

VILLAGE OF GOLD RIVER

Amendment Bylaw No. 398.1, 2002

Amendment Number 3 to "Subdivision Regulation Bylaw No. 187, 1976"

The Council of the Village of Gold River, in open meeting assembled, enacts as follows:

- A. The Village of Gold River Subdivision Regulation Bylaw No. 187, 1976 is amended as follows:
 - 1. Delete section 1. and revise to read:
 - 1.1 "The regulations of this bylaw apply to all land and buildings within the Village of Gold River.
 - 1.2 All applications must comply with this bylaw.
 - 1.3 Nothing in this bylaw binds the Approving Officer to approve a plan of subdivision that complies with the minimum requirements of any municipal bylaw or regulation if, in the opinion of the Approving Officer, the requirements or standards would not be adequate for the subdivision.
 - 1.4 No parcel of land, or new or never occupied building, shall be subdivided within the Village of Gold River unless the plan of subdivision has received the approval of the Approving Officer.
 - 1.5 No previously occupied building shall be subdivided within the Village of Gold River unless the plan of subdivision has received the approval of the Council of the Village of Gold River.
 - 1.6 If any portion of this bylaw is held to be invalid by a court of competent jurisdiction, that portion of this bylaw may be severed without affecting the remaining portions of this bylaw.
 - 1.7 The schedules attached to this bylaw form a part of this bylaw and are enforceable in the same manner as this bylaw.
 - 1.8 The form of a Letter of Credit required by the Village of Gold River is included in Schedule "B" to this bylaw.
 - 2. Delete section 2. and revise to read:
 - 2.1 Applications under this bylaw shall be made in the form provided by the Village of Gold River.

- 2.2 For a Strata Subdivision of a previously occupied building, the Owner must provide a report to the Village, prepared by a Consulting Engineer, that confirms the building is in substantial compliance with the current B.C. Building Code.
- 2.3 For the purposes of providing the Works and Services, the Village of Gold River is divided into different service areas as shown in Schedules "C-1, C-2, C-3, C-4" to this bylaw.
- 2.4 The Service Area and the Works and Services required for each parcel, within each Service Area are prescribed in accordance with Schedules "C-1, C-2, C-3, C-4" and "D" of this bylaw.
- 2.5 An application must be complete, signed by the Owner, and tendered to the Approving Officer together with the applicable fee prescribed by this bylaw before being considered for approval. Where applicable, an Agent must be authorized in writing by the Owner on the application form.
- 2.6 The application fee is non-refundable, except as provided in this bylaw.
- 2.7 The fees payable to the Village under this bylaw are prescribed in accordance with Schedule "E".
- 2.8 The Approving Officer may reject any incomplete application and where applicable, must:
 - (a) notify the Owner in writing briefly stating the reasons why, in the opinion of the Approving Officer, the application is incomplete;
 - (b) return the incomplete application and application fee less 15% to the Owner.
- 2.9 The Owner is responsible for all costs of obtaining subdivision approval.
- 2.10 Unless otherwise provided in this bylaw, all highways shall be constructed with a mountable concrete curb on the edge of the asphalt surface.
- 2.11 (1) The Municipal Engineer shall determine the classification of the highways to be provided within the Village in accordance with the anticipated traffic volumes which, in the opinion of the Municipal Engineer, will result from the use proposed, the future land use identified in the OCP, and the zoning.

- (2) The minimum standards for each class of highway or private road, are prescribed according to the following table:

Functional Road Classification	Minimum Highway Width (m)	Design Speed (km/hr)	Asphalt Width (m)	Shoulder Width (m)
Cul-de-sac (residential)	16.5	40	8.0	1.0
Local Road	20.0	50	8.0	1.0
Minor Collector	20.0	50	8.0	1.0
Collector	25.0	50	12.0	1.0
Arterial	30.0	70	14.0	2.0
Industrial (private road)	20.0 (12.0)	50	14.0 paved (10.0 gravel)	2.0 1.0

- 2.12 If the Owner wishes to obtain Subdivision Approval, or a Building Permit from the Village before a Certificate of Substantial Performance has been issued in respect of the Works and Services required under this bylaw, the Owner must first provide the Village with a Performance Bond.
- 2.13 Before tendering a Performance Bond to provide the incomplete Works and Services, the Owner must provide or complete:
- (a) all the off-site Works and Services to the satisfaction of the Engineer;
 - (b) land title registration of all easements, rights-of-way, and covenants required by the Village;
 - (c) all geotechnical remediation works required to make the land safe for the use intended;
 - (d) any Works and Services within a watercourse, hazard area, or Environmentally Sensitive Areas.
- 2.14 The Performance Bond must be not less than 125% of the estimated cost of constructing the incomplete Works and Services as confirmed in writing by the Consulting Engineer, and verified by the Municipal Engineer.

