 of B.C. Reg. 199/70 and that part of a highway at an intersection which radiates out from the point of intersection;
- "Medical Health Officer" means the Medical Health Officer appointed under the *Health Act* who has jurisdiction over the area in which a subdivision is located;
- "owner" means a person who is entitled to subdivide land or his duly appointed representative;
- "parcel" means any lot, block, or other area in which land is held or into which land is subdivided or any remaining portion of the land being subdivided;
- "potable water" means water which is approved for drinking purposes by the Medical Health Officer in accordance with the *Health Act*;
- "professional engineer" means a person who is registered or duly licensed as such under the provisions of the *Engineering Profession Act*;
- "Regulations Governing Sewage Disposal" means those regulations contained in B.C. Reg. 202/67, as amended by B.C. Reg. 45/68;
- "serves" means actually serves, or a commitment by the owner to provide the community water system or the community sewer system in order to serve any parcel and which commitment is a condition of approval;
- "site area" means an area of site required in a subsisting zoning by-law adopted pursuant to the *Municipal Act*;
- "slip" means the downward and outward movement of slope-forming materials composed of natural rock, soils, artificial fills, or combinations of these materials, which movement may proceed by any one of three principle types of movement—falling, sliding, or flowing—or by their combinations;
- "subdivision" means the division of land into two or more parcels, whether by plan or by metes and bounds description or otherwise, except that the words "subdivision plan" shall also be deemed to include a plan consolidating two or more parcels into a single parcel;
- "walkway" means a narrow highway for the use of the walking public only;
- "zone" means a zone established under the Zoning Division of the *Municipal Act*;

B.C. Reg. 262/70.

"zoning regulation" means a regulation governing the use of land adopted pursuant to the *Local Services Act* or a by-law governing the use of land adopted pursuant to the *Municipal Act*.

General

4.01 *Suitability*.—No subdivision shall be approved

- (a) unless it is suited to the configuration of the land being subdivided;
- (b) unless it is suited to the use to which it is intended;
- (c) if it makes impracticable the further subdivision of any land within the proposed subdivision or of any adjacent parcel;
- (d) if it does not comply with these regulations.

4.02 *Other Regulations*.—Nothing contained in these regulations shall relieve the owner of a subdivision from the responsibility to seek out and comply with the legislation applicable to his undertaking.

4.03 *Intended Use*.—The owner of any land being subdivided may be required to state in writing the intended use of any parcel being created or of any remaining portion of the land being subdivided.

4.04 *Characteristics Not Approvable*.—Without limiting the generality of section 4.01, approval of any subdivision may be refused if it

- (a) (i) contains land which is subject to erosion; or
- (ii) contains a parcel which is divided by land subject to erosion into areas not suited to the use to which it is intended; or
- (b) (i) contains land which may slip when developed, used, or occupied; or
- (ii) contains land which when developed, used, or occupied may cause land on an adjacent parcel to slip; or
- (iii) contains land which may be inundated by a land slip if land above on another parcel slips; or
- (c) contains land which is subject to flooding so as to render it unsuitable for the use to which it is intended; or
- (d) contains land which because of inadequate drainage is not suitable for the use to which it is intended.

4.05 *Covenant*.—Notwithstanding the requirements of section 4.04, the subdivision of land which is subject to any of the conditions described in section 4.04 may be approved, provided that the owner agrees in writing to registering a condition or covenant pursuant to section 24A of the *Land Registry Act* in favour of the Crown at the time of subdivision. Such condition or covenant shall be satisfactory to the Approving Officer and shall restrict or prohibit the construction of buildings or structures on, and (or) the use of any parcel or part of such parcel which is subject to any of the conditions described in section 4.04.

4.06 *Information Required*.—In order that any proposed subdivision may be properly considered by the Approving Officer, the owner of any land being subdivided may be required to provide any of the following:—

- (a) Topographic survey where the terrain is steep, irregular, or otherwise difficult to appraise in respect of the subdivision suiting the configuration of the land being subdivided;
- (b) Spot elevations;

B.C. Reg. 262/70.

- (c) A professional engineer's report on
 - (i) the effect on soil stability of disturbing natural grades or natural growth, or changing the moisture content of the soil by developing, using, or occupying the land;
 - (ii) groundwater levels and conditions for as much of the year as is considered necessary;
 - (iii) the depth and extent of flooding and the likely frequency of its occurring.

4.07 *Flagging*.—The corners of any proposed parcel for which approval is being sought, or the location of places where any tests required for approval are taken, shall be clearly flagged if required by the Approving Officer.

4.08 *Highways*.—The clearing, construction, grading, and surfacing of all highways and all drainage shall be in accordance with Appendix A attached to and forming part of these regulations.

4.09 *Community Water Systems*.—(1) The design of any community water system to serve the subdivision shall be in accordance with the requirements of any authority having jurisdiction over the system pursuant to

- (a) the *Health Act* and the *Public Utilities Act*; or
- (b) the *Health Act* and the *Water Act*, when an improvement district has an applicable subdivision by-law pursuant to the *Water Act*; or
- (c) the *Health Act* and the *Municipal Act*, when a regional district has an applicable by-law setting out the terms and conditions of any extension to its community water system,

as the case may be.

(2) The community water system approved pursuant to subsection (1) of section 4.09 shall be installed as approved before the subdivision is approved.

(3) Notwithstanding the requirements of subsection (2) of section 4.09, a subdivision may be approved prior to the construction of the community water system, provided that an arrangement securing performance of such construction satisfactory to the Approving Officer has been made with

- (a) the Public Utilities Commission; or
- (b) an improvement district having an applicable subdivision by-law adopted pursuant to the *Water Act*; or
- (c) a regional district having an applicable by-law setting out the terms and conditions of any extension to its community water system,

as the case may be, but in no case shall the subdivision be approved before the plans for the community water system have been approved.

4.10 *Community Sewer System*.—(1) The design of any community sewer system to serve the subdivision shall be in accordance with the requirement of any authority having jurisdiction over the system pursuant to the *Health Act* and the *Pollution Control Act*, and where applicable in accordance with either

- (a) the *Water Act*, when an improvement district has an applicable subdivision by-law pursuant to the *Water Act*; or
- (b) the *Municipal Act*, when a regional district has an applicable by-law setting out the terms and conditions of any extension of its community sewer system.

(2) The community sewer system approved pursuant to subsection (1) of section 4.10 shall be installed as approved before the subdivision is approved.

B.C. Reg. 262/70.

(3) Notwithstanding the requirements of subsection (2) of section 4.10, a subdivision may be approved prior to the construction of the community sewer system, provided that an arrangement securing performance of such construction, which is satisfactory to the Approving Officer, has been made with

(a) an improvement district having an applicable subdivision by-law adopted pursuant to the *Water Act*; or

(b) a regional district having an applicable by-law setting out the terms and conditions of any extension to its community sewer system,

as the case may be, but in no case shall the subdivision be approved before the plans for the community sewer system have been approved.

4.11 *Water Supply*.—Where a community water system is to be installed in a subdivision, a supply of potable water adequate to serve the subdivision shall be proven before the subdivision is approved.

4.12 *Water Licence*.—Where the owner is establishing a community water system using a water source which comes within the terms of the *Water Act*, a licence to divert and use the amount of water required to serve the subdivision shall be held by the owner prior to the approval of the subdivision.

4.13 *Discharge Permits*.—Where a discharge of sewage from or within a proposed subdivision is within the terms of the *Pollution Control Act*, a provisional permit for that discharge shall be obtained before the subdivision is approved.

4.14 *Contravention of Other Regulations*.—Except where a setback in respect of a highway is concerned, no subdivision shall be approved which would cause any existing building or structure or sewage-disposal installation or used source of potable water to contravene any building, zoning, or other regulation in force on the parcel under consideration.

4.15 *Vehicle Parking*.—(1) Vehicular access shall be provided from the travelled portion of the highway onto any parcel in a proposed subdivision, and adjoining this access there shall be an area on the parcel suitable for the parking of two automobiles, unless the Approving Officer exempts the subdivider from this requirement because of the terrain.

(2) Notwithstanding the requirements of subsection (1), where a subdivision is pursuant to section 4 of B.C. Reg. 199/70, and where local snow and terrain conditions, as determined by the Approving Officer, preclude year-round vehicular access to any parcel, the parcel, pursuant to clause (b) of section (4) of B.C. Reg. 199/70, shall have a configuration and location which is sufficient in the opinion of the Approving Officer to accommodate the vehicles otherwise required to be parked on each parcel.