- 2.15 The Village may release or draw upon the Performance Bond, in whole or in part, at any time without notice to the Owner prior to the issuance of a Certificate of Substantial Performance.
- 2.16 Upon the issuance of the Certificate of Substantial Performance, the Owner must provide the Village with a Maintenance Bond equal to:
 - (a) 5% of the cost of the Works and Services; or
 - (b) \$1,000.00,whichever is the greater.
- 2.17 The Maintenance Bond may be withheld by the Village from the balance of the Performance Bond otherwise payable to the Owner. The Village may draw upon the Maintenance Bond, in whole or in part, at any time without notice to the Owner, prior to the issuance of a Certificate of Acceptance.
- 2.18 The Works and Services for a subdivision become the property of the Village when installed within:
 - (a) a registered statutory right-of-way, upon the issuance of Certificate of Substantial Completion;
 - (b) an area to be dedicated for highway, upon the registration of the plan of subdivision in Land Titles.
- 2.19 The Approving Officer is not obliged to approve any plan of subdivision unless the requirements of this bylaw have been met or provided.
- 2.20 This bylaw does not create a duty of care on the Village, Council, the Approving Officer, or any of its employees, agents, or contractors retained or employed by the Village in respect of the acceptance of an application, the issuance of a letter listing the known requirements for subdivision approval, inspection of the parcels to be subdivided, or the Works and Services.
- 2.21 The Certificate of Substantial Completion will not in any way constitute a representation, warranty, or statement by the Village that the Works and Services have met all the requirements required by the Village to issue a Certificate of Acceptance.
- 2.22 A person must not subdivide land, or a building, except in conformity to this bylaw.
- 2.23 Every person must comply with any order or notice issued pursuant to this bylaw.

- 2.24 A person must not authorize or allow the construction or installation of any servicing, drainage, utility, access, or highway in connection with a proposed subdivision until the Village has issued a permit or the owner has received statutory authority to proceed with the Works and Services.
- 2.25 Any person who violates any of the provisions of this bylaw or who permits any act to be done in contravention of this bylaw, or who neglects to or refrains from doing any act or things that are required by this bylaw commits an offence.
- 2.26 Every day that a violation occurs constitutes a new offence.
- 2.27 A person who violates any of the provisions of this bylaw is liable upon conviction to the maximum penalties prescribed by the Offence Act, plus costs.
- 2.28 Add to section 3.

"Access" means a road or driveway that connects a building or building site on a parcel to a highway.

"Agent" means the person authorized in writing by the Owner to tender an application to the Village.

"Applicant" means the Owner or Agent that tenders an application to the Village.

"Application for Building Permit" means the information, fee, security, plan, certificate, forms, and agreements provided to the Village for examination, approval and issuance of a Building Permit.

"Application for Preliminary Review " means the information, fee, and a copy of a proposed plan of subdivision provided to the Village for examination and review of that plan of subdivision.

"Application for Subdivision Approval" means the information, fee, security, plan, certificate, forms, and agreements provided to the Village for examination and approval of a plan of subdivision.

"Application Fee" means a non-refundable fee paid to the Village for the examination and review, or approval, of an application.

"Arterial" means an existing or proposed arterial highway as designated in the OCP.

"Certificate of Acceptance" means a letter issued by the Village that confirms the maintenance period for the Works and Services, or a portion defined in the Certificate of the Works and Services is satisfactorily completed.

"Common Driveway" means an access for two or more adjoining parcels.

"Collector Road" means an existing or proposed highway as designated in the OCP.

"Cul-de-sac" means a highway with only one point of intersection with a highway, that terminates in a vehicle turning area.