Highways

5.01 In sections 5.01 to 5.11, inclusive,

(a) the meaning of "highway" does not include "walkways"; and

(b) the meaning of "intersection" includes the intersection of highways and the intersection with a highway of a parcel created pursuant to clause (b) of section (4) of B.C. Reg. 199/70.

5.02 *Highway Widths*.—The minimum width of any highway in any proposed subdivision shall be 66 feet, except

(a) where the Approving Officer deems a lesser minimum width better suited to use or to local conditions; or

B.C. Reg. 262/70.

(b) where a highway is a frontage road, when it shall have a minimum width of 50 feet, unless the Approving Officer deems a lesser minimum width better suited to use or to local conditions; or

(c) where a highway is a lane, when it shall have a minimum width of 20 feet.

5.03 *Lanes*.—Lanes shall be provided where terrain and natural features render vehicular access practicable and where

(a) they form an extension of any existing system of lanes; or

(b) the Approving Officer deems it necessary to provide secondary access in order that reasonable traffic flow can be assured on the main highway.

5.04 Pursuant to the *Controlled Access Highways Act*, roads shall be provided to give access to parcels adjoining controlled access highways.

5.05 *Intersecting Highways*.—Subject to the *Controlled Access Highways Act* and to the *Land Registry Act*, where any subdivision contains parcels less than 300 feet in width, intersecting highways shall be dedicated at intervals not greater than 1,320 feet and on the same side of the highway and beginning at any existing lateral highway, except

(a) where the parcel being created is pursuant to section 6.11; or

(b) where difficult terrain or other natural features render vehicle access impracticable; or

(c) where the pattern of existing subdivision precludes the necessity of providing access.

5.06 When a subdivision borders on the shore of navigable waters, access shall be given in accordance with the requirements of the *Land Registry Act*.

5.07 *Turn-around*.—In any proposed subdivision, a highway which is cul-de-sac shall have a terminal area for a turn-around, the size of which shall be determined by the Approving Officer having regard to the local snow, terrain, and soil conditions, provided that any such area shall be large enough to contain a circle with a radius of 50 feet.

5.08 *Intersections*.—The number of highway intersections within a subdivision shall be kept to a minimum, and, where practicable,

(a) Y-shaped intersections shall be avoided;

(b) T-shaped intersections shall be used when the intersecting highway is to carry a small amount of local traffic;

(c) intersections with more than four legs shall be avoided;

(d) intersections shall not be located in or near sharp curves or near the crest of any rise or hill.

5.09 *Intersection Offset*.—Wherever practicable, no intersection shall be less than 125 feet from any other intersection or likely future intersection. Measurement shall be made along the centre line of the intersected highway.

5.10 *Intersection Angle*.—Unless extremely difficult terrain or the pattern of existing subdivision precludes it, a minimum of 50 feet of an intersecting leg shall be as close to right angles as practicable with the intersected highway. This distance shall be measured at the boundary of the intersecting leg on the side of the contained angle.

5.11 *Walkways*.—The minimum width of any walkway in any subdivision shall be 10 feet.

Parcels

6.01 *Minimum Parcel Size: Water and Sewer.*—Where both a community water system and a community sewer system serve a parcel, and

- (a) where both building and zoning regulations are in force, that parcel shall not be smaller than 5,000 square feet, except that a parcel may be decreased in area by as much as 10 per cent, provided that the Approving Officer is satisfied with the validity of the owner's written claim that, because of unusual terrain or the size or the configuration of his land, 5,000-square-foot parcels cannot be achieved and therefore subdivision is precluded, but as many parcels as the Approving Officer considers practicable shall be not smaller than 5,000 square feet; and
- (b) where both building and zoning regulations are in force, and where a lane provides secondary access to that parcel, there shall be no minimum parcel size; and
- (c) where building or zoning regulations pursuant to the *Municipal Act* are not in force, that parcel shall not be smaller than 6,000 square feet.

6.02 *Minimum Parcel Size: Water Only.*—Subject to the provisions of sections 6.04 and 6.05, as the case may be, where a parcel is served by a community water system but not a community sewer system, that parcel shall not be smaller than 7,500 square feet, except that a parcel may be decreased in area by as much as 10 per cent, provided that the Approving Officer is satisfied with the validity of the owner's written claim that, because of unusual terrain or the size or the configuration of his land, 7,500-square-foot lots cannot be achieved and therefore subdivision is precluded, and that at the decreased size all requirements of section 6.04 can be met, but as many parcels as the Approving Officer considers practicable shall not be smaller than 7,500 square feet.