"Consulting Engineer" means a professional engineer, registered or licensed under the *Engineers and Geoscientists Act*, who is employed or retained by the Owner.

"Certificate of Substantial Performance" means a certificate issued by a Consulting Engineer certifying that Substantial Performance of all of the Works and Services has been achieved.

"Driveway" means a private road that connects a parcel to a highway.

"Frontage" means that length of a parcel boundary that abuts a highway, but does not include a walkway.

"Local Road" means a highway that is primarily intended for residential traffic that may connect with a minor collector or major road.

"Lane" means a highway that is more than 6.0 meters and less than 7.5 meters wide, and intended to provide secondary access to a parcel.

"Maintenance Bond" means:

- a) a deposit in the form of cash or a certified cheque; or,
- b) a surety bond or an unconditional irrevocable standby letter of credit in a form satisfactory to the Village, expiring no earlier than one year from the date of issuance and providing for a right of renewal unless the bond or letter of credit is perpetual, and issued to the Village by a branch of a chartered bank, credit union, or trust company.

"Maintenance Period" means the length of time that the Works and Services installed in connection with a subdivision, or a building permit, are to be maintained free of any defects by the Owner, at his or her expense.

"Municipal Engineer" means a professional engineer appointed by the Council to act for the Municipality in that capacity from time to time.

"Official Community Plan" and **"OCP"** means the "VILLAGE OF GOLD RIVER OFFICIAL COMMUNITY PLAN BYLAW NO. 513, 1994".

"Panhandle Lot" means any parcel that has highway frontage on the access strip.

"Performance Bond" means:

- a) a deposit in the form of cash or a certified cheque; or,
- b) a surety bond or an unconditional irrevocable standby letter of credit in a form satisfactory to the Village, expiring no earlier than one year from the date of issuance and providing for a right of renewal unless the bond or letter of credit is perpetual, and issued to the Village by a branch of a chartered bank, credit union, or trust company.

"Preliminary Layout Review" means a letter issued by the Approving Officer, that includes a copy of the proposed plan of subdivision, and lists the known requirements that the Owner must provide prior to tendering an application for subdivision approval.

"Provide" means to design, supply, construct, install, erect, test, repair, alter, add, enlarge, move, locate, re-locate, re-construct, upgrade, demolish, remove, excavate, shore, and complete the Works and Services in accordance with the standards of this bylaw, and at the expense of the Owner.

"Potable Water Supply" means a source of potable water that has been proven to be available to the satisfaction of the Medical Health Officer.

"Road" means the portion of a highway constructed for vehicular traffic.

"Security" means a cash deposit, certified cheque made payable to the Village, or an irrevocable letter of credit received and approved by the Village.

"Standards" means the Engineering Design, Installation, and Construction Specifications for the Works and Services prescribed in this bylaw.

"Substantial Performance" means the stage of completion of all of the Works and Services when the Works and Services are ready to be used for their intended purpose, as certified by the Owner's Consulting Engineer.

"Village" means the Village of Gold River.

"Walkway" means a highway intended for the use of pedestrians, wheelchair, and cycle traffic.

"Works and Services" includes highway, sidewalk, walkway, street lighting, Internet, cable TV., telephone and electrical wiring, water distribution systems, fire hydrant systems, sewage collection and disposal systems, storm drainage collection and disposal systems, and such other infrastructure or systems as may be provided within the Village from time to time.

"Zoning Bylaw" means the "VILLAGE OF GOLD RIVER ZONING BYLAW NO. 558, 1997".

2.29 Delete sections 1.0, 1.0, and 1.02 in their entirety from Specification "E".

2.30 Delete section 13 and revise to read:

Every application submitted for subdivision approval shall tender an examination fee as prescribed in this bylaw.

- B. This bylaw shall be cited for all purposes as the "Village of Gold River Subdivision Regulation Bylaw No. 187,1 976, Amendment Bylaw No. 398.1, 2002.

READ A FIRST AND SECOND TIME THIS	29 TH	DAY OF	NOVEMBER	2002.
READ A THIRD TIME THIS	29 TH	DAY OF	NOVEMBER	2002.
ADOPTED THIS	2 ND	DAY OF	DECEMBER	2002.



D. Lewis MAYOR



L. Plourde CLERK

VILLAGE OF GOLD RIVER

Schedule "B"

(Bank Letterhead)

Amount: _____

Letter of Credit No. _____

Initial Expiry Date: _____

Village of Gold River
499 Muchalat Drive
P.O. Box 610
Gold River, British Columbia
V0P 1G0

Dear Sir:

We hereby authorize you to draw on the *[name of bank]* for the account of *[name of owner/developer]* up to an aggregate amount of *[amount in writing]* dollars (\$_____) available on demand.

Pursuant to the request of our customer, *[name of owner/developer]*, we the *[name of bank]* hereby establish and give you an Irrevocable Standing Letter of Credit in your favour in the above amount which may be drawn on by you at any time and from time to time, upon written demand for payment made upon us by you, which demand shall we shall honour without inquiring whether you have the right as between yourself and the said customer to make such demand, and without recognizing any claim of our said customer, or objection, by it to payment to us.

All demands shall be delivered to: [Address of Bank] unless the Village of Gold River is notified of a change of address by registered mail at least 30 days prior to the present or future expiration date.

You may make partial or full drawings at any time.

The Letter of Credit relates to those Municipal services and/or financial obligations set out in an Agreement between the customer and the Municipality and briefly described as:

[name of project/development].

The amount of this Letter of Credit may be reduced from time to time as advised by notice in writing to the undersigned by the Village of Gold River.

This Letter of Credit will continue in force for a period of one year, but shall be subject to the condition hereinafter set forth.

It is a condition of this Letter of Credit that it shall be deemed to be automatically extended without amendment from year to year from the present or any future expiration date hereof, unless at least 30 days prior to the present or any future expiration date, we notify you in writing by registered mail that we elect not to consider this Letter of Credit to be renewable for any additional period.

DATED at _____, British Columbia, this ____ day of _____, 200__.

[NAME OF BANK]
[ADDRESS OF BANK]

Per:

Authorized Signature

Authorized Signature

VILLAGE OF GOLD RIVER

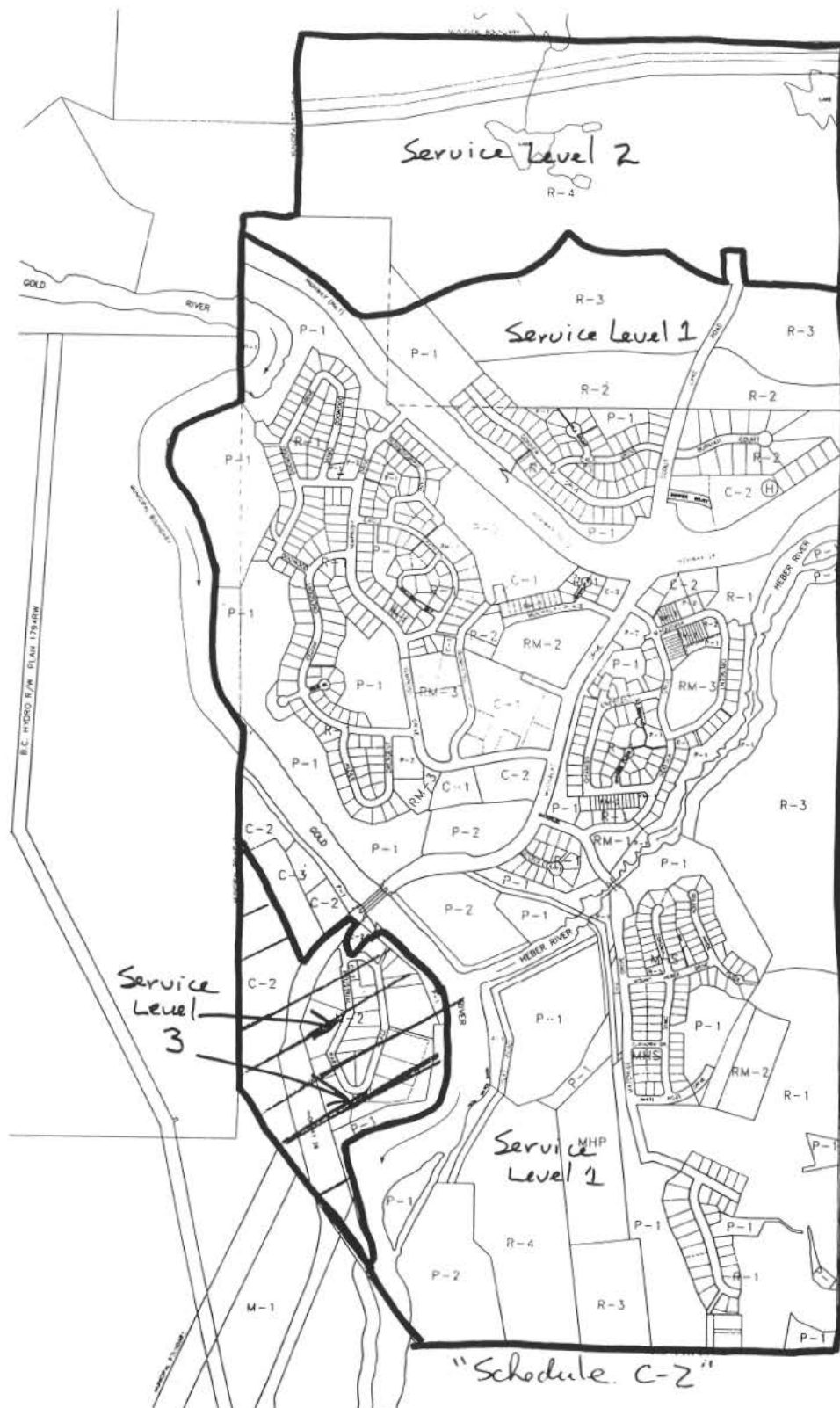
Schedule "C-1"