6.03 *Minimum Parcel Size: No Services.*—Subject to the provisions of sections 6.04 and 6.05, as the case may be, where a parcel is not served by a community water system nor a community sewer system, the parcel shall not be less than 18,000 square feet.

6.04 *Conditions to Be Met When Parcel Less Than 5 Acres.*—Where a parcel is less than 5 acres and is not served by a community sewer,

- (a) it shall meet the requirements of Appendix B, which is attached to and forms part of these regulations; or
- (b) where the requirements of clause (a) of section 6.04 cannot be met, consideration shall be given to alternate designs which will dispose of the liquid in the minimum-size septic tank for a three-bedroom, single-family house, and which designs are in accordance with the requirements for alternate methods of disposal contained in the Regulations Governing Sewage Disposal and for which acceptable alternate designs an adequate area of appropriate soil is available for disposal, and the parcel shall be sized accordingly, except that where, in extraordinary and infrequent instances, the owner of the parcel does not wish to make the installation necessary for an acceptable alternate design in accordance with the foregoing, the subdivision may be approved, provided that the owner agrees in writing to registering a condition or covenant pursuant to section 24A of

Parcels

6.01 *Minimum Parcel Size: Water and Sewer.*—Where both a community water system and a community sewer system serve a parcel, and

- (a) where both building and zoning regulations are in force, that parcel shall not be smaller than 5,000 square feet, except that a parcel may be decreased in area by as much as 10 per cent, provided that the Approving Officer is satisfied with the validity of the owner's written claim that, because of unusual terrain or the size or the configuration of his land, 5,000-square-foot parcels cannot be achieved and therefore subdivision is precluded, but as many parcels as the Approving Officer considers practicable shall be not smaller than 5,000 square feet; and
- (b) where both building and zoning regulations are in force, and where a lane provides secondary access to that parcel, there shall be no minimum parcel size; and
- (c) where building or zoning regulations pursuant to the *Municipal Act* are not in force, that parcel shall not be smaller than 6,000 square feet.

6.02 *Minimum Parcel Size: Water Only.*—Subject to the provisions of sections 6.04 and 6.05, as the case may be, where a parcel is served by a community water system but not a community sewer system, that parcel shall not be smaller than 7,500 square feet, except that a parcel may be decreased in area by as much as 10 per cent, provided that the Approving Officer is satisfied with the validity of the owner's written claim that, because of unusual terrain or the size or the configuration of his land, 7,500-square-foot lots cannot be achieved and therefore subdivision is precluded, and that at the decreased size all requirements of section 6.04 can be met, but as many parcels as the Approving Officer considers practicable shall not be smaller than 7,500 square feet.

6.03 *Minimum Parcel Size: No Services.*—Subject to the provisions of sections 6.04 and 6.05, as the case may be, where a parcel is not served by a community water system nor a community sewer system, the parcel shall not be less than 18,000 square feet.

6.04 *Conditions to Be Met When Parcel Less Than 5 Acres.*—Where a parcel is less than 5 acres and is not served by a community sewer,

- (a) it shall meet the requirements of Appendix B, which is attached to and forms part of these regulations; or
- (b) where the requirements of clause (a) of section 6.04 cannot be met, consideration shall be given to alternate designs which will dispose of the liquid in the minimum-size septic tank for a three-bedroom, single-family house, and which designs are in accordance with the requirements for alternate methods of disposal contained in the Regulations Governing Sewage Disposal and for which acceptable alternate designs an adequate area of appropriate soil is available for disposal, and the parcel shall be sized accordingly, except that where, in extraordinary and infrequent instances, the owner of the parcel does not wish to make the installation necessary for an acceptable alternate design in accordance with the foregoing, the subdivision may be approved, provided that the owner agrees in writing to registering a condition or covenant pursuant to section 24A of

B.C. Reg. 262/70.

the *Land Registry Act* in favour of the Crown at the time the subdivision is registered; such condition or covenant shall be satisfactory to the Approving Officer and shall restrict or prohibit the construction of buildings or structures on and (or) the use of any parcel until the necessary installations have been made; and

copies of the results of all tests shall contain the signature, occupation, and permanent address of the person undertaking the tests and shall accompany the plans of the proposed subdivision when it is submitted to the authority having jurisdiction to receive subdivision applications.