REQUIRED SERVICES	SERVICE AREA			
	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
Paved Highway	●	●	●	
Water Main and Fire Hydrant	●		●	
Sanitary Main	●		●	
Storm Drain	●		●	
Serviced Lot Connections	●		●	
Underground Hydro, Phone, Cable (New Residential Developments)	●			
Overhead Hydro, Phone		●	●	●
Concrete, curb and gutter	●			
Concrete Sidewalks	●			
Potable Water Supply and approved on-site sewage disposal system		●		●
Open Ditch & Culverts		●		●
Gravel Highway				●
Street Lighting	●	●	●	●

● = WORKS & SERVICES REQUIRED

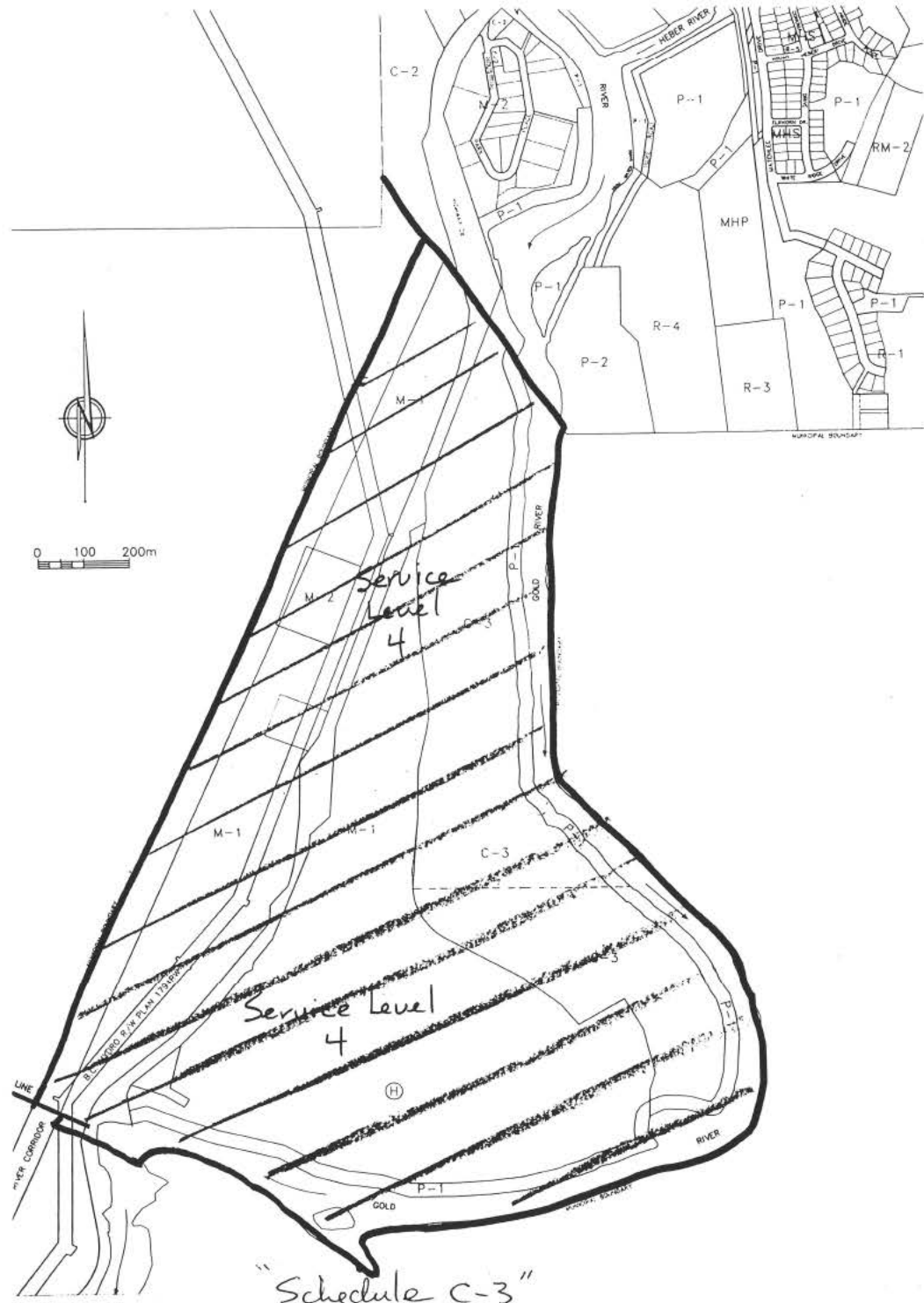
VILLAGE OF GOLD RIVER

Schedule "C-2"



VILLAGE OF GOLD RIVER

Schedule "C-3"