6.05 *Design of Larger Disposal System.*—Except where the *Pollution Control Act* is applicable, where a parcel is less than 5 acres and is not served by a community sewer system and where the intended use has a greater design sewage-flow per day than the minimum-capacity septic tank for a three-bedroom, single-family house in accordance with the Regulations Governing Sewage Disposal, the design sewage-flow of the intended use shall be used in accordance with the Regulations Governing Sewage Disposal to determine the area of soil required in clause (a) of section 6.04, and all other requirements of 6.04 shall be met.

6.06 *Test Results.*—Where any parcel in a proposed subdivision is less than 5 acres and is not served by a community sewer system, a copy of the plans and test results and measurements required in Appendix B as applicable to that parcel shall be submitted by the Approving Officer to the Medical Health Officer or to the Director of Pollution Control, as the case may be, for written reasons why he would or would not recommend approval of a subdivision based on the waste-disposal capabilities of the soil on that parcel to meet with the requirements of these regulations or of the *Pollution Control Act*, as the case may be.

6.07 *Old Subdivisions.*—Notwithstanding the requirements of sections 6.01, 6.02, and 6.03, existing parcels which are smaller than permitted in these regulations may be consolidated and resubdivided into new parcels, provided that

- (a) all parts of all new parcels are contiguous;
- (b) as many new parcels as the Approving Officer considers practicable shall meet the area requirements of these regulations;
- (c) the degree of compliance with the area requirements of these regulations is not lessened on any new parcel;
- (d) the Medical Health Officer states in writing that the requirements of section 6.04 can be met.

6.08 *Minimum Frontage.*—(1) The minimum frontage of a parcel shall be 10 per cent of the perimeter of that parcel, except where the Minister of Municipal Affairs, upon application by the owner, exempts him from this requirement.

(2) Application by an owner for exemption shall be in writing and shall state the ground on which the exemption is sought and shall be accompanied by two copies of a plan showing the proposed subdivision.

6.09 *Panhandle Lots.*—Without limiting the generalities of section 4.01 and notwithstanding the requirements of section 6.08, where a parcel is a panhandle lot capable of further subdivision, the Approving Officer shall be satisfied that the panhandle is adequate to provide a future highway.

6.10 *Panhandle Lots.*—Notwithstanding the requirements of sections 6.01 to 6.05, inclusive, where a parcel is a panhandle lot, the access strip or panhandle shall not be calculated as part of the minimum parcel area.

B.C. Reg. 262/70.

6.11 *Where Minimum Does Not Apply.*—The requirements of sections 6.01, 6.02, 6.03, and 6.04 shall not apply

- (a) where the parcel being created is to be used solely for the unattended equipment necessary for the operation of
 - (i) a community water system;
 - (ii) a community sewer system;
 - (iii) a community gas distribution system;
 - (iv) a community radio or television receiving antenna;
 - (v) a radio or television broadcasting antenna;
 - (vi) a telecommunication relay station;
 - (vii) an automatic telephone exchange;
 - (viii) an air or marine navigational aid;
 - (ix) electrical substations or generating stations;
 - (x) any other similar public service or quasi-public service facility or utility; or
- (b) where the parcel is pursuant to clause (b) of section (4) of B.C. Reg. 199/70;
- (c) to churches, chapels, and parks; and
- (d) where no sewage is generated; and
- (e) where the owner agrees in writing to registering a condition or covenant pursuant to section 24A of the *Land Registry Act* in favour of the Crown at the time the subdivision is registered, and such condition or covenant shall be satisfactory to the Approving Officer and shall restrict or prohibit the construction of buildings or structures on, and (or) the use of any parcel.

Severability

7.01 If any provision of this regulation is found invalid, such provision is severable.

APPENDIX A

(Sec. 4.08)

1. In this Appendix, unless the context otherwise requires,

"arterial" means a highway intended to carry large volumes of traffic at medium and high speeds primarily between major traffic generators, and it is not intended to directly serve adjacent land;

"collector" means a highway located within an area of major traffic generation and which is used primarily for the collection and distribution of traffic between arterials and locals as well as to some adjacent land;

"K value" means the distance required in feet to effect a 1 per cent change in gradient on a vertical curve;

"local" means a highway located within an area of major traffic generation and used primarily to provide access to adjacent land.