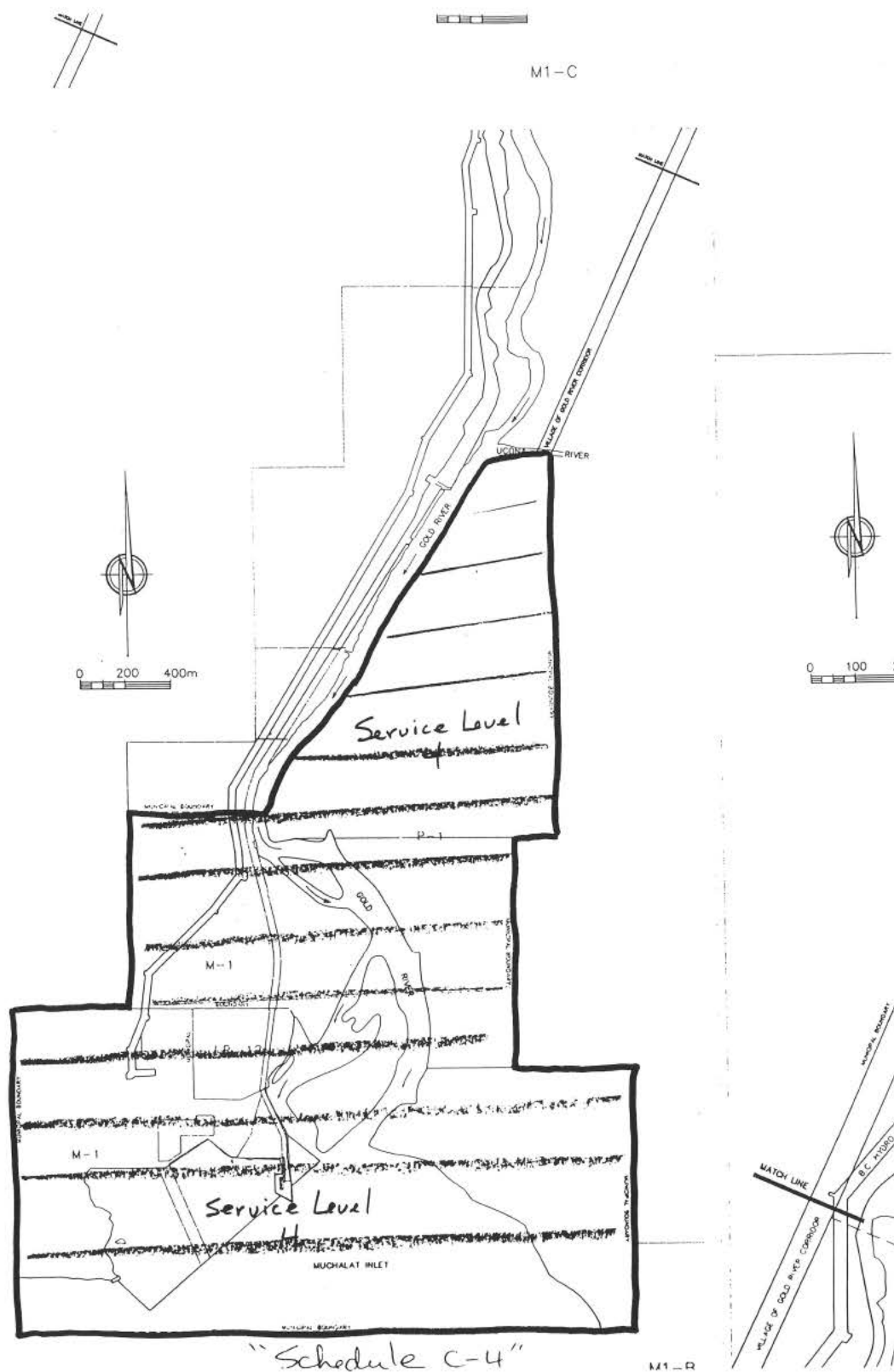
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 GOLD RIVER

DATE	DATE AS SHOWN
DATE C.U.P.	DATE FEB. 1997
DATE	DATE
DATE PZ-1	DATE ZON_96

ZONING

VILLAGE OF GOLD RIVER

Schedule "C-4"



VILLAGE OF GOLD RIVER

Schedule "D"

Service Areas

SERVICE LEVEL	REQUIRED WORKS AND SERVICES, UTILITIES, COMMUNICATIONS & SERVICE CONNECTIONS	NUMBER ON SCHEDULE "C"
One	Asphalt road; curb and gutter; street lighting; piped storm drain, sanitary sewer, and water main; fire hydrant; underground telephone, hydro and cable TV service; parcels connected to a community water, sanitary sewer, and storm drainage systems.	1
Two	Asphalt road; gravel walking shoulder; street lighting; open-ditch storm drain; telephone, hydro; potable water and approved on site sewage disposal system.	2
Three	Asphalt road; gravel walking shoulder; street lighting; open ditch and/or piped storm drain; water main; fire hydrant; telephone, hydro; parcels connected to a community water, sanitary sewer, storm drainage system; street lighting.	3
Four	Gravel road; open-ditch storm drainage; potable water; telephone and hydro service; approved sewage disposal system; street lighting.	4

VILLAGE OF GOLD RIVER

Schedule "E"

Application Fees

Application for Preliminary Review <ul style="list-style-type: none">lots 1-5lots 6-10 an additionallots 11 and above an additionalpayable for all lots, including the parent parcel	\$200.00 per lot \$100.00 per lot \$50.00 per lot
Application for Subdivision Approval <ul style="list-style-type: none">payable for all	\$150.00 per lot
All other Applications <ul style="list-style-type: none">Strata ConversionBoundary AdjustmentConsolidation of two or more parcelsAmend an application or planRe-approval of a plan or certificate	\$100.00/per unit (\$250.00 minimum) \$250.00 \$250.00 \$100.00 \$100.00 \$100.00
Provincial Fee of \$50.00 for the plan examination is in addition to the municipal fees.	
The parent parcel counts as one lot for the purpose of calculating fees for Preliminary Review and for Subdivision Approval.	