2. The likely or intended use of the land, the climate prevailing in the area, the relation of the subdivision to the surrounding highway system, the topography, and the necessity for on-street parking shall be taken into account, and design speed and finished grade width of roadway set accordingly as in sections 3 and 4 of this Appendix.

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3. Parameters for various design speeds shall be as follows:—

	Design Speed		
	20 mph.	30 mph.	40 mph.
Maximum curvature (degrees)	52	22.9	12.4
Minimum stopping sight-distance ... (feet)	120	200	275
K value crest (vertical curves)	15	28	50
K value sag (vertical curves)	18	35	50
Overhead clearance (feet)	15	15	15
Maximum grade (per cent)	12	8	8
Maximum superelevation (per cent)	10	8	8

Maximum grades are to be reduced by 1 per cent of grade for each 100 feet of radius below 500-foot radius curve ($11^{\circ} 29'$).

4. Finished road-grade width shall be 32 feet for local roads with parking and also for arterials and collectors and 24 feet for other roads. A finished grade width of 20 feet may be approved in special circumstances by the Approving Officer. Side slopes in surfacing and sub-grade are not to be steeper than 2:1.

5. Drainage is to be adequate in the opinion of the Approving Officer, and all ditches, pipes, etc., are to be carried to natural drainage features as far as possible.

6. All ditch inverts are to be minimum 3 feet below centre-line elevation of roadway.

7. All drainage facilities, including culverts, are to be designed for 30-year flood in urban areas, suburban areas, and rural areas likely to grow into suburban areas and in all other areas to be designed for 10-year flood.

8. Any drainage appurtenances shall conform to C.S.A. or A.S.T.M. specifications for the purpose for which it is intended.

9. All bridges and span or box culverts are to be designed by a professional engineer to AASHO H20S16 loading for local roads, and to AASHO H25S20 loading for collectors and arterials.

10. With the exception of those trees and shrubs the District Engineer of the Department of Highways approves as worthy of preservation and which are located close to the edge of a highway allowance intended for vehicular use, the full width of all highways shall be cleared and grubbed. Brush, debris, stumps, and roots shall be disposed of to the satisfaction of the District Engineer of the Department of Highways.

11. Roads shall be surfaced in two courses:—

(a) A lower course composed of select granular material passing 3-inch mesh as per Department of Highways specification 202.7; and

(b) An upper course composed of a minimum of 3 inches of three-quarter-inch crushed or screened aggregate, as per Department of Highways specification 202.4, and the minimum depth of the two courses shall be 6 inches. Where more material is required to build a sound and uniform roadway, the lower course shall be increased in depth.

12. The Approving Officer may also require asphaltic or portland cement concrete surfacing as per Department of Highways specification, sections 220, 222, and 223, to a width not less than 4 feet narrower than the finished road-grade width (see section 4).

13. All construction practice and procedure shall be generally to the standard of the Department of Highways General Specifications.

APPENDIX B

(Clause (a) of Secs. 6.04 and 6.06)

1. A percolation test shall be made and, depending on the resulting percolation rate, no less area than given below shall be added to the minimum parcel size in section 6.02 or 6.03, as the case may be, of the Subdivision Regulations:—

Percolation rate (min./inch)—	Minimum Area Added to Parcel (Sq. Ft.)
Less than 5	0
5 and more, but less than 10	500
10 and more, but less than 15	1,000
15 and more, but less than 20	1,500
20 and more, but less than 25	2,000
25 and more, but less than 30	2,500

When the percolation rate is 30 minutes or more, *see* clause (b) of section 6.04 of the Subdivision Regulations.

Percolation tests shall be carried out in accordance with section 6 below.

2. Depending on the slope measured from the uppermost point on the parcel to the lowest point on the parcel, the results obtained in section 1 above shall be increased in accordance with the following:—

Steepest slope (per cent)—	Minimum Area to Be Added to Parcel (Sq. Ft.)
Less than 10	0
For each 5 per cent or part thereof for 10 per cent and over	500

3. Regardless of the smallest parcel size permitted in accordance with sections 1 and 2 above, the parcel shall contain an area of soil suitable for sewage disposal not smaller than the following, as determined by the percolation rate:—

Percolation rate (min./inch)—	Minimum Size of Area of Soil (Sq. Ft.)
Less than 5	1,000
5 and more, but less than 10	1,500
10 and more, but less than 15	2,000
15 and more, but less than 20	2,500
20 and more, but less than 25	3,000
25 and more, but less than 30	3,500

4. There shall be a minimum of 4 feet of natural porous topsoil above the groundwater table in the area of soil referred to in section 3 above, and a representative number of test-holes shall be dug in that area to a minimum depth of 4 feet to demonstrate this.

5. The area of soil required for sewage disposal in section 3 above shall be capable of meeting the siting requirements for absorption fields in the Regulations Governing Sewage Disposal.

6. Percolation tests shall be undertaken, as follows:—

- (a) Percolation test-holes shall be made at points and elevations selected as typical in the area of the proposed disposal field.
- (b) One of these test-holes shall be dug at each end of the area of the disposal field. Further holes may be required, depending on the nature of the ground and the results of the first test and the size of the proposed field.
- (c) Test-holes are usually drilled using an auger and to the depth of the proposed absorption trench. The standard depth is 24 inches, but the Public Health Inspector may approve or require holes varying from 18 to 32 inches in depth.
- (d) The soil should be examined as it is removed from the test-hole for some indication of its composition and likely percolation rate.

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- (e) To make the percolation test more accurate, any smeared soil should be removed from the walls of the test-hole.
- (f) If the soil contains considerable amounts of silt and (or) clay, the test-hole should be presoaked before proceeding with the test. To do this, keep the hole as fully filled with water as possible for 4 hours. Proceed with the test immediately after presoaking.
- (g) To undertake the test, fill the test-hole with water. When the water-level is 5 inches or less from the bottom of the hole, refill the hole to a depth of 24 inches or to the top. No recording of time need be done for these two fillings.
- (h) When the water-level after the second filling (step (g)) is 5 inches or less from the bottom of the hole, add enough water to bring the depth of water to 6 inches or more.
- (i) Observe the water-level until it drops to the 6-inch depth. At precisely 6 inches, commence timing. When the water-level reaches precisely 5 inches depth, stop timing.
- (j) The time in minutes for the water-level to drop 1 inch is the percolation rate for that hole and is recorded in minutes per inch. The percolation rate of the absorption field is the average rate of all the percolation tests made for that field.
- (k) Backfill the holes with the excavated soil and repeat the test in other locations. Record the results and submit to the local authorities.
- (l) See section 4.07 of the Subdivision Regulations.

(NOTE on section 6.—A percolation test is used to measure the permeability of the soil at the depth of the proposed drainage field. The percolation test will determine the "rate," which is a measure of the time in minutes for the water-level in a hole to drop 1 inch (from 6 inches from the bottom to 5 inches from the bottom of the hole) and is recorded in "minutes per inch".)

no19—1174

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PARK ACT

ORDER IN COUNCIL 3690, APPROVED NOVEMBER 5, 1970, AMENDING
B.C. REG. 129/70—PROVINCIAL PARKS REGULATIONS, 1970

That to legally post the boundaries of "controlled" campgrounds and picnic-grounds, and to facilitate prosecution under section 14 of the Provincial Park Act Regulations, being Order in Council 1539, approved May 5, 1970, certain amendments to the said Provincial Park Act Regulations are considered necessary:

1. That section 5 be amended by inserting immediately after subsection (i) the following:—

"(j) Where any portion of the boundaries of a 'controlled' campground is on waterfrontage, such campground shall be deemed to be 'controlled' within the meaning of subsection (a) if that portion of the boundaries not on waterfrontage is posted in accordance with subsection (a), and it shall not be necessary to post that portion of the boundaries which is on waterfrontage."

78/73 subst (j)

2. That section 6 be amended by inserting immediately after subsection (c) the following:—

"(d) Where any portion of the boundaries of a 'controlled' picnic-ground is on waterfrontage, such picnic-ground shall be deemed to be 'controlled' within the meaning of subsection (a) if that portion of the boundaries not on waterfrontage is posted in accordance with subsection (a), and it shall not be necessary to post that portion of the boundaries which is on waterfrontage."

78/73 subst (d)

3. That section 14 be amended by inserting immediately after subsection (c) the following:—

"(c) (1) In any order issued by a Park Ranger under subsection (c), if no time is specified, such order shall be effective immediately."

no19—1175